

By: Keffer

H.B. No. 3032

A BILL TO BE ENTITLED

AN ACT

relating to the sale by the Brazos River Authority of certain property at Possum Kingdom Lake.

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

SECTION 1. Chapter 8502, Special District Local Laws Code, is amended by adding Section 8502.013a to read as follows:

Sec. 8502.013a. SALE OF CAPTIVE PROPERTY AT POSSUM KINGDOM LAKE.

(a) In this section:

(1) "Lake" means Possum Kingdom Lake.

(2) "Project Land" means real property within the project boundary for the license issued to the Authority by the Federal Energy Regulatory Commission for project number 1490-003-Texas.

(3) "Captive Property To Be Sold" means all real property owned by the Authority at the Lake that sits above the 1000 foot mean sea level contour line and is surrounded by property owned by a single freeholder and/or the Lake; except the term "Captive Property To Be Sold" does not include any property currently leased for residential purposes, nor does it include any Project Land.

(4) "Offeree" means any person to whom an offer to sell Captive Property To Be Sold is to be made under this subsection.

(b) Notwithstanding any other provision of this chapter, the Authority is directed to sell all Captive Property To Be Sold in

1 accordance with the directives of this section.

2 (1) Within 90 days of the effective date of this Act,
3 the Authority shall publish a list of each parcel at the Lake that
4 is:

5 (a) owned by the Authority at the Lake;

6 (b) sits above the 1000 foot mean sea level
7 contour line; and

8 (c) is surrounded by property owned by a single
9 freeholder and or the Lake. Each such parcel shall be deemed
10 "Captive Property To Be Sold."

11 (2) Each listed parcel of Captive Property To Be Sold
12 shall be offered for sale at its fair market value to the Offeree
13 who owns the property which surrounds that specific parcel.

14 (3) Any Offeree who desires to purchase any parcel of
15 Captive Property To Be Sold must submit a written statement of their
16 intent to purchase such parcel to the Authority within 180 days of
17 the publication of the list of parcels by the Authority. Should no
18 written statement of intent to purchase any specific parcel be
19 submitted to the Authority within 180 days of the publication of the
20 list of parcels by the Authority, that parcel shall remain the
21 property of the Authority.

22 (4) The Authority shall accept and process the written
23 statements of intent to purchase in the order in which they are
24 received.

25 (5) Any sale of property shall be handled as if it were
26 a private sale for fair market value under Texas Water Code Section
27 49.226(a).

1 (c) Any dispute arising under this subsection (including
2 any dispute concerning the designation of property as Captive
3 Property To Be Sold, or the fair market value of any property to be
4 sold) shall be resolved by action in the district court of Travis
5 County, and any claim to governmental immunity on behalf of the
6 Authority is hereby waived for the determination of any such
7 dispute.

8 (d) For each parcel to be sold pursuant to this subsection,
9 the Authority shall:

10 (1) provide to each Offeree a survey of the property
11 that is prepared by a licensed state land surveyor or a registered
12 professional land surveyor, and that is dated not earlier than the
13 date one year before the effective date of the Act enacting this
14 section;

15 (2) pay all reasonable, normal, customary, and
16 documented closing costs associated with the sale of the property;
17 and

18 (3) if applicable, pay all reasonable and necessary
19 costs incurred for any required Federal Energy Regulatory
20 Commission approval of the sale of the property to be purchased
21 under this section.

22 (e) For any property sold under this section, the Authority
23 shall provide a Special Warranty Deed encompassing all interests in
24 the property held by the Authority, subject only to those
25 restrictions and prohibitions contained in the deed of conveyance
26 under which the Authority originally acquired title to the
27 property. Any such deed that is made on behalf of the Authority and

1 that is properly acknowledged, proved, and recorded is sufficient
2 to convey the Authority's interest in the property.

3 (f) Chapters 232 and 272, Local Government Code, shall not
4 apply to any sale of property under this section.

5 (g) The Authority may use proceeds from the sale of property
6 under this section for any Authority purpose.

7 SECTION 2. Section 8502.013a, Special District Local Laws
8 Code, as added by this Act, prevails to the extent that it conflicts
9 with any other state law.

10 SECTION 3. 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, 2009.