By:  Hinojosa S.B. No. 782

(In the Senate - Filed February 24, 2021; March 11, 2021, read first time and referred to Select Committee on Ports; April 13, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 6, Nays 0; April 13, 2021, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Creighton         X

Alvarado          X

Hinojosa          X

Kolkhorst                  X

Lucio             X

Nelson            X

Taylor            X

COMMITTEE SUBSTITUTE FOR S.B. No. 782 By:  Lucio

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the sale of certain real property by the State of Texas to the Port of Corpus Christi Authority of Nueces County, Texas.

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

SECTION 1.  (a) The real property described by Section 2 of this Act was originally submerged land purchased by the Port of Corpus Christi from the State of Texas in 1956 under former Article 8225, Revised Statutes. Following the conveyance, the submerged land was artificially filled and subsequently leased to a third party for non-navigation-related purposes. Following litigation between the port and the State of Texas, the parties entered into a settlement agreement pursuant to which the real property was conveyed back to the state. The port now wishes to use the real property for navigation-related purposes.

(b)  Subject to Subsections (c), (d), and (e) of this section, the State of Texas shall convey the real property described by Section 2 of this Act to the Port of Corpus Christi Authority of Nueces County, Texas, to be used by the port only for purposes reasonably related to the promotion of navigation as defined by Section 61.116(b), Water Code.

(c)  The real property described by Section 2 of this Act may not be conveyed by the State of Texas to the Port of Corpus Christi Authority of Nueces County, Texas, for an amount less than the fair market value of the real property. The fair market value of the real property must be established by an independent appraisal obtained by the asset management division of the General Land Office.

(d)  The proceeds from the sale of real property authorized by this Act must be paid to the State of Texas for the benefit of the permanent school fund. The state shall reserve for the benefit of the permanent school fund the state's interest in all oil, gas, and other minerals in and under the real property described by Section 2 of this Act.

(e)  The conveyance of the real property described by Section 2 of this Act shall be made subject to all valid covenants, conditions, reservations, restrictions, rights-of-way, easements, and leases, if any, that are recorded or apparent by visual inspection.

(f)  The port may not:

(1)  lease the real property described by Section 2 of this Act for a use that is not reasonably related to the promotion of navigation as defined by Section 61.116(b), Water Code; or

(2)  dispose of the real property except to sell the real property to the State of Texas or exchange the real property with the State of Texas in accordance with Section 61.117(f), Water Code.

(g)  Sections 31.1571, 31.158, and 31.159, Natural Resources Code, do not apply to the sale of real property authorized by this Act.

SECTION 2.  The real property held by the State of Texas is submerged and filled submerged land being 33.26 acres of real property, more or less, located in Nueces County, Texas, and more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" steel rod found to replace the original corner "P" marking the original meanders of Nueces Bay as shown on said map recorded in Volume 1251, Page 340, Deed Records, Nueces County, Texas, said corner having coordinates of N 17194856.64, E 1344097.53, Texas South Zone 4205, NAD 83, combined scale factor 1.000005016, for an exterior corner in the south line of this tract;

THENCE, S-66°-42'-47"-W, along said original shoreline meander, a distance of 254.92v, 708.10' to a 5/8" steel rod set to replace called corner "0" for the most southerly corner of this tract;

THENCE, N-53°-59'-13"-W, continuing along original shoreline meanders, a distance of 147.38v, 409.40' to a point which falls in the water for an interior corner in the south line of this tract;

THENCE, S-85°-15'-47"-W, continuing along original shoreline meanders, a distance of 44.86v, 124.60' to a point which falls in the water at the intersection of said shoreline meanders with the southeast bulkhead line of Canal B as shown on said map for the west corner of this tract;

THENCE, N-31°-34'-47"-E, a distance of 577.00v, 1602.79' to a point in the water at the intersection of said Canal B bulkhead line with the Rincon Canal bulkhead line for the north corner of this tract;

THENCE, S-58°-25'-13"-E, a distance of 504.00v, 1400.00' to a point in the water at the intersection of said Rincon Canal bulkhead line with the Canal A bulkhead line for the east corner of this tract;

THENCE, S-31°-34'-47"-W, a distance of 142.04v, 394.57' to a point in the water at the intersection of said Canal A bulkhead line with the original shoreline meanders for the southeast corner of this tract;

THENCE, N-47°-19'-13"-W, along said original shoreline, a distance of 204.22v, 567.29' to a 5/8" steel rod set to replace called corner "Q" for an interior corner of this tract:

THENCE, S-25°-36'-47"-W, along said original shoreline, a distance of 252.00v, 700.00' to the POINT OF BEGINNING and containing 33.26-acres of land, more or less.

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, 2021.

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