

By: Nichols

S.B. No. 638

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the transfer of certain state property from the Texas
3 Department of Transportation to the Shepherd Independent School
4 District; requiring the payment of certain transaction fees.

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

6 SECTION 1. (a) Not later than September 30, 2015, the Texas
7 Department of Transportation shall transfer to the Shepherd
8 Independent School District the real property described by
9 Subsection (f) of this section.

10 (b) The Shepherd Independent School District may use the
11 property transferred under this Act only for a purpose that
12 benefits the public interest of the state. If the Shepherd
13 Independent School District uses the property for any purpose other
14 than a purpose that benefits the public interest of the state, the
15 Shepherd Independent School District shall pay to the Texas
16 Department of Transportation an amount equal to the fair market
17 value of the property on the date the Shepherd Independent School
18 District begins using the property for the purpose other than a
19 purpose that benefits the public interest of the state.

20 (c) Money received by the Texas Department of
21 Transportation under Subsection (b) shall be deposited in the state
22 highway fund and used in the Texas Department of Transportation
23 district in which the property is located.

24 (d) The Texas Department of Transportation shall transfer

1 the property by an appropriate instrument of transfer. The
2 instrument of transfer must:

3 (1) provide that:

4 (A) the Shepherd Independent School District may
5 use the property only for a purpose that benefits the public
6 interest of the state; or

7 (B) if the Shepherd Independent School District
8 uses the property for any purpose other than a purpose that benefits
9 the public interest of the state, the Shepherd Independent School
10 District shall pay to the Texas Department of Transportation an
11 amount equal to the fair market value of the property on the date
12 the Shepherd Independent School District begins using the property
13 for the purpose other than a purpose that benefits the public
14 interest of the state;

15 (2) retain for the State of Texas:

16 (A) a 0.2583 acre tower site; and

17 (B) a 0.1570 acre access easement to the tower
18 site; and

19 (3) describe the property to be transferred by metes
20 and bounds.

21 (e) The Texas Department of Transportation shall retain
22 custody of the instrument of transfer after the instrument of
23 transfer is filed in the real property records of San Jacinto
24 County.

25 (f) The real property referred to in this section is
26 described as follows:

27 12.2138 acres of land, being out of and a part of that certain State

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1 of Texas called 2.47 acre tract described in Volume 60 Page 69 of
2 the San Jacinto County Deed Records (SJCCF#1951-001138) and all of
3 that certain State of Texas called 10.00 acre tract described in
4 Volume 230 Page 664 of the Official Public Records of San Jacinto
5 County (SJCCF#1983-002691), out of the William Logan Survey A-25 in
6 San Jacinto County, Texas, said 12.2138 acre tract of land being
7 more particularly described by metes and bounds as follows:

8 BEGINNING at a 5/8 inch iron rod set in a fence corner on the North
9 right-of-way line of State Highway No. 150 (100 foot wide) marking
10 the Southwest corner of that certain Judson D. Jarboe called 1.6
11 acre tract described in Volume 106 Page 346 of the San Jacinto
12 County Deed Records (SJCCF#1967-001881) and the Southeast corner of
13 said called 2.47 acre tract, same being the Most Westerly Southeast
14 corner and PLACE OF BEGINNING of the tract herein described;

15 THENCE South 81°20'16" West, with the North right-of-way line of
16 said State Highway No. 150 and the South line of said called 2.47
17 acre tract, at 30.43 feet pass a concrete nail set in asphalt
18 pavement, at 155.96 feet pass a concrete nail set in asphalt
19 pavement marking the Most Westerly Southeast corner of a 0.1570
20 acre access easement to a 0.2583 acre tower site to be retained by
21 the State of Texas, at 176.24 feet pass a concrete nail set in
22 asphalt pavement marking the Southwest corner of said 0.1570 acre
23 access easement to a 0.2583 acre tower site to be retained by the
24 State of Texas, in all a total distance of 208.70 feet to a 5/8 inch
25 iron rod set in a fence corner marking the Southeast corner of that
26 certain City of Shepherd called 16 acre tract described in Volume
27 137 Page 757 of the Official Public Records of San Jacinto County

1 (SJCCF#1991-005476) and the Southwest corner of said called 2.47
2 acre tract, same being the Most Easterly Southwest corner of the
3 tract herein described;

4 THENCE North 00°57'32" East, with the fenced East line of said
5 called 16 acre tract, same being the fenced West line of said called
6 2.47 acre tract, a distance of 538.92 feet to a chain link fence
7 corner post found on the South line of said called 10.00 acre tract
8 marking a corner of said called 10.00 acre tract, the Northeast
9 corner of said called 16 acre tract and the Northwest corner of said
10 called 2.47 acre tract, same being a Re-entrant corner of the tract
11 herein described;

12 THENCE South 89°54'46" West, with the fenced North line of said
13 called 16 acre tract, same being the fenced South line of said
14 called 10.00 acre tract, a distance of 520.78 feet to a 3 inch
15 square concrete monument found in a fence corner marking the
16 Southeast corner of that certain Michael Flynn, Jr., et al. called
17 26.742 acre tract described in San Jacinto County Clerk File
18 No. 2005-006416 of the Official Public Records of San Jacinto
19 County and the Southwest corner of said called 10.00 acre tract,
20 same being the Most Northerly Southwest corner of the tract herein
21 described (the above mentioned fence is a chain link fence that is
22 approximately One foot North of the property line);

23 THENCE North 00°52'32" West, with the fenced East line of said
24 called 26.742 acre tract, same being the fenced West line of said
25 called 10.00 acre tract, a distance of 583.95 feet to a 3 inch
26 square concrete monument found in a fence corner on the South line
27 of that certain Bernard B. Kendall called 10.645 acre tract

1 described in Volume 213 Page 281 of the San Jacinto County Deed
2 Records (SJCCF#1982-000549) marking the Northeast corner of said
3 called 26.742 acre tract and the Northwest corner of said called
4 10.00 acre tract, same being the Northwest corner of the tract
5 herein described (the above mentioned fence is a chain link fence
6 that is approximately One foot East of the property line);
7 THENCE North 89°35'07" East, with the fenced South line of said
8 called 10.645 acre tract, same being the fenced North line of said
9 called 10.00 acre tract, a distance of 334.20 feet to a 1/2 inch
10 iron rod found marking the Southeast corner of said called 10.645
11 acre tract, the Southwest corner of that certain George W. Cox, et
12 ux. called 10.66 acre tract described in Volume 123 Page 657 of the
13 Official Public Records of San Jacinto County (SJCCF#1991-001094)
14 and a corner of said called 10.00 acre tract, same being a corner of
15 the tract herein described (the above mentioned fence is a chain
16 link fence that is approximately One foot South of the property
17 line);
18 THENCE North 89°20'11" East, with the fenced South line of said
19 called 10.66 acre tract, same being the fenced North line of said
20 called 10.00 acre tract, a distance of 420.05 feet to a 3 inch
21 square concrete monument found in a fence corner marking the
22 Northwest corner of that certain Glennon M. Dillon, et ux. called
23 5.09 acre tract described in San Jacinto County Clerk File
24 No. 2004-004887 of the Official Public Records of San Jacinto
25 County and the Northeast corner of said called 10.00 acre tract,
26 same being the Northeast corner of the tract herein described (the
27 above mentioned fence is a chain link fence that is approximately

1 One foot South of the property line);
2 THENCE South 01°23'09" West, with the fenced West line of said
3 called 5.09 acre tract, same being the fenced East line of said
4 called 10.00 acre tract, at 531.10 feet pass the Northwest corner of
5 a called sixty (60) foot wide ingress/egress easement described in
6 San Jacinto County Clerk File No. 2004-004887 of the Official
7 Public Records of San Jacinto County, in all a total distance of
8 591.60 feet to a 3 inch square concrete monument found in a fence
9 corner on the North line of said called 1.6 acre tract marking the
10 Southwest corner of said called 5.09 acre tract, the Southwest
11 corner of said called sixty (60) foot wide ingress/egress easement
12 and the Southeast corner of said called 10.00 acre tract, same being
13 the Most Northerly Southeast corner of the tract herein described
14 (the above mentioned fence is a chain link fence that is
15 approximately One foot West of the property line);
16 THENCE South 84°28'26" West, with the fenced North line of said
17 called 1.6 acre tract, same being the fenced South line of said
18 called 10.00 acre tract, a distance of 4.42 feet to a chain link
19 fence corner post found marking the Northwest corner of said called
20 1.6 acre tract, a corner of said called 10.00 acre tract and the
21 Northeast corner of said called 2.47 acre tract, same being a
22 Re-entrant corner of the tract herein described
23 THENCE South 00°57'49" West, with the fenced West line of said
24 called 1.6 acre tract, same being the fenced East line of said
25 called 2.47 acre tract, a distance of 140.69 feet to a 5/8 inch iron
26 rod set marking the Northeast corner of said 0.2583 acre tower site
27 to be retained by the State of Texas, same being a corner of the

1 tract herein described (from said set 5/8 inch iron rod a 5/8 inch
2 iron rod set in a fence corner on the North right-of-way line of
3 said State Highway No. 150 marking the Southeast corner of said
4 called 2.47 acre tract bears South 00°57'49" West 365.33 feet);
5 THENCE North 89°02'11" West, crossing said called 2.47 ace tract
6 perpendicular to the fenced West line of said called 1.6 acre tract,
7 same being the fenced East line of said called 2.47 acre tract, with
8 the North line of said 0.2583 acre tower site to be retained by the
9 State of Texas, a distance of 75.00 feet to a concrete nail set in
10 asphalt pavement marking the Northwest corner of said 0.2583 acre
11 tower site to be retained by the State of Texas, same being a
12 Re-entrant corner of the tract herein described;
13 THENCE South 00°57'49" West, crossing said called 2.47 acre tract
14 parallel with and 75.00 feet West of the fenced West line of said
15 called 1.6 acre tract, same being the fenced East line of said
16 called 2.47 acre tract, with the West line of said 0.2583 acre tower
17 site to be retained by the State of Texas, at 130.00 feet pass a
18 concrete nail set in asphalt pavement marking the Northeast corner
19 of said 0.1570 acre access easement to said 0.2583 acre tower site
20 to be retained by the State of Texas, in all a total distance of
21 150.00 feet to a concrete nail set in asphalt pavement marking the
22 Most Northerly Southeast corner of said 0.1570 acre access easement
23 to said 0.2583 acre tower site to be retained by the State of Texas
24 and the Southwest corner of said 0.2583 acre tower site to be
25 retained by the State of Texas, same being a Re-entrant corner of
26 the tract herein described;
27 THENCE South 89°02'11" East, crossing said called 2.47 acre tract

1 perpendicular to the fenced West line of said called 1.6 acre tract,
2 same being the fenced East line of said called 2.47 acre tract, with
3 the South line of said 0.2583 acre tower site to be retained by the
4 State of Texas, at 45.00 feet pass a 5/8 inch iron rod set as a
5 reference point, in all a total distance of 75.00 feet to a 5/8 inch
6 iron rod set on the fenced West line of said called 1.6 acre tract,
7 same being the fenced East line of said called 2.47 acre tract,
8 marking the Southeast corner of said 0.2583 acre tower site to be
9 retained by the State of Texas, same being a corner of the tract
10 herein described;

11 THENCE South 00°57'49" West, with the fenced West line of said
12 called 1.6 acre tract, same being the fenced East line of said
13 called 2.47 acre tract, a distance of 215.33 feet to the PLACE OF
14 BEGINNING and containing 12.2138 acres of land, more of less.

15 The above described tract is a 12.4721 acre tract, being all of that
16 certain State of Texas called 2.47 acre tract described in Volume 60
17 Page 69 of the San Jacinto County Deed Records (SJCCF#1951-001138)
18 and all of that certain State of Texas called 10.00 acre tract
19 described in Volume 230 Page 664 of the Official Public Records of
20 San Jacinto County (SJCCF#1983-002691), out of the William Logan
21 Survey A-25 in San Jacinto County, SAVE AND EXCEPT, a 0.2583 acre
22 tower site out of said called 2.47 acre tract to be retained by the
23 State of Texas as Texas, resulting in 12.2138 acres of land, more or
24 less.

25 (g) The Shepherd Independent School District shall pay any
26 transaction fees resulting from the transfer of property under this
27 Act.

1 SECTION 2. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2015.