

1-1 By: Whitmire S.B. No. 982  
1-2 (In the Senate - Filed March 7, 2003; March 13, 2003, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 3, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 3, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 982 By: Whitmire

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the transfer of certain state property and the granting  
1-11 of certain state easements from the Texas Department of Criminal  
1-12 Justice and the Department of Public Safety of the State of Texas to  
1-13 the City of Houston.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. (a) Before November 1, 2003, the Texas  
1-16 Department of Criminal Justice and the Department of Public Safety  
1-17 of the State of Texas shall transfer to the City of Houston, for  
1-18 consideration to which the parties mutually agree, certain  
1-19 interests in the real property described by Subsection (d) of this  
1-20 section, including any improvements affixed to the property.

1-21 (b) Consideration for the transfer authorized by Subsection  
1-22 (a) of this section may be in the form of an agreement between the  
1-23 parties that requires the City of Houston to use the property for a  
1-24 purpose that benefits the public interest of the state. If the  
1-25 consideration for the transfer is in the form of an agreement  
1-26 described by this subsection:

1-27 (1) the City of Houston may use the property  
1-28 transferred under this Act only for a purpose that benefits the  
1-29 public interest of the state; and

1-30 (2) ownership of the property automatically reverts to  
1-31 the Texas Department of Criminal Justice and the easements granted  
1-32 by the Department of Public Safety of the State of Texas and the  
1-33 Texas Department of Criminal Justice automatically terminate if the  
1-34 City of Houston no longer uses the property for a purpose that  
1-35 benefits the public interest of the state.

1-36 (c) The Texas Department of Criminal Justice and the  
1-37 Department of Public Safety of the State of Texas shall transfer  
1-38 certain ownership and easement interests in the property described  
1-39 by Subsection (d) of this section by an appropriate instrument of  
1-40 transfer. If the consideration for the transfer is in the form of  
1-41 an agreement described by Subsection (b) of this section, the  
1-42 instrument of transfer must include a provision that:

1-43 (1) requires the City of Houston to use the property  
1-44 for a purpose that benefits the public interest of the state; and

1-45 (2) indicates that ownership of the property  
1-46 automatically reverts to the Texas Department of Criminal Justice  
1-47 to the extent of the department's former interest in the property  
1-48 and the easements granted by the Department of Public Safety of the  
1-49 State of Texas and the Texas Department of Criminal Justice  
1-50 automatically terminate if the City of Houston no longer uses the  
1-51 property for a purpose that benefits the public interest of the  
1-52 state.

1-53 (d) The real property to which Subsections (a) and (c) of  
1-54 this section refer is described as follows:

1-55 Fee Simple Tract:

1-56 Being a tract or parcel containing 0.0650 acre (2,834 square  
1-57 feet) of land situated in the H. Reinerman Survey, Abstract Number  
1-58 644, City of Houston, Harris County, Texas, being out of and a part  
1-59 of Tract 1, Block 2 of BROOKHOLLOW/HOUSTON, SECTION ONE, a  
1-60 subdivision of record in Volume 144, Page 79, Harris County Map  
1-61 Records (H.C.M.R.), and being out of and a part of a called 197,847  
1-62 square foot tract conveyed to the State of Texas Department of  
1-63 Public Safety by deed recorded under Harris County Clerks File

2-1 (H.C.C.F.) Number C580248, said 0.0650 acre tract being more  
 2-2 particularly described as follows (bearings are oriented to the  
 2-3 bearing base reflected in the record plat of said  
 2-4 BROOKHOLLOW/HOUSTON, SECTION ONE):

2-5 COMMENCING at a point in the northeasterly right-of-way  
 2-6 (R.O.W.) line of the Northwest Freeway (U.S. 290)(350 feet wide),  
 2-7 for the southerly corner of a called 1.6233 acre tract conveyed to  
 2-8 Joseph S. Dimare III, Trustee for Dacoma 290 Trust by deed recorded  
 2-9 under H.C.C.F. Number R805256, said point for the most southerly  
 2-10 west corner of said called 197,847 square foot tract, from which a  
 2-11 found 5/8 inch iron rod bears South 36°24" West, 0.24 feet;

2-12 THENCE, South 44°54'53" East, along the northeasterly R.O.W.  
 2-13 line of said Northwest Freeway, a distance of 8.00 feet (2.880  
 2-14 varas) to a magnetic nail set for reference;

2-15 THENCE, North 45°05'07" East, departing said northeasterly  
 2-16 R.O.W. line, a distance of 140.75 feet (50.670 varas) to a magnetic  
 2-17 nail set for reference;

2-18 THENCE, South 44°54'53" East, a distance of 24.00 feet (8.640  
 2-19 varas) to a magnetic nail set marking the POINT OF BEGINNING and  
 2-20 northerly corner of the herein described tract;

2-21 THENCE, continuing South 44°54'53" East, a distance of 55.83  
 2-22 feet (20.099 varas) to a magnetic nail set marking the easterly  
 2-23 corner of the herein described tract;

2-24 THENCE, South 45°05'07" West, a distance of 50.75 feet (18.270  
 2-25 varas) to a magnetic nail set marking the southerly corner of the  
 2-26 herein described tract;

2-27 THENCE, North 44°54'53" West, a distance of 55.83 feet (20.099  
 2-28 varas) to a cross in concrete set marking the westerly corner of the  
 2-29 herein described tract;

2-30 THENCE, North 45°05'07" East, a distance of 50.75 feet (18.270  
 2-31 varas) to the POINT OF BEGINNING and containing 0.0650 acre (2,834  
 2-32 square feet) of land. This description is based on a Standard  
 2-33 Boundary Survey and plat prepared by GeoSurv, LLC, dated March 10,  
 2-34 2003, and revised March 14, 2003.

2-35 Access Easement Tract:

2-36 Being a tract or parcel containing 0.0776 acre (3,378 square  
 2-37 feet) of land situated in the H. Reinerman Survey, Abstract Number  
 2-38 644, City of Houston, Harris County, Texas, being out of and a part  
 2-39 of Tract 1, Block 2 of BROOKHOLLOW/HOUSTON, SECTION ONE, a  
 2-40 subdivision of record in Volume 144, Page 79, Harris County Map  
 2-41 Records (H.C.M.R.), and being out of and a part of a called 197,847  
 2-42 square foot tract conveyed to the State of Texas Department of  
 2-43 Public Safety by deed recorded under Harris County Clerks File  
 2-44 (H.C.C.F.) Number C580248, said 0.0775 acre tract being more  
 2-45 particularly described as follows (bearings are oriented to the  
 2-46 bearing base reflected in the record plat of said  
 2-47 BROOKHOLLOW/HOUSTON, SECTION ONE):

2-48 COMMENCING at a point in the northeasterly right-of-way  
 2-49 (R.O.W.) line of the Northwest Freeway (U.S. 290)(350 feet wide),  
 2-50 for the southerly corner of a called 1.6233 acre tract conveyed to  
 2-51 Joseph S. Dimare III, Trustee for Dacoma 290 Trust by deed recorded  
 2-52 under H.C.C.F. Number R805256, said point for the most southerly  
 2-53 west corner of said called 197,847 square foot tract, from which a  
 2-54 found 5/8 inch iron rod bears South 36°24" West, 0.24 feet;

2-55 THENCE, South 44°54'53" East, along the northeasterly R.O.W.  
 2-56 line of said Northwest Freeway, a distance of 8.00 feet (2.880  
 2-57 varas) to a magnetic nail set marking the POINT OF BEGINNING and  
 2-58 westerly corner of the herein described tract;

2-59 THENCE, North 45°05'07" East, departing said northeasterly  
 2-60 R.O.W. line, a distance of 140.75 feet (50.670 varas) to a magnetic  
 2-61 nail set marking the northerly corner of the herein described  
 2-62 tract;

2-63 THENCE, South 44°54'53" East, a distance of 24.00 feet (8.640  
 2-64 varas) to a magnetic nail set marking the easterly corner of the  
 2-65 herein described tract;

2-66 THENCE, South 45°05'07" West, a distance of 140.75 feet  
 2-67 (50.670 varas) to a 5/8 inch iron rod with cap found in the  
 2-68 aforesaid northeasterly R.O.W. line of the Northwest Freeway,  
 2-69 marking the southerly corner of the herein described tract;

3-1 THENCE, North 44°54'53" West, along the northeasterly R.O.W.  
3-2 line of said Northwest Freeway, a distance of 24.00 feet (8.640  
3-3 varas) to the POINT OF BEGINNING and containing 0.0776 acre (3,378  
3-4 square feet) of land. This description is based on a Standard  
3-5 Boundary Survey and plat prepared by GeoSurv, LLC, dated March 10,  
3-6 2003, and revised March 14, 2003.

3-7 Utility Easement Tract:

3-8 Being a tract or parcel containing 240 square feet of land  
3-9 situated in the H. Reinerman Survey, Abstract Number 644, City of  
3-10 Houston, Harris County, Texas, being out of and a part of Tract 1,  
3-11 Block 2 of BROOKHOLLOW/HOUSTON, SECTION ONE, a subdivision of  
3-12 record in Volume 144, Page 79, Harris County Map Records  
3-13 (H.C.M.R.), and being out of and a part of a called 197,847 square  
3-14 foot tract conveyed to the State of Texas Department of Public  
3-15 Safety by deed recorded under Harris County Clerks File (H.C.C.F.)  
3-16 Number C580248, said 240 square foot tract being more particularly  
3-17 described as follows (bearings are oriented to the bearing base  
3-18 reflected in the record plat of said BROOKHOLLOW/HOUSTON, SECTION  
3-19 ONE):

3-20 COMMENCING at a point in the northeasterly right-of-way  
3-21 (R.O.W.) line of the Northwest Freeway (U.S. 290)(350 feet wide),  
3-22 for the southerly corner of a called 1.6233 acre tract conveyed to  
3-23 Joseph S. Dimare III, Trustee for Dacoma 290 Trust by deed recorded  
3-24 under H.C.C.F. Number R805256, said point for the most southerly  
3-25 west corner of said called 197,847 square foot tract, from which a  
3-26 found 5/8 inch iron rod bears South 36°24" West, 0.24 feet;

3-27 THENCE, South 44°54'53" East, along the northeasterly R.O.W.  
3-28 line of said Northwest Freeway, a distance of 8.00 feet (2.880  
3-29 varas) to a magnetic nail set for reference;

3-30 THENCE, North 45°05'07" East, departing said northeasterly  
3-31 R.O.W. line, a distance of 130.75 feet (50.670 varas) to the POINT  
3-32 OF BEGINNING and westerly corner of the herein described tract;

3-33 THENCE, continuing North 45°05'07" East, a distance of 10.00  
3-34 feet (3.600 varas) to a magnetic nail set marking the northerly  
3-35 corner of the herein described tract;

3-36 THENCE, South 44°54'53" East, a distance of 24.00 feet (8.640  
3-37 varas) to a magnetic nail set marking the easterly corner of the  
3-38 herein described tract;

3-39 THENCE, South 45°05'07" West, a distance of 10.00 feet (3.600  
3-40 varas) to a point for the southerly corner of the herein described  
3-41 tract;

3-42 THENCE, North 44°54'53" West, a distance of 24.00 feet (8.640  
3-43 varas) to the POINT OF BEGINNING and containing 240 square feet of  
3-44 land. This description is based on a Standard Boundary Survey and  
3-45 plat prepared by GeoSurv, LLC, dated March 10, 2003, and revised  
3-46 March 14, 2003.

3-47 Access Easement Tract:

3-48 Being a tract or parcel containing 0.0269 ACRE (1,172 square  
3-49 feet) of land situated in the H. Reinerman Survey, Abstract Number  
3-50 644, City of Houston, Harris County, Texas, being out of and a part  
3-51 of Tract 1, Block 2 of BROOKHOLLOW/HOUSTON, SECTION ONE, a  
3-52 subdivision of record in Volume 144, Page 79, Harris County Map  
3-53 Records (H.C.M.R.), and being out of and a part of a called 197,847  
3-54 square foot tract conveyed to the State of Texas Department of  
3-55 Public Safety by deed recorded under Harris County Clerks File  
3-56 (H.C.C.F.) Number C580248, said 0.0269 acre tract being more  
3-57 particularly described as follows (bearings are oriented to the  
3-58 bearing base reflected in the record plat of said  
3-59 BROOKHOLLOW/HOUSTON, SECTION ONE):

3-60 COMMENCING at a point in the northeasterly right-of-way  
3-61 (R.O.W.) line of the Northwest Freeway (U.S. 290)(350 feet wide),  
3-62 for the southerly corner of a called 1.6233 acre tract conveyed to  
3-63 Joseph S. Dimare III, Trustee for Dacoma 290 Trust by deed recorded  
3-64 under H.C.C.F. Number R805256, said point for the most southerly  
3-65 west corner of said called 197,847 square foot tract, from which a  
3-66 found 5/8 inch iron rod bears South 36°24" West, 0.24 feet;

3-67 THENCE, South 44°54'53" East, along the northeasterly R.O.W.  
3-68 line of said Northwest Freeway, a distance of 32.00 feet (11.520  
3-69 varas) to a 5/8 inch iron rod with cap found for reference;

