

By: Averitt

S.B. No. 2228

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of certain state property from the Texas Department of Criminal Justice to Coryell County.

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

SECTION 1. (a) Not later than November 1, 2009, the Texas Department of Criminal Justice shall transfer to Coryell County the real property described by Subsection (d) of this section.

(b) Coryell County shall use the property transferred under this Act only for a purpose that benefits the public interest of the state. If Coryell County no longer uses the property for 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) include a provision that:

(A) requires Coryell County to use the property for a purpose that benefits the public interest of the state; and

(B) indicates that ownership of the property automatically reverts to the Texas Department of Criminal Justice if Coryell County no longer uses the property for a purpose that benefits the public interest of the state; and

(2) describe the property to be transferred by metes

1 and bounds.

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

4 Field Notes describing a 33.37-acre tract of land in the Henry  
5 Farley Survey, Abstract Number 352, Coryell County, Texas. Also  
6 being a portion of a called 117.56-acre tract of land conveyed to  
7 Texas Department of Criminal Justice - Institutional Division  
8 (TDCJ), recorded in Volume 579, Page 387 in the Deed Records of  
9 Coryell County, Texas.

10 Beginning at a 5/8" diameter iron pipe found, being the northeast  
11 corner of said TDCJ tract, the northwest corner of a called First  
12 Tract (135.41-acres) and in the south line of a called Second Tract  
13 (217-acres) described in a partition decree (Powell vs. Powell),  
14 recorded in Volume L, Page 76 in the Civil Minutes, District Court  
15 Records of Coryell County, Texas, for the northeast corner of the  
16 herein described tract of land;

17 Thence S 24 degrees 20 minutes 00 seconds W - 982.89 feet (*BEARING*  
18 *BASIS - Deed Call*) with the east line of said TDCJ tract, the west  
19 line of said Powell First Tract, and generally following a wire  
20 fence to a railroad tie fence post found for an angle point in the  
21 herein described tract of land;

22 Thence S 13 degrees 13 minutes 26 seconds W - 173.89 feet with the  
23 east line of said TDCJ tract, the west line of said Powell First  
24 Tract, and generally following a wire fence to a 1/2" diameter iron  
25 rod set with cap (LETH #3879), from which a 6" diameter cedar fence  
26 post found at the southeast corner of said TDCJ tract bears S 13  
27 degrees 13 minutes 26 seconds W - 1593.57 feet, for the southeast

1 corner in the herein described tract of land;  
2 Thence N 67 degrees 05 minutes 00 seconds W - 1592.81 feet through  
3 said TDCJ tract to a  $\frac{1}{2}$ " diameter iron rod set with cap (LETH #3879)  
4 in the west line of said TDCJ tract and in the east line of State  
5 Farm-To-Market Highway 929 (FM 929), for the southwest corner in  
6 the herein described tract of land;  
7 Thence N 18 degrees 24 minutes 39 seconds E - 55.04 feet with the  
8 west line of said TDCJ tract and the east line of said FM 929 to a  
9  $\frac{1}{2}$ " diameter iron rod set with cap (LETH #3879) at the beginning of  
10 a curve to the right for an angle point in the herein described  
11 tract of land;  
12 Thence with the west line of said TDCJ tract, the east line of said  
13 FM 929 and said curve to the right, with a length of 495.28 feet, a  
14 radius of 914.43 feet, and a chord of N 33 degrees 55 minutes 39  
15 seconds E, a distance of 489.25 feet to a  $\frac{1}{2}$ " diameter iron rod set  
16 with cap (LETH #3879) at the point of tangency in the east line of  
17 said FM 929 for an angle point in the herein described tract of  
18 land;  
19 Thence N 49 degrees 26 minutes 39 seconds E - 306.77 feet with the  
20 west line of said TDCJ tract and the east line of said FM 929 to a  
21  $\frac{1}{2}$ " diameter iron rod set with cap (LETH #3879) at the southwest  
22 corner of a called Tract Two (1.99-acres) described in an Affidavit  
23 of Heirship to Martha Wingate, recorded under Instrument Number  
24 140336 in the Deed Records of Coryell County, Texas, for the  
25 northwest corner in the herein described tract of land;  
26 Thence S 81 degrees 16 minutes 39 seconds E - 1404.58 feet with the  
27 north line of said TDCJ tract, the south line of said Wingate Tract

1 Two, the south line of a called Tract One described in said Wingate  
2 Affidavit of Heirship, the south line of a called 9.718-acre tract  
3 conveyed to Martha Wingate, recorded under Instrument Number 130580  
4 in the Deed Records of Coryell County, Texas, and the south line of  
5 said Powell Second Tract to the POINT OF BEGINNING and containing  
6 33.37-acres of land.

7 (e) The Texas Department of Criminal Justice shall grant to  
8 Coryell County certain utility easements to the real property  
9 described in Subsection (d) of this section. Utility easements  
10 shall be mutually beneficial and agreed upon by the Texas  
11 Department of Criminal Justice and Coryell County.

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