

1-1 By: Nichols S.B. No. 1058
1-2 (In the Senate - Filed March 2, 2011; March 16, 2011, read
1-3 first time and referred to Committee on Government Organization;
1-4 April 6, 2011, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 6, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the transfer of certain state property from the
1-9 Department of Aging and Disability Services to the Angelina and
1-10 Neches River Authority.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. (a) The Department of Aging and Disability
1-13 Services shall transfer to the Angelina and Neches River Authority
1-14 the real property described by Section 2 of this Act:

1-15 (1) including improvements to the property; and
1-16 (2) excluding the mineral interests in and under the
1-17 property.

1-18 (b) Consideration for the transfer authorized by Subsection
1-19 (a) of this section shall be in the form of an agreement between the
1-20 Department of Aging and Disability Services and the Angelina and
1-21 Neches River Authority that requires the Angelina and Neches River
1-22 Authority to use the property in a manner that primarily promotes a
1-23 public purpose of the state by using the property to manage water
1-24 resources.

1-25 (c) If the Angelina and Neches River Authority fails to use
1-26 the property in the manner described by an agreement under
1-27 Subsection (b) of this section for more than 180 continuous days,
1-28 ownership of the property automatically reverts to the Department
1-29 of Aging and Disability Services.

1-30 (d) The Department of Aging and Disability Services shall
1-31 transfer the property by a deed that:

1-32 (1) describes the property to be transferred by metes
1-33 and bounds;

1-34 (2) is without warranties regarding covenants of
1-35 title;

1-36 (3) includes a provision that:

1-37 (A) requires the Angelina and Neches River
1-38 Authority to use the property in a manner that primarily promotes a
1-39 public purpose of the state by using the property to manage water
1-40 resources; and

1-41 (B) indicates that ownership of the property
1-42 automatically reverts to the Department of Aging and Disability
1-43 Services if the Angelina and Neches River Authority fails to use the
1-44 property as described by Subsection (b) of this section for more
1-45 than 180 continuous days; and

1-46 (4) reserves the state's interest in and right to
1-47 remove all oil, gas, and other minerals in and under the real
1-48 property described by Section 2 of this Act.

1-49 (e) Sections 533.084 and 533.087, Health and Safety Code,
1-50 and Sections 31.1571 and 31.158, Natural Resources Code, do not
1-51 apply to a transfer of real property authorized by this Act.

1-52 SECTION 2. The Department of Aging and Disability Services
1-53 shall transfer to the Angelina and Neches River Authority the real
1-54 property described as follows:

1-55 Being all that certain tract or parcel of land lying and situated in
1-56 Angelina County, Texas and being in the John D. Gann Survey,
1-57 Abstract No. 291, being a part or portion of that certain called
1-58 'Tract No. One' as recorded in the Deed Records of Angelina County,
1-59 Texas (DROACT) in volume 288 on page 50 from Angelina Chamber of
1-60 Commerce to The State of Texas, dated November 21, 1963, to which
1-61 reference is hereby made for any and all purposes, and being more
1-62 fully described by metes and bounds as follows to-wit:

1-63 Commencing at a 1/2 in. iron pipe found for the Southwest
1-64 corner of the aforesaid referred to 'Tract No. One', said point

2-1 being the Southeast corner of a called 9.6519 acre tract of TV - 3,
2-2 Inc., as recorded in the DROACT in volume 763 on page 422, said
2-3 point being the POINT OF BEGINNING and from which point, a 1/2 in.
2-4 iron pipe found for angle corner on the East boundary line of said
2-5 9.6519 acre tract, bears N 22° 45' 00" E - 533.08 feet;

2-6 Thence with the West boundary line of said 'Tract No. One' and
2-7 East boundary line of the said 9.6519 acre tract, N 22° 45' 00" E, at
2-8 a distance of 85.29 feet, a point for corner;

2-9 Thence across the said 'Tract No. One' and along a line 20
2-10 feet parallel to a chain link fence along the Northeastern
2-11 enclosure of a Sanitary Sewer Lift Station, S 37° 11' 39" E, at a
2-12 distance of 98.74 feet, intersect the South boundary line of the
2-13 said 'Tract No. One', a point for corner;

2-14 Thence with the South boundary line of the said 'Tract No.
2-15 One' and with in part the North boundary line of that certain called
2-16 3.07 acre tract of the State of Texas as recorded in the DROACT in
2-17 volume 260 on page 215, called 'Tract 4', N 90° 00' 00" W, at a
2-18 distance of 92.68 feet, the POINT OF BEGINNING, said described
2-19 tract containing 0.08368 acre, more or less. (note: the base
2-20 bearing for this metes and bounds description is the West line of
2-21 the said State of Texas 'Tract No. One' as recorded in volume 288 on
2-22 page 50 of the Deed Records of Angelina County, Texas (N 22° 45' 0"
2-23 E)).

2-24 SECTION 3. This Act takes effect immediately if it receives
2-25 a vote of two-thirds of all the members elected to each house, as
2-26 provided by Section 39, Article III, Texas Constitution. If this
2-27 Act does not receive the vote necessary for immediate effect, this
2-28 Act takes effect September 1, 2011.

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