

1-1 By: Isaac (Senate Sponsor - Campbell) H.B. No. 1738
 1-2 (In the Senate - Received from the House May 4, 2015;
 1-3 May 5, 2015, read first time and referred to Committee on
 1-4 Transportation; May 22, 2015, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
 1-6 May 22, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1738 By: Hancock

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the release of certain restrictions on the use of
 1-22 certain highway rights-of-way transferred to a municipality from
 1-23 the Texas Department of Transportation.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 202.021, Transportation Code, is amended
 1-26 by adding Subsection (e-2) to read as follows:

1-27 (e-2) A municipality that received a grant of highway
 1-28 right-of-way from the department on June 12, 2013, that is subject
 1-29 to a reservation described by Subsection (e-1) and that is
 1-30 described by Section 2 of the Act enacting this subsection may, with
 1-31 the approval of its governing body after a public hearing, enter
 1-32 into an agreement with the department under which:

1-33 (1) the department agrees to:

1-34 (A) recommend to the governor that an instrument
 1-35 releasing the reservation be executed; and

1-36 (B) if executed, record the instrument in the
 1-37 deed records of the county in which the right-of-way is located; and

1-38 (2) the municipality, if the instrument releasing the
 1-39 reservation is executed, agrees to:

1-40 (A) transfer the right-of-way to one or more
 1-41 landowners in exchange for real property with a value that is equal
 1-42 to or greater than the value of the right-of-way and that is
 1-43 described by Section 2 of the Act enacting this subsection;

1-44 (B) use the acquired real property for public
 1-45 road purposes necessary to accomplish a portion of a transportation
 1-46 master plan adopted by the municipality's governing body at a
 1-47 public meeting in February 2008; and

1-48 (C) execute and record in the deed records of the
 1-49 county in which the acquired real property is located a restrictive
 1-50 covenant that grants the real property to the state if the real
 1-51 property ceases to be used for public road purposes.

1-52 SECTION 2. The real property to be exchanged under Section
 1-53 202.021(e-2), Transportation Code, as added by this Act, is the
 1-54 following tracts in Hays County:

1-55 (1) FIELD NOTE DESCRIPTION OF 1.503 ACRES OF LAND, MORE OR
 1-56 LESS, OUT OF THE PHILLIP A. SMITH SURVEY NO. 26, ABSTRACT NO. 415,
 1-57 HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 8.34 ACRE TRACT
 1-58 OF RIGHT OF WAY CONVEYED TO THE CITY OF DRIPPING SPRINGS BY DEED
 1-59 RECORDED IN VOLUME 4741, PAGE 377, OFFICIAL PUBLIC RECORDS OF HAYS
 1-60 COUNTY, TEXAS, SAID 1.503 ACRES BEING MORE PARTICULARLY DESCRIBED

2-1 BY METES AND BOUNDS AS FOLLOWS:

2-2 COMMENCING at a concrete highway monument found at a point of
2-3 curvature in the north right-of-way line of U.S. Hwy 290 (station
2-4 924+80.70) and southwest line of Lot 1, R. J. Ragland Subdivision,
2-5 as recorded in volume 194, page 347, Deed Records, Hays County,
2-6 Texas, from which a capped 1/2 inch iron [CMA 5911] set in the
2-7 curving north right-of-way line of U.S. Hwy 290 and south
2-8 right-of-way line of Hays County Road No. 320, bears S 47°19'30" E,
2-9 a distance of 275.02 feet, for the POINT OF BEGINNING of the herein
2-10 described tract;

2-11 THENCE with the south right-of-way line of said county road
2-12 and northeast line of said Lot 1, the following two (2) courses:

2-13 1) along a curve to the right, having a radius of 1,959.89
2-14 feet, an arc length of 175.39 feet, a chord bearing of N 30°31'20" W,
2-15 and a chord distance of 175.33 feet to a concrete highway monument
2-16 found at a point of non-tangency, and

2-17 2) N 27°44'46" W, a distance of 245.39 feet to a capped 1/2
2-18 inch iron rod [CMA 5911] set in the future south right-of-way line
2-19 of Roger Hanks Parkway, for the northwest corner of the herein
2-20 described tract;

2-21 THENCE over and across the right-of-way of said county road,
2-22 along said future right-of-way, along a curve to the right, having a
2-23 radius of 360.00 feet, an arc length of 100.37 feet, a chord bearing
2-24 of N 60°41'43" E, and chord distance of 100.05 feet, to a capped 1/2
2-25 inch iron rod [RPLS 4404] found in the north right-of-way line of
2-26 said county road for the northeast corner of the herein described
2-27 tract;

2-28 THENCE leaving said future right-of-way, with the north
2-29 right-of-way line of said county road and south line of that certain
2-30 142.00 acre tract conveyed to Draper Ranch Partnership by deed
2-31 recorded in volume 936, page 868, Official Public Records, Hays
2-32 County, Texas, the following two (2) courses:

2-33 1) S 27°44'46" E, a distance of 247.58 feet to a concrete
2-34 monument found for a point of curvature, and

2-35 2) along a curve to the left, having a radius of 1,858.68
2-36 feet, an arc length of 757.95 feet, a chord bearing of S 39°19'38" E,
2-37 and a chord distance of 752.71 feet, to a 1/2 inch capped iron rod
2-38 [CMA 5911] set in the east line of said 142.00 acre tract;

2-39 THENCE leaving the north right-of-way line of said county
2-40 road, with the south line of said 8.34 acre tract, the following
2-41 three (3) courses:

2-42 1) N 53°18'17" W, a distance of 357.78 feet, to a capped 1/2
2-43 inch iron rod [RPLS 4404] found for an angle point in south line of
2-44 the herein described tract,

2-45 2) N 44°57'46" W, a distance of 54.06 feet, to a Mag nail
2-46 found for an angle point in the south line of the herein described
2-47 tract, and

2-48 3) along a curve to the right, having a radius of 5,669.65
2-49 feet, an arc length of 200.79 feet, a chord bearing of N 48°50'36" W,
2-50 and a chord distance of 200.78 feet to the POINT OF BEGINNING,
2-51 containing 1.503 acres, more or less; and

2-52 (2) FIELD NOTE DESCRIPTION OF 11,604 SQUARE FEET ACRES OF
2-53 LAND, MORE OR LESS, OUT OF THE PHILLIP A. SMITH SURVEY NO. 26,
2-54 ABSTRACT NO. 415, HAYS COUNTY, TEXAS, AND BEING A PORTION OF LOT 1,
2-55 R. J. RAGLAND SUBDIVISION, HAYS COUNTY, TEXAS, AS RECORDED IN
2-56 VOLUME 194, PAGE 347, DEED RECORDS OF HAYS COUNTY, TEXAS, SAID
2-57 11,604 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND
2-58 BOUNDS AS FOLLOWS:

2-59 BEGINNING at a capped 1/2 inch iron rod [RPLS 4404] found for
2-60 the northernmost corner of said Lot 1 and easternmost corner of Lot
2-61 2 of said Ragland subdivision, in the south right-of-way line of
2-62 Hays County Road No. 320 (Old U.S. Hwy 290) for the POINT OF
2-63 BEGINNING and northernmost corner of the herein described tract;

2-64 THENCE with said south right-of-way line, S 27°44'46" E, a
2-65 distance of 88.41 feet to a capped 1/2 inch iron rod [CMA 5911] set
2-66 in the future south right-of-way line of Roger Hanks Parkway for the
2-67 easternmost corner of the herein described tract;

2-68 THENCE leaving the south right-of-way line of said county
2-69 road, with future south right-of-way line of Roger Hanks Parkway,

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

3-6 2) S 44°07'58" W, a distance of 76.04 feet, to a capped 1/2
 3-7 inch iron rod [CMA 5911] set in the north right-of-line of U.S. Hwy
 3-8 290 (100 foot wide) for the southernmost corner of the herein
 3-9 described tract;

3-10 THENCE with said north right-of-way line, N 45°52'02" W, a
 3-11 distance of 80.00 feet, to a capped 1/2 inch iron rod [CMA 5911] set
 3-12 for the westernmost corner of said Lot 1, southernmost corner of
 3-13 said Lot 2, and westernmost corner of the herein described tract;

3-14 THENCE with the common line between said Lot 1 and said Lot 2,
 3-15 N 44°07'58" E, a distance of 157.22 feet to the POINT OF BEGINNING,
 3-16 containing 11,604 square feet more or less.

3-17 (3) FIELD NOTE DESCRIPTION OF A 1.76 ACRE TRACT OF LAND OUT
 3-18 OF THE P.A.SMITH SURVEY NO. 26, HAYS COUNTY, TEXAS, BEING OUT OF A
 3-19 CALLED 142.00 ACRE TRACT OF LAND CONVEYED TO DRAPER RANCH
 3-20 PARTNERSHIP IN VOLUME 936, PAGE 868, OFFICIAL PUBLIC RECORDS OF
 3-21 HAYS COUNTY, TEXAS, SAID 1.76 ACRES BEING MORE PARTICULARLY
 3-22 DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

3-23 BEGINNING at a 1/2 inch iron rod with cap set for the
 3-24 northwest corner of the herein described tract, said iron rod being
 3-25 in the northeast corner of a called 19.21 acre tract of land
 3-26 conveyed to Hilltop Campus, LTD. In Volume 1780, Page 747, Official
 3-27 Public Records of Hays County, Texas, said iron rod being in the
 3-28 south line of a called 98.47 acre tract of land (remainder tract)
 3-29 recorded in Document No. 9926903, Official Public Records of Hays
 3-30 County, Texas;

3-31 THENCE N.89°11'23"E, with the south line of said 98.47 acre
 3-32 remainder tract and the north line of the herein described tract, a
 3-33 distance of 19.96 feet to a 1/2 inch iron rod with cap set for the
 3-34 northeast corner of the herein described tract, said iron rod being
 3-35 a northwest corner of a called 4.03 acre tract of land conveyed to
 3-36 The City of Dripping Springs, Texas in Volume 1878, Page 624,
 3-37 Official Public Records of Hays County, Texas;

3-38 THENCE S 01°18'22"E, with the west line of said 4.03 acre
 3-39 tract and the east line of said Draper Ranch Partnership remainder
 3-40 tract, a distance of 1010.94 feet to a 1/2 inch iron rod with cap set
 3-41 for the beginning of a non-tangent curve to the right;

3-42 THENCE crossing said Draper Ranch Partnership remainder
 3-43 tract, the following three (3) courses and distances;

3-44 1) with the arc of a non-tangent curve to the right, a
 3-45 distance of 396.92 feet, said curve having a radius of 440.00 feet
 3-46 and a chord bearing of S 54°49'12"W, a chord distance of 383.60 feet
 3-47 to a 1/2 inch iron rod with cap set for the end of said curve;

3-48 2) S 80°39'46"W, a distance of 223.53 feet to a 1/2 inch iron
 3-49 rod with cap set for the beginning of a curve to the left, and

3-50 3) with the arc of a curve to the left, a distance of 68.19
 3-51 feet, said curve having a radius of 360.00 feet and a chord bearing
 3-52 of S 75°14'11"W, a chord distance of 68.09 feet to a 1/2 inch iron
 3-53 rod with cap set in the east right of way of Hays County Road No. 320
 3-54 (R.O.W. varies), said iron rod being in the westerly line of said
 3-55 Draper Ranch Partnership remainder tract for the most southerly
 3-56 corner of the herein described tract, from which a concrete highway
 3-57 monument found bears S 26°42'54"E, a distance of 247.70 feet;

3-58 THENCE N 26°42'54"W, with the east right of way of Hays County
 3-59 Road No. 320, a distance of 80.43 feet to a 1/2 inch iron rod with
 3-60 cap set for the most westerly corner of the herein described tract
 3-61 and the beginning of a non-tangent curve to the right;

3-62 THENCE crossing said Draper Ranch Partnership remainder
 3-63 tract, the following four courses and distances;

3-64 1) with the arc of a non-tangent curve to the right, a
 3-65 distance of 92.48 feet, said curve having a radius of 440.00 feet
 3-66 and a chord bearing of N 74°38'29"E, a chord distance of 92.31 feet
 3-67 to a 1/2 inch iron rod with cap set for the end of said curve;

3-68 2) N 80°39'46"E, a distance of 223.53 feet to a 1/2 inch iron
 3-69 rod with cap set for the beginning of a curve to the left;

4-1 3) with the arc of a curve to the left, a distance of 515.03
4-2 feet, said curve having a radius of 360.00 feet and a chord bearing
4-3 of N 39°40'42"E, a distance of 472.22 feet to a 1/2 inch iron rod
4-4 with cap set for the end of said curve, and
4-5 4) N 01°18'22"W, a distance of 789.23 feet to the POINT OF
4-6 BEGINNING, containing 1.76 acres of land.
4-7 SECTION 3. This Act takes effect immediately if it receives
4-8 a vote of two-thirds of all the members elected to each house, as
4-9 provided by Section 39, Article III, Texas Constitution. If this
4-10 Act does not receive the vote necessary for immediate effect, this
4-11 Act takes effect September 1, 2015.

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