

1-1 By: Nichols S.B. No. 638
 1-2 (In the Senate - Filed February 19, 2015; February 24, 2015,
 1-3 read first time and referred to Committee on Transportation;
 1-4 March 23, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; March 23, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
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 S.B. No. 638 By: Nichols

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

1-21 relating to the transfer of certain state property from the Texas
 1-22 Department of Transportation to the Shepherd Independent School
 1-23 District; requiring the payment of certain transaction fees.

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

1-25 SECTION 1. (a) Not later than September 30, 2015, the
 1-26 Texas Department of Transportation shall transfer to the Shepherd
 1-27 Independent School District the real property described by
 1-28 Subsection (f) of this section.

1-29 (b) The Shepherd Independent School District may use the
 1-30 property transferred under this Act only for a purpose that
 1-31 benefits the public interest of the state. If the Shepherd
 1-32 Independent School District uses the property for any purpose other
 1-33 than a purpose that benefits the public interest of the state, the
 1-34 Shepherd Independent School District shall pay to the Texas
 1-35 Department of Transportation an amount equal to the fair market
 1-36 value of the property on the date the Shepherd Independent School
 1-37 District begins using the property for the purpose other than a
 1-38 purpose that benefits the public interest of the state, less the
 1-39 amount that the Shepherd Independent School District paid to the
 1-40 Texas Department of Transportation under Subsection (c) of this
 1-41 section.

1-42 (c) On the effective date of the transfer authorized under
 1-43 Subsection (a) of this section, the Shepherd Independent School
 1-44 District shall pay an amount to reimburse the Texas Department of
 1-45 Transportation for the department's actual costs to acquire the
 1-46 property. If the Texas Department of Transportation cannot
 1-47 determine that amount, the amount shall be determined based on the
 1-48 average historical property acquisition values for property
 1-49 located in proximity to the property described by Subsection (f) of
 1-50 this section on the date of original acquisition of the property by
 1-51 the Texas Department of Transportation. Money received by the
 1-52 Texas Department of Transportation under this subsection shall be
 1-53 deposited in the state highway fund and used in the Texas Department
 1-54 of Transportation district in which the property is located.

1-55 (d) The Texas Department of Transportation shall transfer
 1-56 the property by an appropriate instrument of transfer. The
 1-57 instrument of transfer must:

1-58 (1) provide that:

1-59 (A) the Shepherd Independent School District may
 1-60 use the property only for a purpose that benefits the public

2-1 interest of the state; or
 2-2 (B) if the Shepherd Independent School District
 2-3 uses the property for any purpose other than a purpose that benefits
 2-4 the public interest of the state, the Shepherd Independent School
 2-5 District shall pay to the Texas Department of Transportation an
 2-6 amount equal to the fair market value of the property on the date
 2-7 the Shepherd Independent School District begins using the property
 2-8 for the purpose other than a purpose that benefits the public
 2-9 interest of the state, less the amount paid to the Texas Department
 2-10 of Transportation under Subsection (c) of this section;
 2-11 (2) retain for the State of Texas:
 2-12 (A) a 0.2583 acre tower site; and
 2-13 (B) a 0.1570 acre access easement to the tower
 2-14 site; and
 2-15 (3) describe the property to be transferred by metes
 2-16 and bounds.
 2-17 (e) The Texas Department of Transportation shall retain
 2-18 custody of the instrument of transfer after the instrument of
 2-19 transfer is filed in the real property records of San Jacinto
 2-20 County.
 2-21 (f) The real property referred to in this section is
 2-22 described as follows:
 2-23 12.2138 acres of land, being out of and a part of that certain State
 2-24 of Texas called 2.47 acre tract described in Volume 60 Page 69 of
 2-25 the San Jacinto County Deed Records (SJCCF#1951-001138) and all of
 2-26 that certain State of Texas called 10.00 acre tract described in
 2-27 Volume 230 Page 664 of the Official Public Records of San Jacinto
 2-28 County (SJCCF#1983-002691), out of the William Logan Survey A-25 in
 2-29 San Jacinto County, Texas, said 12.2138 acre tract of land being
 2-30 more particularly described by metes and bounds as follows:
 2-31 BEGINNING at a 5/8 inch iron rod set in a fence corner on the North
 2-32 right-of-way line of State Highway No. 150 (100 foot wide) marking
 2-33 the Southwest corner of that certain Judson D. Jarboe called 1.6
 2-34 acre tract described in Volume 106 Page 346 of the San Jacinto
 2-35 County Deed Records (SJCCF#1967-001881) and the Southeast corner of
 2-36 said called 2.47 acre tract, same being the Most Westerly Southeast
 2-37 corner and PLACE OF BEGINNING of the tract herein described;
 2-38 THENCE South 81°20'16" West, with the North right-of-way line of
 2-39 said State Highway No. 150 and the South line of said called 2.47
 2-40 acre tract, at 30.43 feet pass a concrete nail set in asphalt
 2-41 pavement, at 155.96 feet pass a concrete nail set in asphalt
 2-42 pavement marking the Most Westerly Southeast corner of a 0.1570
 2-43 acre access easement to a 0.2583 acre tower site to be retained by
 2-44 the State of Texas, at 176.24 feet pass a concrete nail set in
 2-45 asphalt pavement marking the Southwest corner of said 0.1570 acre
 2-46 access easement to a 0.2583 acre tower site to be retained by the
 2-47 State of Texas, in all a total distance of 208.70 feet to a 5/8 inch
 2-48 iron rod set in a fence corner marking the Southeast corner of that
 2-49 certain City of Shepherd called 16 acre tract described in Volume
 2-50 137 Page 757 of the Official Public Records of San Jacinto County
 2-51 (SJCCF#1991-005476) and the Southwest corner of said called 2.47
 2-52 acre tract, same being the Most Easterly Southwest corner of the
 2-53 tract herein described;
 2-54 THENCE North 00°57'32" East, with the fenced East line of said
 2-55 called 16 acre tract, same being the fenced West line of said called
 2-56 2.47 acre tract, a distance of 538.92 feet to a chain link fence
 2-57 corner post found on the South line of said called 10.00 acre tract
 2-58 marking a corner of said called 10.00 acre tract, the Northeast
 2-59 corner of said called 16 acre tract and the Northwest corner of said
 2-60 called 2.47 acre tract, same being a Re-entrant corner of the tract
 2-61 herein described;
 2-62 THENCE South 89°54'46" West, with the fenced North line of said
 2-63 called 16 acre tract, same being the fenced South line of said
 2-64 called 10.00 acre tract, a distance of 520.78 feet to a 3 inch
 2-65 square concrete monument found in a fence corner marking the
 2-66 Southeast corner of that certain Michael Flynn, Jr., et al. called
 2-67 26.742 acre tract described in San Jacinto County Clerk File
 2-68 No. 2005-006416 of the Official Public Records of San Jacinto
 2-69 County and the Southwest corner of said called 10.00 acre tract,

3-1 same being the Most Northerly Southwest corner of the tract herein
3-2 described (the above mentioned fence is a chain link fence that is
3-3 approximately One foot North of the property line);
3-4 THENCE North 00°52'32" West, with the fenced East line of said
3-5 called 26.742 acre tract, same being the fenced West line of said
3-6 called 10.00 acre tract, a distance of 583.95 feet to a 3 inch
3-7 square concrete monument found in a fence corner on the South line
3-8 of that certain Bernard B. Kendall called 10.645 acre tract
3-9 described in Volume 213 Page 281 of the San Jacinto County Deed
3-10 Records (SJCCF#1982-000549) marking the Northeast corner of said
3-11 called 26.742 acre tract and the Northwest corner of said called
3-12 10.00 acre tract, same being the Northwest corner of the tract
3-13 herein described (the above mentioned fence is a chain link fence
3-14 that is approximately One foot East of the property line);
3-15 THENCE North 89°35'07" East, with the fenced South line of said
3-16 called 10.645 acre tract, same being the fenced North line of said
3-17 called 10.00 acre tract, a distance of 334.20 feet to a 1/2 inch
3-18 iron rod found marking the Southeast corner of said called 10.645
3-19 acre tract, the Southwest corner of that certain George W. Cox, et
3-20 ux. called 10.66 acre tract described in Volume 123 Page 657 of the
3-21 Official Public Records of San Jacinto County (SJCCF#1991-001094)
3-22 and a corner of said called 10.00 acre tract, same being a corner of
3-23 the tract herein described (the above mentioned fence is a chain
3-24 link fence that is approximately One foot South of the property
3-25 line);
3-26 THENCE North 89°20'11" East, with the fenced South line of said
3-27 called 10.66 acre tract, same being the fenced North line of said
3-28 called 10.00 acre tract, a distance of 420.05 feet to a 3 inch
3-29 square concrete monument found in a fence corner marking the
3-30 Northwest corner of that certain Glennon M. Dillon, et ux. called
3-31 5.09 acre tract described in San Jacinto County Clerk File
3-32 No. 2004-004887 of the Official Public Records of San Jacinto
3-33 County and the Northeast corner of said called 10.00 acre tract,
3-34 same being the Northeast corner of the tract herein described (the
3-35 above mentioned fence is a chain link fence that is approximately
3-36 One foot South of the property line);
3-37 THENCE South 01°23'09" West, with the fenced West line of said
3-38 called 5.09 acre tract, same being the fenced East line of said
3-39 called 10.00 acre tract, at 531.10 feet pass the Northwest corner of
3-40 a called sixty (60) foot wide ingress/egress easement described in
3-41 San Jacinto County Clerk File No. 2004-004887 of the Official
3-42 Public Records of San Jacinto County, in all a total distance of
3-43 591.60 feet to a 3 inch square concrete monument found in a fence
3-44 corner on the North line of said called 1.6 acre tract marking the
3-45 Southwest corner of said called 5.09 acre tract, the Southwest
3-46 corner of said called sixty (60) foot wide ingress/egress easement
3-47 and the Southeast corner of said called 10.00 acre tract, same being
3-48 the Most Northerly Southeast corner of the tract herein described
3-49 (the above mentioned fence is a chain link fence that is
3-50 approximately One foot West of the property line);
3-51 THENCE South 84°28'26" West, with the fenced North line of said
3-52 called 1.6 acre tract, same being the fenced South line of said
3-53 called 10.00 acre tract, a distance of 4.42 feet to a chain link
3-54 fence corner post found marking the Northwest corner of said called
3-55 1.6 acre tract, a corner of said called 10.00 acre tract and the
3-56 Northeast corner of said called 2.47 acre tract, same being a
3-57 Re-entrant corner of the tract herein described
3-58 THENCE South 00°57'49" West, with the fenced West line of said
3-59 called 1.6 acre tract, same being the fenced East line of said
3-60 called 2.47 acre tract, a distance of 140.69 feet to a 5/8 inch iron
3-61 rod set marking the Northeast corner of said 0.2583 acre tower site
3-62 to be retained by the State of Texas, same being a corner of the
3-63 tract herein described (from said set 5/8 inch iron rod a 5/8 inch
3-64 iron rod set in a fence corner on the North right-of-way line of
3-65 said State Highway No. 150 marking the Southeast corner of said
3-66 called 2.47 acre tract bears South 00°57'49" West 365.33 feet);
3-67 THENCE North 89°02'11" West, crossing said called 2.47 ace tract
3-68 perpendicular to the fenced West line of said called 1.6 acre tract,
3-69 same being the fenced East line of said called 2.47 acre tract, with

4-1 the North line of said 0.2583 acre tower site to be retained by the
4-2 State of Texas, a distance of 75.00 feet to a concrete nail set in
4-3 asphalt pavement marking the Northwest corner of said 0.2583 acre
4-4 tower site to be retained by the State of Texas, same being a
4-5 Re-entrant corner of the tract herein described;
4-6 THENCE South 00°57'49" West, crossing said called 2.47 acre tract
4-7 parallel with and 75.00 feet West of the fenced West line of said
4-8 called 1.6 acre tract, same being the fenced East line of said
4-9 called 2.47 acre tract, with the West line of said 0.2583 acre tower
4-10 site to be retained by the State of Texas, at 130.00 feet pass a
4-11 concrete nail set in asphalt pavement marking the Northeast corner
4-12 of said 0.1570 acre access easement to said 0.2583 acre tower site
4-13 to be retained by the State of Texas, in all a total distance of
4-14 150.00 feet to a concrete nail set in asphalt pavement marking the
4-15 Most Northerly Southeast corner of said 0.1570 acre access easement
4-16 to said 0.2583 acre tower site to be retained by the State of Texas
4-17 and the Southwest corner of said 0.2583 acre tower site to be
4-18 retained by the State of Texas, same being a Re-entrant corner of
4-19 the tract herein described;
4-20 THENCE South 89°02'11" East, crossing said called 2.47 acre tract
4-21 perpendicular to the fenced West line of said called 1.6 acre tract,
4-22 same being the fenced East line of said called 2.47 acre tract, with
4-23 the South line of said 0.2583 acre tower site to be retained by the
4-24 State of Texas, at 45.00 feet pass a 5/8 inch iron rod set as a
4-25 reference point, in all a total distance of 75.00 feet to a 5/8 inch
4-26 iron rod set on the fenced West line of said called 1.6 acre tract,
4-27 same being the fenced East line of said called 2.47 acre tract,
4-28 marking the Southeast corner of said 0.2583 acre tower site to be
4-29 retained by the State of Texas, same being a corner of the tract
4-30 herein described;
4-31 THENCE South 00°57'49" West, with the fenced West line of said
4-32 called 1.6 acre tract, same being the fenced East line of said
4-33 called 2.47 acre tract, a distance of 215.33 feet to the PLACE OF
4-34 BEGINNING and containing 12.2138 acres of land, more or less.
4-35 The above described tract is a 12.4721 acre tract, being all of that
4-36 certain State of Texas called 2.47 acre tract described in Volume 60
4-37 Page 69 of the San Jacinto County Deed Records (SJCCF#1951-001138)
4-38 and all of that certain State of Texas called 10.00 acre tract
4-39 described in Volume 230 Page 664 of the Official Public Records of
4-40 San Jacinto County (SJCCF#1983-002691), out of the William Logan
4-41 Survey A-25 in San Jacinto County, SAVE AND EXCEPT, a 0.2583 acre
4-42 tower site out of said called 2.47 acre tract to be retained by the
4-43 State of Texas as Texas, resulting in 12.2138 acres of land, more or
4-44 less.

4-45 (g) The Shepherd Independent School District shall pay any
4-46 transaction fees resulting from the transfer of property under this
4-47 Act.

4-48 SECTION 2. This Act takes effect immediately if it receives
4-49 a vote of two-thirds of all the members elected to each house, as
4-50 provided by Section 39, Article III, Texas Constitution. If this
4-51 Act does not receive the vote necessary for immediate effect, this
4-52 Act takes effect September 1, 2015.

4-53 * * * * *