

By: Howard of Fort Bend

H.B. No. 2728

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the transfer of certain state property from the
3 Department of Aging and Disability Services to the Veterans' Land
4 Board.

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

6 SECTION 1. (a) Not later than November 1, 2010, the
7 Department of Aging and Disability Services shall transfer to the
8 Veterans' Land Board the real property described by Subsection (d)
9 of this section, provided that the Veterans' Land Board has
10 determined that the property is suitable for its intended purpose.

11 (b) The consideration for the transfer authorized by
12 Subsection (a) is the requirement that the Veterans' Land Board use
13 the property transferred only for a purpose that benefits the
14 public interest of the state. If the Veterans' Land Board no longer
15 uses the property for a purpose that benefits the public interest of
16 the state, ownership of the property automatically reverts to the
17 Department of Aging and Disability Services.

18 (c) The Department of Aging and Disability Services shall
19 transfer the property by an appropriate instrument of transfer,
20 executed on its behalf by the Commissioner of the General Land
21 Office. The instrument of transfer must:

22 (1) include a provision that:

23 (A) requires the Veterans' Land Board to use the
24 property for a purpose that benefits the public interest of the

1 state;

2 (B) permits the Veterans' Land Board to develop
3 the property, on or before the 10th anniversary of the effective
4 date of the transfer, in cooperation with the federal government as
5 a state veterans' home for Texas veterans; and

6 (C) indicates that ownership of the property
7 automatically reverts to the Department of Aging and Disability
8 Services if the Veterans' Land Board no longer uses the property for
9 a purpose that benefits the public interest of the state;

10 (2) describe the property to be transferred by metes
11 and bounds; and

12 (3) describe the easements referred to in Subsection
13 (e) of this section.

14 (d) The real property to which Subsection (a) of this
15 section refers is described as follows:

16 Being approximately 20.37 acres of land out of the John T.
17 Edwards Survey, Abstract No. 23, and the William Andrews Survey,
18 Abstract 4, Fort Bend County, Texas. The said 20.37 acres of land
19 also being the Southeast portion of that certain tract containing
20 200.525 acres of land in a deed dated January 11, 1963 from Vaclav
21 Pultar Et Ux, Et Al, to The State of Texas for the use and benefit of
22 the State School for the Mentally Retarded as recorded in Volume
23 434, Page 586, of the Deed Records of Fort Bend County, Texas. The
24 said 20.37 acres of land more particularly described as follows:

25 Beginning at an iron pipe found at the base of a fence corner
26 post marking the re-entrant corner of and place of beginning of said
27 200.525 acre tract; said corner being the North corner of Lot 29 and

1 the Northwest corner of Lot 30 of Borden's Second Addition to
2 Richmond, in the Southeast line of said William Andrews Survey,
3 Abst. No. 4, in the northwest line of said John T. Edwards Survey,
4 Abstract No. 23, the Northwest corner of the C.A. Pavlik Tract, and
5 being the Northeast corner of this 20.37 acre tract;

6 Thence South 00 degrees 00 minutes 00 seconds East along a
7 fence line marking the East line of said Lot 29, the West line of Lot
8 30, and the West line of said C.A. Pavlik Tract, at a distance of
9 940.07 feet leaving said fence, at a distance of 1037.77 feet pass
10 the North line of a 40 foot road easement, in all 1067.77 feet to an
11 iron pipe found in said 40 foot road easement for the southeast
12 corner of said 200.525 acre tract and the southeast corner of this
13 20.37 acre tract; said corner being the Northeast corner of the
14 Sophie Splichal 1.05 acre tract (Volume 327, Page 188 of the Deed
15 Records of Fort bend County, Texas) and bearing North 00 degrees 00
16 minutes 00 seconds East a distance of 109.23 feet from the Southeast
17 corner of said Lot 29;

18 Thence South 85 degrees 26 minutes 00 seconds West, a
19 distance of 140.45 feet along said 40 foot road easement and the
20 North line of said Sophie Splichal 1.05 acre tract to a point for an
21 angle point in this line; said point being referenced by an iron
22 pipe found bearing South 20 degrees 27 minutes 50 seconds West a
23 distance of 22.5 feet;

24 Thence North 79 degrees 01 minutes 30 seconds West, a
25 distance of 125.3 feet along said road and the North line of the
26 Anton V. Mikeska 0.46 acre tract to an angle point in this line;
27 said angle point being referenced by an iron pipe in the South line

1 of said 40 road easement and being South 22 degrees 05 minutes 50
2 seconds West a distance of 15.0 feet;

3 Thence North 67 degrees 43 minutes 10 seconds West continuing
4 along said roadway a distance of 218.0 feet to an angle point; said
5 point being referenced by an iron pipe in the South line of said 40
6 road easement and bearing South 22 degrees 05 minutes 50 seconds
7 West a distance of 15.0 feet;

8 Thence North 67 degrees 02 minutes 50 seconds West continuing
9 along said roadway a distance of 152.5 feet to an angle point; said
10 angle point being the Northeast corner of the Sophie Splichal 1 1/3
11 acre tract (Volume 370, Page 252 of the Deed Records of Fort Bend
12 County, Texas); said corner being referenced by an iron pipe in the
13 South line of said road bearing South 22 degrees 57 minutes 20
14 seconds West a distance of 15.7 feet;

15 Thence North 67 degrees 13 minutes 10 seconds West along the
16 North line of the said Sophie Splichal 1 1/3 acre tract a distance
17 of 173.7 feet to a point for the Northwest corner of the said 1 1/3
18 acre tract and an angle point in the road easement; said corner
19 being referenced by an iron pipe found in the South line of said
20 road bearing South 22 degrees 57 minutes 20 seconds West a distance
21 of 15.7 feet;

22 Thence North 32 degrees 14 minutes 00 seconds West a distance
23 of 120.0 feet to an angle point in this line;

24 Thence North 32 degrees 56 minutes 10 seconds West a distance
25 of 152.35 feet along the centerline of said 40 foot road easement to
26 an angle point;

27 Thence North 62 degrees 23 minutes 20 seconds West along the

1 centerline of said 40 foot road easement to a point in the
2 centerline of an existing driveway and being the Southwest corner
3 of this 20.37 acre tract;

4 Thence in a Northerly direction with the centerline of said
5 existing driveway a distance of approximately 208 +/- feet to the
6 termination of said driveway;

7 Thence in a northerly direction a distance of approximately
8 537 +/- feet to a point in the centerline of an existing road for the
9 Northwest corner of this 20.37 acre tract;

10 Thence in a Northeasterly direction with the centerline of
11 said existing road a distance of approximately 313 +/- feet to a
12 point in the intersection of the centerline of an existing road for
13 the North corner of said 20.37 acre tract;

14 Thence in an Easterly direction with the centerline of said
15 existing road a distance of approximately 715 +/- feet to the Point
16 of Beginning and containing approximately 20.37 acres of land.

17 (e) The transfer under this section shall include:

18 (1) all mineral rights and interests in the real
19 property described in Subsection (d) of this section; and

20 (2) the easements over, under, and on the land owned or
21 controlled by the Department of Aging and Disability Services that
22 is adjacent to the real property described in Subsection (d) of this
23 section as the Commissioner of the General Land Office determines
24 are reasonably necessary for the beneficial use of the real
25 property described in Subsection (d) of this section, provided the
26 easements do not unreasonably interfere with the use of the
27 adjacent property by the Department of Aging and Disability

1 Services.

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2009.