

By: Nichols

S.B. No. 1058

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the transfer of certain state property from the  
3 Department of Aging and Disability Services to the Angelina and  
4 Neches River Authority.

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

6 SECTION 1. (a) The Department of Aging and Disability  
7 Services shall transfer to the Angelina and Neches River Authority  
8 the real property described by Section 2 of this Act:

9 (1) including improvements to the property; and

10 (2) excluding the mineral interests in and under the  
11 property.

12 (b) Consideration for the transfer authorized by Subsection  
13 (a) of this section shall be in the form of an agreement between the  
14 Department of Aging and Disability Services and the Angelina and  
15 Neches River Authority that requires the Angelina and Neches River  
16 Authority to use the property in a manner that primarily promotes a  
17 public purpose of the state by using the property to manage water  
18 resources.

19 (c) If the Angelina and Neches River Authority fails to use  
20 the property in the manner described by an agreement under  
21 Subsection (b) of this section for more than 180 continuous days,  
22 ownership of the property automatically reverts to the Department  
23 of Aging and Disability Services.

24 (d) The Department of Aging and Disability Services shall

1 transfer the property by a deed that:

2 (1) describes the property to be transferred by metes  
3 and bounds;

4 (2) is without warranties regarding covenants of  
5 title;

6 (3) includes a provision that:

7 (A) requires the Angelina and Neches River  
8 Authority to use the property in a manner that primarily promotes a  
9 public purpose of the state by using the property to manage water  
10 resources; and

11 (B) indicates that ownership of the property  
12 automatically reverts to the Department of Aging and Disability  
13 Services if the Angelina and Neches River Authority fails to use the  
14 property as described by Subsection (b) of this section for more  
15 than 180 continuous days; and

16 (4) reserves the state's interest in and right to  
17 remove all oil, gas, and other minerals in and under the real  
18 property described by Section 2 of this Act.

19 (e) Sections 533.084 and 533.087, Health and Safety Code,  
20 and Sections 31.1571 and 31.158, Natural Resources Code, do not  
21 apply to a transfer of real property authorized by this Act.

22 SECTION 2. The Department of Aging and Disability Services  
23 shall transfer to the Angelina and Neches River Authority the real  
24 property described as follows:

25 Being all that certain tract or parcel of land lying and situated in  
26 Angelina County, Texas and being in the John D. Gann Survey,  
27 Abstract No. 291, being a part or portion of that certain called

1 'Tract No. One' as recorded in the Deed Records of Angelina County,  
2 Texas (DROACT) in volume 288 on page 50 from Angelina Chamber of  
3 Commerce to The State of Texas, dated November 21, 1963, to which  
4 reference is hereby made for any and all purposes, and being more  
5 fully described by metes and bounds as follows to-wit:

6 Commencing at a 1/2 in. iron pipe found for the Southwest  
7 corner of the aforesaid referred to 'Tract No. One', said point  
8 being the Southeast corner of a called 9.6519 acre tract of TV - 3,  
9 Inc., as recorded in the DROACT in volume 763 on page 422, said  
10 point being the POINT OF BEGINNING and from which point, a 1/2 in.  
11 iron pipe found for angle corner on the East boundary line of said  
12 9.6519 acre tract, bears N 22° 45' 00" E - 533.08 feet;

13 Thence with the West boundary line of said 'Tract No. One' and  
14 East boundary line of the said 9.6519 acre tract, N 22° 45' 00" E, at  
15 a distance of 85.29 feet, a point for corner;

16 Thence across the said 'Tract No. One' and along a line 20  
17 feet parallel to a chain link fence along the Northeastern  
18 enclosure of a Sanitary Sewer Lift Station, S 37° 11' 39" E, at a  
19 distance of 98.74 feet, intersect the South boundary line of the  
20 said 'Tract No. One', a point for corner;

21 Thence with the South boundary line of the said 'Tract No.  
22 One' and with in part the North boundary line of that certain called  
23 3.07 acre tract of the State of Texas as recorded in the DROACT in  
24 volume 260 on page 215, called 'Tract 4', N 90° 00' 00" W, at a  
25 distance of 92.68 feet, the POINT OF BEGINNING, said described  
26 tract containing 0.08368 acre, more or less. (note: the base  
27 bearing for this metes and bounds description is the West line of

1 the said State of Texas 'Tract No. One' as recorded in volume 288 on  
2 page 50 of the Deed Records of Angelina County, Texas (N 22° 45' 0"  
3 E)).

4 SECTION 3. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2011.