

**House Bill 1738**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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;

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

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

SECTION 2. The real property to be exchanged under Section 202.021(e-2), Transportation Code, as added by this

SENATE VERSION (CS)

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

(e-2) A municipality that received a grant of highway right-of-way from the department on June 12, 2013, 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;

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

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

SECTION 2. The real property to be exchanged under Section 202.021(e-2), Transportation Code, as added by this

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Act are the following tracts in Hays County:

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

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

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

- 1) along a curve to the right, having a radius of 1,959.86 feet, an arc length of 175.58 feet, a chord bearing of N 30°25'51" W, and a chord distance of 175.52 feet to a concrete highway monument found at a point of non-tangency, and
- 2) N 27°44'46" W, a distance of 245.39 feet to a capped 1/2 inch iron rod [CMA 5911] set in the future south right-of-way line of Roger Hanks Parkway, for the northwest corner of the herein described tract;

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Act, is the following tracts in Hays County:

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

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

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

- 1) along a curve to the right, having a radius of 1,959.89 feet, an arc length of 175.39 feet, a chord bearing of N 30°31'20" W, and a chord distance of 175.33 feet to a concrete highway monument found at a point of non-tangency, and
- 2) N 27°44'46" W, a distance of 245.39 feet to a capped 1/2 inch iron rod [CMA 5911] set in the future south right-of-way line of Roger Hanks Parkway, for the northwest corner of the herein described tract;

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

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

- 1) S 27°44'46" E, a distance of 247.58 feet to a concrete monument found for a point of curvature, and
- 2) along a curve to the left, having a radius of 1,859.86 feet, an arc length of 280.53 feet, a chord bearing of S 32°04'02" E, and a chord distance of 280.26 feet, to a 1/2 inch capped iron rod [CMA 5911] set in the deed line of said 142.00 acre tract;

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

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

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

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

- 1) S 27°44'46" E, a distance of 247.58 feet to a concrete monument found for a point of curvature, and
- 2) along a curve to the left, having a radius of 1,858.68 feet, an arc length of 757.95 feet, a chord bearing of S 39°19'38" E, and a chord distance of 752.71 feet, to a 1/2 inch capped iron rod [CMA 5911] set in the east line of said 142.00 acre tract;

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

- 1) N 53°18'17" W, a distance of 357.78 feet, to a capped 1/2 inch iron rod [RPLS 4404] found for an angle point in south line of the herein described tract,
- 2) N 44°57'46" W, a distance of 54.06 feet, to a Mag nail found for an angle point in the south line of the herein described tract, and
- 3) along a curve to the right, having a radius of 5,669.65 feet, an arc length of 200.79 feet, a chord bearing of N 48°50'36"

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

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

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

THENCE leaving the south right-of-way line of said county road, with future south right-of-way line of Roger Hanks Parkway, over and across said Lot 1, the following two (2) courses:

- 1) along a curve to the left, having a radius of 360.00 feet, an arc length of 53.88 feet, a chord bearing of S 48°25'13" W, and a chord distance of 53.83 feet to a capped 1/2 inch iron rod [CMA 5911] set for a point of tangency, and
- 2) S 44°07'58" W, a distance of 76.04 feet, to a capped 1/2

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W, and a chord distance of 200.78 feet to the POINT OF BEGINNING, containing 1.503 acres, more or less; and

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

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

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

THENCE leaving the south right-of-way line of said county road, with future south right-of-way line of Roger Hanks Parkway, over and across said Lot 1, the following two (2) courses:

- 1) along a curve to the left, having a radius of 360.00 feet, an arc length of 53.88 feet, a chord bearing of S 48°25'13" W, and a chord distance of 53.83 feet to a capped 1/2 inch iron rod [CMA 5911] set for a point of tangency, and
- 2) S 44°07'58" W, a distance of 76.04 feet, to a capped 1/2

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inch iron rod [CMA 5911] set in the north right-of-line of U.S. Hwy 290 (100 foot wide) for the southernmost corner of the herein described tract;

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

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

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inch iron rod [CMA 5911] set in the north right-of-line of U.S. Hwy 290 (100 foot wide) for the southernmost corner of the herein described tract;

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

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

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

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

THENCE N.89°11'23"E, with the south line of said 98.47 acre remainder tract and the north line of the herein described tract, a distance of 19.96 feet to a 1/2 inch iron rod with cap set for the northeast corner of the herein described tract, said iron rod

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being a northwest corner of a called 4.03 acre tract of land conveyed to The City of Dripping Springs, Texas in Volume 1878, Page 624, Official Public Records of Hays County, Texas;

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

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

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

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

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

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

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

- 1) with the arc of a non-tangent curve to the right, a distance of 92.48 feet, said curve having a radius of 440.00 feet and a chord bearing of N 74°38'29"E, a chord distance of 92.31 feet to a 1/2 inch iron rod with cap set for the end of said curve;
- 2) N 80°39'46"E, a distance of 223.53 feet to a 1/2 inch iron rod with cap set for the beginning of a curve to the left;
- 3) with the arc of a curve to the left, a distance of 515.03 feet, said curve having a radius of 360.00 feet and a chord bearing of N 39°40'42"E, a distance of 472.22 feet to a 1/2 inch iron rod with cap set for the end of said curve, and
- 4) N 01°18'22"W, a distance of 789.23 feet to the POINT OF BEGINNING, containing 1.76 acres of land.

SECTION 3. Same as House version.

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