

By: Kolkhorst

H.B. No. 4438

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of certain state property from the Texas Department of Criminal Justice to the Texas Forest Service.

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

SECTION 1. (a) Not later than the 30th day after the effective date of this Act, the Texas Department of Criminal Justice shall transfer to the Texas Forest Service the real property described by Subsection (e) of this section.

(b) The Texas Forest Service shall use the property transferred under this Act only for a purpose that benefits the public interest of the state. If the Texas Forest Service uses the property for any purpose other than a purpose that benefits the public interest of the state, ownership of the property automatically reverts to the Texas Department of Criminal Justice.

(c) The Texas Department of Criminal Justice shall transfer the property by an appropriate instrument of transfer. The instrument of transfer must:

(1) provide that:

(A) the Texas Forest Service use the property only for a purpose that benefits the public interest of the state; and

(B) ownership of the property will automatically revert to the Texas Department of Criminal Justice if the Texas Forest Service uses the property for any purpose other than a

1 purpose that benefits the public interest of the state; and

2 (2) describe the property to be transferred by metes  
3 and bounds.

4 (d) The Texas Department of Criminal Justice shall retain  
5 custody of the instrument of transfer after the instrument of  
6 transfer is filed in the real property records of Walker County.

7 (e) The real property referred to in this section is  
8 described as follows:

9 Being 2.195 acres of land, more or less, situated in the City  
10 of Huntsville, WARREN BIRDSELL SURVEY, Abstract No. 6 and P. GRAY  
11 SURVEY, Abstract No. 24, Walker County, Texas and being out of and a  
12 part of a called 515 acre tract as described in a Deed from Ed H.  
13 Cunningham, et al to the State of Texas (Texas Department of  
14 Corrections), dated June 23, 1883 and recorded in Volume Y, Page  
15 181, Deed Records and further described as a 2.19 acre tract in a  
16 Lease from the Texas Department of Corrections to the Board of  
17 Regents of the Texas A & M University System for the use of the Texas  
18 Forest Service, recorded in Volume 84, Page 783, Official Records,  
19 said 2.195 acre tract being more definitely described as follows:

20 BEGINNING at the northwest corner of said 2.19 acre tract  
21 (Lease tract), same being the south right-of-way of State Highway  
22 75, as per Volume 209, Page 707, Deed Records and also being  
23 S75°34'14"E-50.0 feet from the apparent and called northeast corner  
24 of a 1-1/2 acre tract as described in a Transfer of Title from the  
25 Texas Board of Corrections to the Texas Department of Public  
26 Safety, dated February 17, 1982 and recorded in Volume 391, Page  
27 724, Deed Records and further described by an unrecorded resurvey

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1 (called 1.500 acres) by N. B. Davidson, Jr., RPLS No. 2066, dated  
2 June, 1982, found a 5/8" iron rod;

3       THENCE S75°35'14"E (Lease Call, S73°23'00"E-250.00 feet),  
4 with the north line of said 2.19 acre tract (Lease tract) and the  
5 south line of said S.H. 75, for a distance of 250.00 feet to the  
6 northeast corner of said 2.19 acre tract (Lease tract), found a 5/8"  
7 iron rod;

8       THENCE S14°22'46"W (Lease call, S16°35'00"W-453.60 feet),  
9 with the east line of said 2.19 acre tract (Lease tract) and  
10 crossing said 515 acre tract, for a distance of 453.60 feet to the  
11 southeast corner of said 2.19 acre tract (Lease tract), same being  
12 the called and apparent northeast right-of-way line of Interstate  
13 Highway 45, as per Deed from the Texas Prison Board to the State of  
14 Texas, recorded in Volume 158, Page 177 (Tract No. 1, call 55.13  
15 acres), Deed Records, found a 5/8" iron rod, from which a concrete  
16 right-of-way monument, found for reference only, bears  
17 S45°57'14"E-0.15 feet;

18       THENCE N45°57'14"W (Lease call, N43°45'00"W-287.70 feet),  
19 with the southwest line of said 2.19 acre tract (Lease tract) and  
20 the called and apparent northeast line of said I.H. 45, for a  
21 distance of 287.70 feet to the southwest corner of said 2.19 acre  
22 tract (Lease tract), set a 5/8" iron rod with an orange, plastic  
23 cap, marked "RPLS-4066";

24       THENCE N14°22'38"E (Lease call N16°35'00"E-311.35 feet), with  
25 the west line of said 2.19 acre tract (Lease tract) and being 50.0  
26 feet east of and parallel to the called and apparent east line of  
27 said 1.500 acre tract, for a distance of 311.35 feet to the PLACE OF

1 BEGINNING.

2 NOTE: Bearings referenced to the called north line of said  
3 2.19 acre tract (S75°35'14'E) in Volume 412, Page 149, Official  
4 Records.

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