

1-1 By: Kolkhorst (Senate Sponsor - Ogden) H.B. No. 4438  
1-2 (In the Senate - Received from the House May 18, 2009;  
1-3 May 19, 2009, read first time and referred to Committee on Natural  
1-4 Resources; May 23, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 4438 By: Averitt

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

1-10 relating to the transfer of certain state property from the Texas  
1-11 Department of Criminal Justice to the Texas Forest Service.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. (a) Not later than November 1, 2009, the Texas  
1-14 Department of Criminal Justice shall transfer to the Texas Forest  
1-15 Service the real property described by Subsection (e) of this  
1-16 section.

1-17 (b) The Texas Forest Service shall use the property  
1-18 transferred under this Act only for a purpose that benefits the  
1-19 public interest of the state. If the Texas Forest Service uses the  
1-20 property for any purpose other than a purpose that benefits the  
1-21 public interest of the state, ownership of the property  
1-22 automatically reverts to the Texas Department of Criminal Justice.

1-23 (c) The Texas Department of Criminal Justice shall transfer  
1-24 the property by an appropriate instrument of transfer. The  
1-25 instrument of transfer must:

1-26 (1) provide that:

1-27 (A) the Texas Forest Service use the property  
1-28 only for a purpose that benefits the public interest of the state;  
1-29 and

1-30 (B) ownership of the property will automatically  
1-31 revert to the Texas Department of Criminal Justice if the Texas  
1-32 Forest Service uses the property for any purpose other than a  
1-33 purpose that benefits the public interest of the state; and

1-34 (2) describe the property to be transferred by metes  
1-35 and bounds.

1-36 (d) The Texas Department of Criminal Justice shall retain  
1-37 custody of the instrument of transfer after the instrument of  
1-38 transfer is filed in the real property records of Walker County.

1-39 (e) The real property referred to in this section is  
1-40 described as follows:

1-41 Being 2.536 acres of land, more or less, situated in the City  
1-42 of Huntsville, WARREN BIRDSELL SURVEY, Abstract No. 6 and P. GRAY  
1-43 SURVEY, Abstract No. 24, Walker County, Texas and being all of the  
1-44 following tracts or parcels of land: a). a 0.341 acre tract out of  
1-45 and a part of a called 515 acre tract as described in a Deed from Ed  
1-46 H. Cunningham, et al to the State of Texas (Texas Department of  
1-47 Corrections), dated June 23, 1883 and recorded in Volume Y, Page  
1-48 181, Deed Records; and b). being all of a 2.19 acre tract as  
1-49 described in an Instrument from the Texas Department of Corrections  
1-50 to the Board of Regents of the Texas A & M University System for the  
1-51 use of the Texas Forest Service, as recorded in Volume 84, Page 783,  
1-52 Official Records, said two tracts being more definitely described  
1-53 as one contiguous tract of 2.536 acres as follows:

1-54 BEGINNING at the northwest corner of said 2.19 acre tract,  
1-55 same being the northeast corner of said 0.341 acre tract and also  
1-56 being the south right-of-way of State Highway 75, as per Volume 209,  
1-57 Page 707, Deed Records, found a 5/8" iron rod;

1-58 THENCE S75°35'14"E (2.19 acre call-S73°23'00"E-250.00 feet),  
1-59 with the north line of said 2.19 acre tract and the south line of  
1-60 said S. H. 75, for a distance of 250.00 feet to the northeast corner  
1-61 of said 2.19 acre tract, found a 5/8" iron rod;

1-62 THENCE S14°22'46"W, with the east line of said 2.19 acre  
1-63 tract, for a distance of 453.60 feet to its southeast corner, same

2-1 being the called and apparent northeast right-of-way line of  
2-2 Interstate Highway 45, as per Deed from the Texas Prison Board to  
2-3 the State of Texas, recorded in Volume 158, Page 177 (Tract No. 1,  
2-4 call 55.13 acres), Deed Records, found a 5/8" iron rod, from which a  
2-5 concrete right-of-way monument, found for reference only, bears  
2-6 S45°57'14"E-0.15 feet;

2-7       THENCE N45°57'14"W (2.19 acre call-N43°45'00"W-287.70 feet),  
2-8 with the southwest line of said 2.19 acre tract and the called and  
2-9 apparent northeast line of said I.H. 45, at 287.70 feet pass a point  
2-10 for the southwest corner of said 2.19 acre tract, same being the  
2-11 southeast corner of said 0.341 acre tract, continuing for a total  
2-12 distance of 345.23 feet to the southwest corner of said 0.341 acre  
2-13 tract, same being the east line of a 1-1/2 acre tract as described  
2-14 in a Transfer of Title from the Texas Board of Corrections to the  
2-15 Texas Department of Public Safety, recorded in Volume 391, Page  
2-16 724, Deeds Records, and further evidenced by an unrecorded survey  
2-17 (called 1.500 acres) by N. B. Davidson, Jr., RPLS No. 2066, dated  
2-18 June, 1982, set a 5/8" iron rod with an orange, plastic cap, marked  
2-19 "RPLS-4066";

2-20       THENCE N14°22'38"E (1-1/2 acre call-N16°37'E-289.50 feet),  
2-21 with the west line of said 0.341 acre tract and the east line of said  
2-22 1-1/2 acre tract, for a distance of 282.93 feet to the northwest  
2-23 corner of said 0.341 acre tract, same being the northeast corner of  
2-24 said 1-1/2 acre tract, found a 1/2" iron rod in the called south  
2-25 right-of-way of said S.H. 75;

2-26       THENCE S75°35'14"E, with the north line of said 0.341 acre  
2-27 tract and the called south line of said S.H. 75, for a distance of  
2-28 50.00 feet to the PLACE OF BEGINNING.

2-29       NOTE: Bearings referenced to the called north line of said  
2-30 2.19 acre tract (S75°35'14'E) in Volume 412, Page 149, Official  
2-31 Records.

2-32       SECTION 2. This Act takes effect immediately if it receives  
2-33 a vote of two-thirds of all the members elected to each house, as  
2-34 provided by Section 39, Article III, Texas Constitution. If this  
2-35 Act does not receive the vote necessary for immediate effect, this  
2-36 Act takes effect September 1, 2009.

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