

## **BILL ANALYSIS**

Senate Research Center

S.B. 1023  
By: Watson  
Administration  
7/17/2013  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In the 1839 Republic of Texas survey of the City of Austin, several blocks and lots were set aside for public uses, including blocks designated as “public squares.” While the squares are owned by the state, the City of Austin has been the steward of the remaining squares for almost 175 years. These historic public squares, such as Wooldridge, Brush, and Republic, have been integral to the urban landscape of Austin. The City of Austin continues to make substantial investments in capital improvements, operations, and maintenance.

Research has revealed no formal lease for Wooldridge Square or Brush Square; however, in 1917, the Texas Legislature changed the designation of Republic Square from Public Square to Public Municipal Auditorium and Market Square and granted a 99-year lease of the square to the City of Austin.

S.B. 1023 recognizes the City of Austin’s stewardship of the historic downtown squares by renewing the land grant for Republic Square and formalizing the land grant for Wooldridge Square and Brush Square.

S.B. 1023 amends current law relating to the renewal and extension and modification of a 99-year lease of certain state property to the City of Austin.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 34 (H.B. 215), General Laws, Acts of the 33rd Legislature, Regular Session, 1913, by amending Section 2 and adding Sections 2A and 2B, as follows:

Sec. 2. Provides that the State of Texas hereby cedes and grants to the City of Austin the plot or square of land described in Section 1 of the Act for a period of ninety-nine years beginning on August 15, 2016, rather than from the taking effect hereof, and said City through its municipal authorities, be and the same is hereby authorized and empowered to:

(1) establish, operate and maintain upon the land described by Section 1 of this Act, rather than upon said block bounded on the North by Fifth street, on the south by Fourth street, on the East by Guadalupe street, and on the West by San Antonio street, a municipal auditorium and market, in which auditorium, theatres, operas, concerts, lectures, fairs, shows, and public exhibitions and entertainments generally can be conducted with or without pay, and in this market all kinds of produce is authorized to be bought and sold either in the open square or in a market house constructed thereon; and

(2) construct, operate, and maintain public amenities on the land described by Section 1 of this Act.

Sec. 2A. (a) Provides that the State of Texas, subject to Section 2B of this Act, grants to the City of Austin for a period of 99 years beginning on August 15, 2016, a lease of the property described as follows:

(1) Tract 1. Wooldridge Park. The northwest Public Square now known as Wooldridge Park, bounded on the north by Mulberry Street (now W. 10th Street), on the east by Guadalupe Street, on the south by Ash Street (now W. 9th Street), and on the west by San Antonio Street, and being 276 feet square, as delineated on the map titled "Plan of the City of Austin 1840" filed in the General Land Office; and

(2) Tract 2. Brush Park. The southeast Public Square now known as Brush Park, bounded on the north by Pine Street (now E. 5th Street), on the east by Neches Street, on the south by Cedar Street (now E. 4th Street), and on the west by Trinity Street, and being 276 feet square as delineated on the map titled "Plan of the City of Austin 1840" filed in the General Land Office.

(b) Authorizes the City of Austin, except as provided by Subsection (c) of this section, to only use the tracts described by Subsection (a) of this section as municipal parks in which theatres, operas, concerts, lectures, fairs, shows, and public exhibitions and entertainments generally can be conducted with or without pay, and produce is authorized to be bought and sold.

(c) Authorizes the City of Austin to construct, operate, and maintain public amenities on the tracts described by Subsection (a) of this section.

Sec. 2B. (a) Creates this section from existing text. Provides that this state does not by this Act part with any title, color of title or interest which it now owns in the property described in this Act, rather than in this bill, except as granted herein. Makes nonsubstantive changes.

(b) Creates this subsection from existing text. Requires that the property, in the event that the City of Austin should fail to use the property described in Section 1 or 2A(a)(1) or (2) of this Act for the purpose or purposes designated, revert to the State as upon breach of condition subsequent. Makes nonsubstantive changes.

(c) Authorizes the legislature, by concurrence of both houses, to terminate the lease, or a portion thereof, at any time for any reason.

SECTION 2. Effective date: August 15, 2016.