

SENATE AMENDMENTS

2nd Printing

By: Howard

H.B. No. 2978

A BILL TO BE ENTITLED

AN ACT

relating to an agreement between the Texas State Library and Archives Commission and the City of Austin regarding an easement across commission property.

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

SECTION 1. Subchapter A, Chapter 441, Government Code, is amended by adding Section 441.0165 to read as follows:

Sec. 441.0165. EASEMENT OVER COMMISSION PROPERTY. (a) The commission and the City of Austin shall enter into an agreement under which the city may use any amount credited in favor of the city under Section 2166.052(c) to acquire, for a reasonable value, an easement across commission property.

(b) The use of any amount credited in favor of the City of Austin under Subsection (a) is subject to approval by the Texas Facilities Commission.

(c) Section 272.001, Local Government Code, does not apply to a transaction governed by this section.

SECTION 2. 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, 2019.

ADOPTED

MAY 22 2019

By: Howard Watson

Henry S. Grew
S.B. No. 2978
Secretary of the Senate

Substitute the following for ____ .B. No. ____ :

By: Mr. Lee Nichols

C.S. ____ .B. No. ____

A BILL TO BE ENTITLED

AN ACT

relating to granting an easement to the City of Austin.

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

SECTION 1. (a) Subject to Subsection (b) of this section, as soon as practicable after the effective date of this Act, the General Land Office on behalf of the State of Texas shall grant to the City of Austin, by an appropriate instrument of conveyance, a permanent easement in the property owned by the State of Texas and described by Subsection (d) of this section.

(b) Consideration for the easement to be granted under Subsection (a) of this section is the requirement that the City of Austin use the easement primarily to promote a public purpose of the state by using the easement primarily as a sidewalk, trail, and recreation easement and thereby promoting public health and general welfare and providing recreation, beautification, and civic improvement. The easement automatically terminates if the City of Austin:

(1) uses the easement in a manner that fails to promote a public purpose of the state described by this subsection of this section; or

(2) sells or transfers all or any part of the easement.

(c) The City of Austin shall reimburse the General Land Office for the expenses incurred by the General Land Office in connection with granting the easement under this section of this

Act.

(d) The easement referred to in this section is in the property described as follows:

DESCRIPTION OF A 0.667 OF ONE ACRE TRACT OF LAND
LOCATED IN THE GEORGE W. SPEAR SURVEY, ABSTRACT NO. 697,
TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT OF
LAND CONVEYED TO S. ROSS, GOVERNOR OF THE STATE OF TEXAS
AND HIS SUCCESSORS IN OFFICE FOR THE USE AND BENEFIT OF
THE STATE OF TEXAS AS RECORDED IN VOLUME 76, PAGE 225,
OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID TRACT
OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND
BOUNDS AS FOLLOWS:

BEGINNING, at a 60d nail found in the north line of that 1.51 acre tract of land conveyed to the City of Austin in a Gift Deed Of Land recorded in Volume 5154, Page 2230, of said Deed Records, same being a corner in the easterly line of THE GROVE AT SHOAL CREEK, according to the map or plat thereof recorded in Document No. 201800146, of the Official Public Records of said County, and the northwest corner of the herein described tract, from which a 1/2 inch iron rod found for the northwest corner of said 1.51 acre tract, bears North 62°26'39" West, a distance of 41.93 feet;
THENCE, North 01°22'52" East (bearing basis), with said easterly line of THE GROVE AT SHOAL CREEK, a distance of 151.80 feet to the northwest corner of the herein described tract, from which a, X mark in rock found for a corner in said easterly line bears, North 01°22'52" East, a distance of 362.51 feet;
THENCE, departing said easterly line and over and across said State

1 of Texas tract the following four (4) courses and distances:

2 1. South 85°36'10" East,, a distance of 130.18 feet;

3 2. South 01°22'52" West, a distance of 149.86 feet to the to

4 the beginning of a curve to the left;

5 3. With said curve to the left, having a radius of 50.00

6 feet, an arc length of 55.70 feet, a delta angle of 63°49'31", and

7 a chord which bears South 30°31'53 East, a distance of 52.86 feet

8 to the end of said curve;

9 4. South 62°26'39" East, a distance of 191.49 feet to the

10 northeast corner of the herein described tract, being in the

11 curving west right-of-way line of Shoal Creek Boulevard (80' right-

12 of-way - no dedication found), from which a 1/2 inch iron rod found

13 for the common west corner of Lot 1 and Lot 2, SHOAL CREEK VILLAGE,

14 according to the map or plat thereof recorded in Volume 97, Page

15 35, of said Plat Records, bears South 83°30'05' East a distance of

16 84.97 feet;

17 THENCE, with said west right-of-way line and with said non-tangent

18 curve to the left, having a radius of 318.41 feet, an arc length

19 of 25.15 feet, a delta angle of 04°31'32", and a chord which bears

20 South 21°25'26" West, a distance of 25.14 feet to the southeast

21 corner of the herein described tract, same being the northeast

22 corner of Lot 5, SHOAL COURTS, according to the map or plat thereof

23 recorded in Volume 6, Page 280, of said Plat Records;

24 THENCE, North 62°26'39" West, with the north line of said Lot 5,

25 passing a 1/2 inch iron rod found in a concrete retaining wall for

26 the northwest corner of said Lot 5 and the northeast corner of

27 said 1.51 acre tract at a distance of 155.49 (record 155.75) feet

1 and continuing for a total distance of 357.88 feet the POINT OF
2 BEGINNING containing 0.667 of one acre of land within these metes
3 and bounds.

4 Subject tract described herein is an easement. No monumentation
5 set for corners.

6 Bearing Basis: Easterly line of said THE GROVE AT SHOAL CREEK.
7 North 01°22'52" East

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 22, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2978 by Howard (Relating to granting an easement to the City of Austin.), **As Passed**
2nd House

No significant fiscal implication to the State is anticipated.

According to analysis provided by the General Land Office, any costs associated with the bill could be absorbed within the agency's existing resources.

Local Government Impact

The City of Austin does not anticipate a fiscal impact.

Source Agencies: 305 General Land Office and Veterans' Land Board

LBB Staff: WP, SD, CLo, NV, LLo, AF, PBO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 20, 2019

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2978 by Howard (Relating to granting an easement to the City of Austin.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

According to analysis provided by the General Land Office, any costs associated with the bill could be absorbed within the agency's existing resources.

Local Government Impact

The City of Austin does not anticipate a fiscal impact.

Source Agencies: 305 General Land Office and Veterans' Land Board

LBB Staff: WP, CLo, NV, LLo, AF, PBO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 14, 2019

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2978 by Howard (Relating to an agreement between the Texas State Library and Archives Commission and the City of Austin regarding an easement across commission property.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

According to analysis provided by the Texas State Library and Archives Commission based on conversations with the City of Austin, this analysis assumes the City of Austin will pay for the construction and maintenance of a fence to separate the easement from agency property and includes safety features and other measures to prevent public encroachment. According to the bill, the City of Austin may use any amount credited in favor of the City of Austin under Government Code Section 2166.052 (c) to acquire the easement.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 303 Facilities Commission, 306 Library & Archives Commission
LBB Staff: WP, CLo, SZ, NV, LLo

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 22, 2019

TO: Honorable Tom Craddick, Chair, House Committee on Land & Resource Management

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB2978 by Howard (Relating to an agreement between the Texas State Library and Archives Commission and the City of Austin regarding an easement across commission property.), **As Introduced**

No significant fiscal implication to the State is anticipated.

According to analysis provided by the Texas State Library and Archives Commission based on conversations with the City of Austin, this analysis assumes the City of Austin will pay for the construction and maintenance of a fence to separate the easement from agency property and includes safety features and other measures to prevent public encroachment. According to the bill, the City of Austin may use any amount credited in favor of the City of Austin under Government Code Section 2166.052 (c) to acquire the easement.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 303 Facilities Commission, 306 Library & Archives Commission

LBB Staff: WP, SZ, NV, LLo