

By: Zaffirini

S.B. No. 1604

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to asset management and acquisition by institutions of  
3 higher education.

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

5 SECTION 1. Section 73.115, Education Code, is amended by  
6 adding Subsection (g) to read as follows:

7 (g) In any contract for the acquisition of goods and  
8 services to which an institution of higher education is a party, a  
9 provision required by applicable law to be included in the contract  
10 is considered to be a part of the executed contract without regard  
11 to:

12 (1) whether the provision appears on the face of the  
13 contract; or

14 (2) whether the contract includes any provision to the  
15 contrary.

16 SECTION 2. Chapter 64, Property Code, as added by Chapter  
17 918 (S.B. 1368), Acts of the 82nd Legislature, Regular Session,  
18 2011, is amended by adding Section 64.0011 to read as follows:

19 Sec. 64.0011. APPLICATION TO INSTITUTIONS OF HIGHER  
20 EDUCATION. This chapter does not apply to residential property for  
21 which an institution of higher education is a co-owner.

22 SECTION 3. Subsection (d), Section 66.08, Education Code,  
23 is amended to read as follows:

24 (d) The board of directors of the corporation shall have

1 nine members, determined as follows:

2 (1) seven [~~six~~] members appointed by the board, of  
3 whom:

4 (A) three must be members of the board;

5 (B) [~~and the other~~] three must have a substantial  
6 background and expertise in investments; and

7 (C) one must be a qualified individual as  
8 determined by the board, which may include

9 [~~(2)~~] the chancellor of The University of Texas  
10 System; and

11 (2) [~~(3)~~] two members appointed by the board of regents of  
12 The Texas A&M University System, at least one of whom must have a  
13 substantial background and expertise in investments.

14 SECTION 4. Section 74.002, Education Code, is repealed.

15 SECTION 5. Subsection (b), Section 85.25, Education Code,  
16 is amended to read as follows:

17 (b) The board may grant, sell, lease, or otherwise dispose  
18 of the lands and mineral interests under its jurisdiction [~~that do~~  
19 ~~not comprise any portion of the original main campus of Texas A&M~~  
20 ~~University~~] to other units or agencies of government, or to any  
21 individual, group of individuals, corporation, or other entity,  
22 under terms and conditions the board considers [~~it deems~~] best in  
23 the public interest.

24 SECTION 6. Subsections (c) and (d), Section 85.25,  
25 Education Code, are repealed.

26 SECTION 7. (a) The board of regents of The University of  
27 Texas System may acquire by purchase, exchange, gift, or otherwise,

1 for campus and other university purposes, all or any part of the  
2 land described in this section, and all improvements located on the  
3 land, in or near the City of Brownsville, Cameron County, Texas,  
4 consisting of multiple parcels, the boundaries of which tracts of  
5 land are more specifically described in Subsections (b), (c), and  
6 (d) of this section.

7 (b) All or any part of the land described as follows:

8 BEGINNING at the intersection of West University Boulevard  
9 and Ringgold Road;

10 THENCE Northeast along the South right of way line of  
11 Ringgold Road to the intersection of Ringgold Road/Ridgely Road  
12 with the common property line between Lots 11 and 12, Block 14,  
13 Colonia Alta Vista, recorded in Volume 8, Page 39, Map Records of  
14 Cameron County, Texas;

15 THENCE continuing in a Northeasterly direction along the  
16 common property line between Lots 11 and 12, Block 14, Colonia Alta  
17 Vista, to the Southwesterly right of way line of East Jackson Road;

18 THENCE Southeast along the Southwesterly right of way line of  
19 East Jackson Road to the intersection of East Jackson Road and East  
20 24th Street;

21 THENCE Northeast along the South right of way line of East  
22 24th Street to the Southwest right of way line of U. S. Highways  
23 77/83;

24 THENCE South along the Southwest right of way line of U. S.  
25 Highways 77/83, continuing past the intersection of the frontage  
26 road with West University Boulevard and following the Easternmost  
27 property line of an approximately 21.5-acre tract identified in the

1 Cameron County Appraisal District Records as Parcel 62191;

2       THENCE continuing along the property line of the 21.5-acre  
3 tract as it turns West, to a point at which the 21.5-acre parcel  
4 property line intersects the Easternmost property line of an  
5 approximately 47.96-acre tract identified in the Cameron County  
6 Appraisal District Records as Parcel 384258;

7       THENCE South following the Easternmost property line of the  
8 47.96-acre tract to its Southernmost point;

9       THENCE Northwest along the Southern property line of the  
10 47.96-acre tract and continuing in a Northwesterly direction beyond  
11 the Southwest corner of the 47.96-acre tract and along the Southern  
12 property line of an approximately 17.4-acre tract whose Eastern  
13 property line shares a common property line with the Western  
14 property line of the 47.96-acre tract, to the Southwest corner of  
15 the 17.4-acre tract;

16       THENCE North along the Western property line of the 17.4-acre  
17 tract to West University Boulevard;

18       THENCE Northwest along the Eastern right of way line of West  
19 University Boulevard to the intersection of West University  
20 Boulevard and Ringgold Road, to the point of BEGINNING;

21       But expressly excluding Lot 1, Block 3, and Lot 6, Block 4,  
22 University Park Subdivision Unit 1, and Lot 2, Block 3, University  
23 Park Subdivision Unit 2.

24       (c) All or any part of an irregularly shaped parcel  
25 containing approximately 432 acres in Cameron County, Texas, more  
26 specifically described as follows:

27       BEGINNING at a point on the northern right of way line of

1 Texas Highway 100 that is approximately 1.3 miles east of the  
2 intersection of Texas Highway 100 and U. S. Highways 77/83 and which  
3 point is the midpoint of a resaca that intersects Texas Highway 100,  
4 for the most southerly southwest corner of the tract;

5       THENCE along the northern right of way line of Texas Highway  
6 100 and continuing in an easterly direction for a distance of  
7 approximately 3,400 feet, to the most southerly southeast corner of  
8 the tract;

9       THENCE in a northerly direction for approximately 3,400 feet  
10 for the most easterly northeast corner of this tract;

11       THENCE west for approximately 500 feet to the westernmost  
12 edge of a resaca;

13       THENCE following the meandering of the resaca north and west  
14 to a point that is approximately 850 feet north of the point at  
15 which the resaca turns north for a second time;

16       THENCE continuing west for a distance of approximately 3,400  
17 feet to the most northerly northwest corner of the tract;

18       THENCE south for approximately 2,000 feet to a southwesterly  
19 corner of the tract;

20       THENCE east for approximately 2,800 feet ;

21       THENCE south for approximately 800 feet to the midpoint of a  
22 resaca;

23       THENCE following the meanderings of that resaca east and then  
24 south to the point of BEGINNING.

25       (d) All or any part of an approximately 750.402-acre tract  
26 described in a deed recorded as Document No. 6590, Official Public  
27 Records of Cameron County, more specifically described as follows:

1           Being 750.402 Acres of land, more or less, out of Share 14 of  
2 the Espiritu Santo Grant in Cameron County; Texas and being out of a  
3 1,635.53 Acre Tract conveyed to Milton E. Wentz and wife, Monica C.  
4 Wentz from G. Philip Wardner, Trustee by deed dated January 15, 1959  
5 and recorded in Volume 671, Page 8 of the Cameron County Deed  
6 Records; said 750.402 Acre Tract being more particularly located  
7 and described as follows:

8           BEGINNING at a 1/2 inch iron pin with a yellow plastic cap  
9 stamped "M&R INC" set on the west line of the Olmito Townsite as  
10 recorded in Volume 8, Page 83 of the Cameron County Map Records and  
11 being the intersection of the north right-of-way line of U.S.  
12 Expressway 77 & 83 (r.o.w. varies) with the east line of said Share  
13 14 for the southeast corner of this tract;

14           THENCE, along the north right-of-way line of U.S: Expressway  
15 77 & 83, North 45 deg 12 min 33 sec West a distance of 2919.87 feet  
16 to a 1/2 inch iron pin found for a corner of this tract;

17           THENCE, continuing along the north right-of-way line of U.S.  
18 Expressway 77 & 83, North 40 deg 48 min 33 sec West a distance of  
19 1303.84 feet to a 1/2 inch iron pin with a yellow plastic cap  
20 stamped "M&R INC" set for a corner of this tract;

21           THENCE, continuing along the north right-of-way line of U.S.  
22 Expressway 77 & 83, North 45 deg 12 min 33 sec West a distance of  
23 989.45 feet to a 1/2 inch iron pin with a yellow plastic cap stamped  
24 "M&R INC" set on the west line of said Share 14 for the southwest  
25 corner of this tract;

26           THENCE, along the west line of said Share 14 and being the  
27 east line of San Carlos Estates Subdivision as recorded in Volume 8,

1 Page 37 of the Cameron County Map Records, North 07 deg 38 min 21 sec  
2 East, at 5500.20 feet a 1/2 inch iron pin with a yellow plastic cap  
3 stamped "M&R INC" set on lane for reference, a total distance of  
4 5553.85 feet to a point on the centerline of Cameron County Drainage  
5 District No. One Main Drain No. 2 for the northwest corner of this  
6 tract;

7       THENCE, along the approximate centerline of said Main Drain  
8 No. 2 the following courses:

9 North 75 deg 11 min 53 sec East a distance of 386.52 feet,  
10 North 74 deg 56 min 03 sec East a distance of 665.61 feet;  
11 South 88 deg 38 min 55 sec East a distance of 198.80 feet;  
12 and South 54 deg 01 min 55 sec East a distance of 362.78 feet to a  
13 point for a corner of this tract;

14       THENCE, out of said Main Drain No. 2, North 07 deg 16 min 53  
15 sec East, at 55.82 feet a 1/2 inch iron pin with a yellow plastic cap  
16 stamped "M&R INC" set on line for reference, at 1059.55 feet a 1/2  
17 inch iron pin with a yellow plastic cap stamped "M&R INC" set on  
18 line for reference, a total distance of 1243.64 feet to a point  
19 within the Resaca De Las Flores for a corner of this tract;

20       THENCE, through said resaca, South 66 deg 59 min 07 sec East a  
21 distance of 1028:24 feet and South 41 deg 59 min 07 sec East a  
22 distance of 715.00 feet to a point for a corner of this tract;

23       THENCE, out of said resaca, North 42 deg 44 min 53 sec East a  
24 distance of 639.80 feet to a point in the center of a drain ditch for  
25 a corner of this tract;

26       THENCE, along the approximate center of said drain ditch,  
27 North 78 deg 12 min 53 sec East a distance of [~~88.63 feet to a 1/2~~

1 ~~inch iron pin with a yellow plastic cap stamped "M&R INC" set for a~~  
2 ~~corner of this tract;~~

3       THENCE, continuing along the approximate center of said drain  
4 ditch, North 81 deg 58 min 00 sec East a distance of 474.27 feet to a  
5 point within a drain ditch and being on the east line of said Share  
6 14 for the northeast corner of this tract;

7       THENCE, through said drain ditch and along the east line of  
8 said Share 14 also being the west line of Parker Tract Subdivision  
9 as recorded in Volume 4, Page 40 of the Cameron County Map Records,  
10 South 07 deg 13 min West, at 1844.59 feet a point on the centerline  
11 of said Main Drain No. 2 for the northwest corner of Saint Francis  
12 of Assisi Subdivision as recorded in Cabinet I, Slot 895-B of the  
13 Cameron County Map Records, at 2669.69 feet a concrete monument  
14 found for the southwest corner of said Saint Francis of Assisi  
15 Subdivision, a total distance of 3913.73 feet to a point for the  
16 southwest corner of said Parker Tract Subdivision and for the  
17 northwest corner of Olmito Gardens Tract No. I as recorded in Volume  
18 6, Page 41 of the Cameron County Map Records and for a corner of this  
19 tract;

20       THENCE, continuing along the east line of said Share 14,  
21 South 07 deg 14 min 40 sec West, at 6145.84 feet the common corner  
22 between said Olmito Gardens Tract No. 1 and said Olmito Townsite, a  
23 total distance of 6342.28 feet to the POINT OF BEGINNING.

24       Containing 750.402 Acres of land, more or less.

25       (e) The title to the land shall be taken in the name of the  
26 board of regents of The University of Texas System and shall be  
27 subject to the control and management of the board in the same

1 manner and to the same extent that the lands now owned by The  
2 University of Texas System are held and controlled.

3         SECTION 8. This Act takes effect immediately if it receives  
4 the vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2013.