

By: Gallego

H.B. No. 2208

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the acquisition by the Parks and Wildlife Department of  
3 certain real property in Brewster County owned by the permanent  
4 school fund.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. (a) According to the provisions of this Act, all  
7 of the interest of the permanent school fund in the surface only of  
8 the land described by Subsection (c) of this section is transferred  
9 and conveyed to the Parks and Wildlife Department.

10 (b) Under the conveyance described by Subsection (a) of this  
11 section, the permanent school fund retains:

12 (1) the interest in all oil and gas and all other  
13 minerals and materials of economic value in and under the land  
14 conveyed;

15 (2) the right to permit or lease for exploration and  
16 development the oil and gas and other minerals and materials of  
17 economic value wherever located and by whatever method necessary to  
18 recover the minerals and materials; and

19 (3) the right of unhindered ingress and egress to  
20 explore for and produce the retained oil and gas and all other  
21 minerals and materials of economic value, without regard to  
22 incidental loss of use or damage to the surface that may occur  
23 during periods of exploration and development of the reserved  
24 minerals and materials.

1           (c) The property transferred and conveyed under Subsection  
2 (a) of this section is described as lands in that certain portion of  
3 Brewster County, Texas, adjoining the southern boundary of the  
4 Black Gap Wildlife Management Area, consisting of approximately  
5 15,553.57 acres, being further described as follows:

6           (1) Sections 24 through 32 inclusive, and all of  
7 Section 33, 34 and 35 lying north of the right of way of State  
8 Highway 2627, Block B-1, G. C. & S. F. Ry. Co.;

9           (2) Sections 35 through 37 inclusive, Section 40, and  
10 all of Section 33 lying north of the right of way of State Highway  
11 2627, Block G-23, C. T. & M. C. Ry. Co.;

12           (3) Sections 3, 4, and 6 through 8 inclusive, Block  
13 G-9, Georgetown Ry. Co. Survey; and

14           (4) Sections 9 through 11, and 14 through 16, Block  
15 G-9, H. E. & W. T. Ry. Co.

16           SECTION 2. As compensation to the permanent school fund for  
17 the land transferred to the Parks and Wildlife Department by this  
18 Act, the Parks and Wildlife Department shall pay to the permanent  
19 school fund a sum to be determined by a weighted average price per  
20 acre mutually agreed on by the Parks and Wildlife Department and the  
21 School Land Board based on such factors as geographic types of  
22 acreage, location, and access.

23           SECTION 3. The legislature finds that the fair market value  
24 of the land transferred out of the permanent school fund under  
25 Section 1 of this Act and the consideration transferred into the  
26 permanent school fund under Section 2 of this Act are equivalent and  
27 that the transfer of the land described by Section 1 of this Act to

1 the Parks and Wildlife Department is in the best interests of the  
2 state.

3 SECTION 4. The transfer of the land described by Section 1  
4 of this Act from the permanent school fund is intended to remove the  
5 land from the permanent school fund, make that land a part of the  
6 Black Gap Wildlife Management Area, and change the legal boundary  
7 of the affected wildlife management area accordingly. The Parks  
8 and Wildlife Department shall ensure that the land transferred and  
9 conveyed under this Act is used for the stated purpose of expanding  
10 the Black Gap Wildlife Management Area. If the Parks and Wildlife  
11 Department determines that the land can no longer be used for or  
12 will no longer serve the intended purpose, ownership and control of  
13 the land shall revert to the permanent school fund without further  
14 action or compensation from the permanent school fund. On the  
15 request of the School Land Board, the Parks and Wildlife Department  
16 shall execute any documents required to evidence a reverter under  
17 this section.

18 SECTION 5. On or before December 31, 2007, the General Land  
19 Office, the School Land Board, and the Parks and Wildlife  
20 Department shall agree on a plan for the conveyance to the Parks and  
21 Wildlife Department, under one or more sales, exchanges, or other  
22 transfers, of the surface estate to the land dedicated to the  
23 permanent school fund that is described by Section 1 of this Act.  
24 The plan must provide for compensation to the permanent school  
25 fund, in land or money, in an amount mutually agreed on by the  
26 School Land Board and the Parks and Wildlife Department, using the  
27 weighted average described by Section 2 of this Act.

1           SECTION 6. This transfer and conveyance to the Parks and  
2 Wildlife Department shall be without warranty and subject to any  
3 rights-of-way, easements, and encumbrances of record, any  
4 discrepancies, conflicts, or shortages in area or boundary lines,  
5 and any encroachments, open and obvious, on the ground.

6           SECTION 7. The transaction authorized by this Act is  
7 contingent on the appropriation of sufficient funds by the  
8 legislature to the Parks and Wildlife Department to compensate the  
9 permanent school fund as required by Section 2 of this Act.

10           SECTION 8. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2007.