

By: Isaac

H.B. No. 1738

A BILL TO BE ENTITLED

AN ACT

relating to the release of certain restrictions on the use of certain highway rights-of-way transferred to a municipality from the Texas Department of Transportation.

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

SECTION 1. Section 202.021, Transportation Code, is amended by adding Subsection (e-2) to read as follows:

(e-2) A municipality that has received a grant of highway right-of-way from the department that is subject to a reservation described by Subsection (e-1) and that is described by Section 2 of the Act enacting this subsection may, with the approval of its governing body after a public hearing, enter into an agreement with the department under which:

(1) the department agrees to:

(A) recommend to the governor that an instrument releasing the reservation be executed; and

(B) if executed, record the instrument in the deed records of the county in which the right-of-way is located; and

(2) the municipality, if the instrument releasing the reservation is executed, agrees to:

(A) transfer the right-of-way to one or more landowners in exchange for real property with a value that is equal to or greater than the value of the right-of-way and that is described by Section 2 of the Act enacting this subsection;

1 (B) use the acquired real property for public
2 road purposes; and

3 (C) execute and record in the deed records of the
4 county in which the acquired real property is located a restrictive
5 covenant that grants the real property to the state if the real
6 property ceases to be used for public road purposes.

7 SECTION 2. The real property to be exchanged under Section
8 202.021(e-2), Transportation Code, as added by this Act are the
9 following tracts in Hays County:

10 (1) FIELD NOTE DESCRIPTION OF 1.245 ACRES OF LAND, MORE OR
11 LESS, OUT OF THE PHILLIP A. SMITH SURVEY NO. 26, ABSTRACT NO. 415,
12 HAYS COUNTY, TEXAS, AND BEING A PORTION OF HAYS COUNTY ROAD NO. 320
13 RIGHT-OF-WAY, SAID 1.245 ACRES BEING MORE PARTICULARLY DESCRIBED BY
14 METES AND BOUNDS AS FOLLOWS:

15 COMMENCING at a concrete highway monument found at a point of
16 curvature in the north right-of-way line of U.S. Hwy 290 (station
17 924+80.70) and southwest line of Lot 1, R. J. Ragland Subdivision,
18 as recorded in volume 194, page 347, Deed Records, Hays County,
19 Texas, from which a capped 1/2 inch iron [CMA 5911] set in the
20 curving north right-of-way line of U.S. Hwy 290 and south
21 right-of-way line of said county road, bears S 47°15'27" E, a
22 distance of 275.12 feet, for the POINT OF BEGINNING of the herein
23 described tract;

24 THENCE with the south right-of-way line of said county road
25 and northeast line of said Lot 1, the follow two (2) courses:

26 1) along a curve to the right, having a radius of
27 1,959.86 feet, an arc length of 175.58 feet, a chord bearing of N

1 30°25'51" W, and a chord distance of 175.52 feet to a concrete
2 highway monument found at a point of non-tangency, and

3 2) N 27°44'46" W, a distance of 245.39 feet to a capped
4 1/2 inch iron rod [CMA 5911] set in the future south right-of-way
5 line of Roger Hanks Parkway, for the northwest corner of the herein
6 described tract;

7 THENCE leaving the south right-of-way line of said county
8 road, over and across the right-of-way of said county road, along
9 said future right-of-way line, along a curve to the right, having a
10 radius of 360.00 feet, an arc length of 100.37 feet, a chord bearing
11 of N 60°41'43" E, and chord distance of 100.05 feet, to a capped 1/2
12 inch iron rod [RPLS 4404] set in the north right-of-way line of said
13 county road for the northeast corner of the herein described tract;

14 THENCE leaving said future right-of-way, with the north
15 right-of-way line of said county road and south line of that certain
16 142.00 acre tract conveyed to Draper Ranch Partnership by deed
17 recorded in volume 936, page 868, Official Public Records, Hays
18 County, Texas, the following two (2) courses:

19 1) S 27°44'46" E, a distance of 247.58 feet to a
20 concrete monument found for a point of curvature, and

21 2) along a curve to the left, having a radius of
22 1,859.86 feet, an arc length of 280.53 feet, a chord bearing of S
23 32°04'02" E, and a chord distance of 280.26 feet, to a 1/2 inch
24 capped iron rod [CMA 5911] set in the deed line of said 142.00 acre
25 tract;

26 THENCE leaving the north right-of-way line of said county
27 road, over and across the right-of-way of said county road, with the

1 deed line of said 142.00 acre tract, S 01°56'52" E, a distance of
2 89.37 feet, to a capped 1/2 inch iron rod (CMA 5911] set in the north
3 right-of-way line of U.S. Hwy 290 for the southernmost corner of the
4 herein described tract;

5 THENCE with the north right-of-way line of U.S. Hwy 290,
6 along a curve to the right, having a radius of 5,669.58 feet, an arc
7 length of 198.40 feet, a chord bearing of N 49°39'01" W, and a chord
8 distance of 198.39 feet to the POINT OF BEGINNING, containing 1.245
9 acres, more or less; and

10 (2) FIELD NOTE DESCRIPTION OF 11,604 SQUARE FEET ACRES OF
11 LAND, MORE OR LESS, OUT OF THE PHILLIP A. SMITH SURVEY NO. 26,
12 ABSTRACT NO. 415, HAYS COUNTY, TEXAS, AND BEING A PORTION OF LOT 1,
13 R. J. RAGLAND SUBDIVISION, HAYS COUNTY, TEXAS, AS RECORDED IN
14 VOLUME 194, PAGE 347, DEED RECORDS OF HAYS COUNTY, TEXAS, SAID
15 11,604 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND
16 BOUNDS AS FOLLOWS:

17 BEGINNING at a capped 1/2 inch iron rod [RPLS 4404] found for
18 the northernmost corner of said Lot 1 and easternmost corner of Lot
19 2 of said Ragland subdivision, in the south right-of-way line of
20 Hays County Road No. 320 (Old U.S. Hwy 290) for the POINT OF
21 BEGINNING and northernmost corner of the herein described tract;

22 THENCE with said south right-of-way line, S 27°44'46" E, a
23 distance of 88.41 feet to a capped 1/2 inch iron rod [CMA 5911] set
24 in the future south right-of-way line of Roger Hanks Parkway for the
25 easternmost corner of the herein described tract ;

26 THENCE leaving the south right-of-way line of said county
27 road, with future south right-of-way line of Roger Hanks Parkway,

1 over and across said Lot 1, the following two (2) courses:

2 1) along a curve to the left, having a radius of 360.00
3 feet, an arc length of 53.88 feet, a chord bearing of S 48°25'13" W,
4 and a chord distance of 53.83 feet to a capped 1/2 inch iron rod [CMA
5 5911] set for a point of tangency, and

6 2) S 44°07'58" W, a distance of 76.04 feet, to a capped
7 1/2 inch iron rod [CMA 5911] set in the north right-of-line of U.S.
8 Hwy 290 (100 foot wide) for the southernmost corner of the herein
9 described tract;

10 THENCE with said north right-of-way line, N 45°52'02" W, a
11 distance of 80.00 feet, to a capped 1/2 inch iron rod [CMA 5911] set
12 for the westernmost corner of said Lot 1, southernmost corner of
13 said Lot 2, and westernmost corner of the herein described tract;

14 THENCE with the common line between said Lot 1 and said Lot 2,
15 N 44°07'58" E, a distance of 157.22 feet to the POINT OF BEGINNING,
16 containing 11,604 square feet more or less.

17 SECTION 3. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2015.