

By: Branch

H.B. No. 4536

A BILL TO BE ENTITLED

AN ACT

relating to sale of the Texas State Cemetery Annex property (Bull Creek State Cemetery).

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

SECTION 1. Subchapter F, Chapter 2165, Government Code, is amended by modifying Section 2165.256(b) to read as follows:

(b) ~~[In addition to]~~ The ~~[the]~~ property described as Lot No. 5, Division B, City of Austin, Travis County, Texas~~[, the following property]~~ is dedicated for cemetery purposes as part of the State Cemetery. The following property, also known as the Bull Creek State Cemetery, is dedicated to the State Cemetery for any purpose, including sale of fee simple title: BEING 44.07 ACRES OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED BY DEED TO THE STATE OF TEXAS AS RECORDED IN VOLUME 776, PAGE 225, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 44.07 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a set brass cap in concrete for the northwest corner of said State of Texas tract, same being the west corner of Lot 34 of Shoal Village, Section Two, a subdivision in the City of Austin, Texas, as recorded in Book 5, Page 150, of the Plat Records of Travis County, Texas, and being on the east right-of-way line of Bull Creek Road (an existing 60' R/W) and being the northwest corner of this tract;

1 (1) THENCE S 62° 05' 02" E, along the north line of said
2 State of Texas tract of land, same being the south line of said
3 subdivision, a distance of 919.08 feet to a set brass cap in
4 concrete for an angle point in the north line of said State of
5 Texas, tract of land same being an angle point in the south line of
6 Lot 45 of Shoal Village, Section Three, a subdivision of record in
7 the City of Austin, Texas, as recorded in Book 6, Page 71, of the
8 Plat Records of Travis County, Texas;

9 (2) THENCE along the north line of said State of Texas,
10 tract of land, same being the south line of the following
11 subdivisions in the City of Austin, Texas, said Shoal Village,
12 Section Three, Shoal Village, Sec. 5, as recorded in Plat Book 6,
13 Page 72, of the Plat Records of Travis County, Texas, Shoal Village,
14 Sec. 6, as recorded in Plat Book 7, Page 7, of the Plat Records of
15 Travis County, Texas, Shoal Village, Section Seven, as recorded in
16 Plat Book 14, Page 80, of the Plat Records of Travis County, Texas,
17 Oak Haven, Section Three, as recorded in Book 11, Page 40, of the
18 Plat Records of Travis County, Texas, the following two (2) courses
19 and distances:

20 1. S 63° 02' 45" E, a distance of 306.61 feet, a
21 1/2" iron rod found, and

22 2. S 63° 11' 57" E, a distance of 327.57 feet to the
23 point of intersection with the centerline of Shoal Creek for the
24 northeast corner of this tract;

25 (3) THENCE along the centerline of Shoal Creek with
26 it's meanders, same being the east line of this tract, the following
27 seven (7) courses and distances:

1 1. S 03° 49' 32" E, a distance of 146.37 feet, a
2 1/2" I. R. set,
3 2. S 11° 51' 40" W, a distance of 68.56 feet, a 1/2"
4 I. R. set,
5 3. S 17° 44' 58" E, a distance of 255.55 feet, a
6 1/2" I. R. set,
7 4. S 11° 22' 50" W, a distance of 433.59 feet, a
8 1/2" I. R. set,
9 5. S 01° 30' 40" E, a distance of 208.10 feet, a
10 1/2" I. R. set,
11 6. S 03° 34' 39" E, a distance of 163.82 feet, a
12 1/2" I. R. set, and

13 7. S 12° 53' 44" E, a distance of 44.69 feet, to a P.
14 K. nail set in concrete for the southeast corner of this tract;

15 (4) THENCE N 62° 12' 25" W, departing from said Shoal
16 Creek, passing the northeast corner of Lot 24 of Ridgelea, a
17 subdivision in the City of Austin, Texas, as recorded in Book 4,
18 Page 258, of the Plat Records of Travis County, Texas, at 59.90
19 feet, a total distance of 414.19 feet to a found 1/2" iron rod under
20 concrete for the most northerly corner of Lot 21 of said Ridgelea
21 subdivision, said point also being a re-entrant corner of this
22 tract;

23 (5) THENCE S 31° 29' 35" W, along the most southerly
24 east line of said State of Texas tract of land, same being the west
25 line of said Ridgelea subdivision, a distance of 715.50 feet to a
26 1/2" iron rod set for a southwest corner of this tract, from this
27 point the northwest corner of Lot 11, same being the southwest

1 corner of Lot 12, of said Ridgelea subdivision bears N 31° 29' 35" E,
2 a distance of 10.64 feet;

3 (6) THENCE through said State of Texas tract of land
4 the following four (4) courses and distances:

5 1. N 23° 52' 33" W, passing a brass cap in concrete
6 set at 5.00 feet, a total distance of 654.65 feet to a brass cap in
7 concrete set for a corner,

8 2. N 06° 26' 42" E, a distance of 308.11 feet, a
9 brass cap in concrete set for a corner,

10 3. N 14° 01' 31" W, a distance of 894.05 feet, a
11 brass cap in concrete set for a corner, and

12 4. N 63° 17' 00" W, a distance of 478.50 feet to a
13 brass cap set in concrete at the point of intersection with the east
14 right-of-way line of Bull Creek Road, same being the west line of
15 said State of Texas tract of land, and being the most northerly
16 southwest corner of this tract;

17 (7) THENCE N 26° 43' 00" E, along said right-of-way
18 line, a distance of 496.30 feet to the Point of Beginning, and
19 containing 44.07 acres of land, more or less; and

20 BEING A 2.120 ACRE (92,350 SQUARE FEET) TRACT OF LAND OUT OF
21 THE GEORGE W. SPEAR LEAGUE IN TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE
22 TRACT OF LAND ALSO BEING OUT OF A 31.12 ACRE TRACT HAVING BEEN
23 CONVEYED TO THE STATE OF TEXAS BY INSTRUMENT OF RECORD IN VOLUME
24 776, PAGE 225, DEED RECORDS OF TRAVIS COUNTY, TEXAS. SAID 2.120 ACRE
25 TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
26 FOLLOWS:

27 BEGINNING, at a brass disk in concrete found on the

1 southeasterly right of way line of Bull Creek Road. Said disk also
2 being at the northernmost corner of said 31.12 acre tract and the
3 westernmost corner of a 44.07 acre tract also out of the tract
4 described in volume 776, page 225 for the northernmost corner of the
5 herein described tract;

6 Thence, S63° 17' 00"E, 350.00 feet with the northeasterly line
7 of said 31.12 acre tract and a southwesterly line of said 44.07 acre
8 tract to a 1/2" iron rod set for the easternmost corner of the
9 herein described tract;

10 Thence, S26° 42' 58"W, 205.49 feet with the southeast line of
11 this 2.120 acre tract to a 1/2" iron rod set for the herein
12 described tract, nearby a concrete driveway;

13 Thence, N82° 57' 38"W, 276.95 feet following a concrete
14 driveway to a 1/2" iron rod set for an angle point of the herein
15 described tract;

16 Thence, N62° 30' 47"W, 89.24 feet continuing along a concrete
17 driveway to a 1/2" iron rod set on the southeasterly right of way
18 line of Bull Creek Road and the westernmost corner of the herein
19 described tract;

20 THENCE, N26° 43' 00"E, 297.55 feet with the southeasterly line
21 of Bull Creek Road and the northwesterly line of this 2.120 acre
22 tract to the POINT OF BEGINNING and containing 2.120 acre (92,350
23 square feet) of land.

24 In the event the Bull Creek State Cemetery is sold, the committee is
25 authorized to use sale proceeds and any interest that may accrue
26 therefrom to acquire other real property, by purchase or otherwise,

1 suitable for expansion of the State Cemetery, or to accomplish
2 capitol improvements or major repairs or renovation of the existing
3 or new state cemetery grounds.

4 SECTION 2. All proceeds from the sale of fee simple title to
5 property under Section 2165.256(b) and any interest that accrues
6 therefrom shall be appropriated to the Texas State Cemetery for the
7 exclusive use of the State Cemetery to acquire real property in the
8 vicinity of Lot No. 5, Division B, City of Austin, Travis County,
9 Texas or to accomplish capitol improvements or major repairs or
10 renovation of the existing or new state cemetery grounds. Any real
11 property acquired with sale proceeds and interest therefrom shall
12 be used solely for cemetery purposes as part of the State Cemetery.

13 SECTION 3. In Article I of Senate Bill 1, 81st Leg., R.S.,
14 appropriation for the Texas Facilities Commission, insert the
15 following appropriately-numbered rider to read as follows and
16 renumber subsequent riders accordingly:

17 "____. PROCEEDS FROM SALE OF TEXAS STATE CEMETERY ANNEX. The
18 Texas State Cemetery is appropriated the receipts from the sale of
19 the Bull Creek State Cemetery and any interest that accrues
20 therefrom for the purposes of acquiring other real property to be
21 dedicated for cemetery purposes in the vicinity of the Texas State
22 Cemetery and rendering such property suitable for use as a
23 cemetery, or accomplishing capital improvements or major repairs or
24 renovation of the existing or new state cemetery grounds."

25 SECTION 4. This Act takes effect September 1, 2009.