

By: Guillen

H.B. No. 1053

Substitute the following for H.B. No. 1053:

By: Martinez

C.S.H.B. No. 1053

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the disposition of real property interests by the  
3 Willacy County Navigation District.

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

5 SECTION 1. Chapter 404, Acts of the 53rd Legislature,  
6 Regular Session, 1953, is amended by adding Section 11 to read as  
7 follows:

8 Sec. 11. (a) The District may sell, exchange, or lease  
9 real property or any interest in real property owned by it, whether  
10 the real property was acquired by gift or purchase, in settlement of  
11 any litigation, controversy, or claim in behalf of the District, or  
12 in any other manner, except that lands or flats heretofore  
13 purchased from the State of Texas under former Article 8225,  
14 Revised Civil Statutes of Texas, 1925, or granted by the State of  
15 Texas in any general or special act, may be sold only to the State of  
16 Texas or exchanged with the State of Texas for other lands or  
17 exchanged for adjacent littoral land as authorized by Section  
18 61.117, Water Code. The District may impose restrictions on the  
19 development, use, and transfer of any real property or interest in  
20 real property in connection with its sale or exchange under this  
21 section.

22 (b) Except as provided by Subsection (d) of this section,  
23 before the District may sell or exchange real property, the Board  
24 shall determine by resolution that the land is no longer needed for

1 use by the District in connection with the development of a  
2 navigation project.

3 (c) Except as provided by Subsection (d), (e), or (f) of  
4 this section, a sale or exchange of real property shall be made as  
5 provided by Sections 60.040-60.042, Water Code.

6 (d) The District may donate, exchange, convey, sell, or  
7 lease land, improvements, easements, or any other interests in real  
8 property to an electric utility, as that term is defined by Section  
9 31.002, Utilities Code, or a telecommunications utility, as that  
10 term is defined by Section 51.002, Utilities Code, to promote a  
11 public purpose related to the development of the District. The  
12 District shall determine the terms and conditions of the  
13 transaction so as to:

14 (1) achieve the public purpose; and  
15 (2) be consistent with the requirements of Title 2,  
16 Utilities Code.

17 (e) The District may donate, exchange, convey, sell, or  
18 lease a real property interest under Subsection (d) of this section  
19 for less than its fair market value and without complying with the  
20 notice and bidding requirements of Sections 60.040-60.042, Water  
21 Code.

22 (f) Narrow strips of real property resulting from boundary  
23 or surveying conflicts or similar causes, or from insubstantial  
24 encroachments by abutting real property owners, or real property of  
25 larger configuration that has been subject to encroachments by  
26 abutting real property owners for more than 25 years may be  
27 abandoned, released, exchanged, or transferred to such abutting

1 owners on terms and conditions considered appropriate or  
2 advantageous to the District. The District may convey real  
3 property under this subsection for less than its fair market value  
4 and without complying with the notice and bidding requirements of  
5 Sections 60.040-60.042, Water Code.

6 (g) The District may grant easements over, on, or under its  
7 real property on terms and conditions the Board determines to be  
8 advantageous to the District.

9 (h) The authority granted to the District by this section to  
10 dispose of interests in real property is in addition to any  
11 authority granted by Chapter 272, Local Government Code, and a  
12 disposition of an interest in real property under this section is  
13 exempt from the notice, bidding, and other requirements of Chapter  
14 272, Local Government Code.

15 SECTION 2. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2019.