By: Howard H.B. No. 1246

A BILL TO BE ENTITLED

AN ACT

relating to the authority to lease real property or an improvement on the Austin State Hospital campus for less than market rate and the lease of certain state property by the Health and Human Services Commission to Travis County.

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

SECTION 1. Subchapter D, Chapter 533, Health and Safety Code, is amended by adding Section 533.088 to read as follows:

Sec. 533.088. LEASE OF REAL PROPERTY ON AUSTIN STATE HOSPITAL CAMPUS. Notwithstanding Section 533.084 or 533.087 or any other law, the department, in coordination with the executive commissioner, may lease real property or an improvement on the Austin State Hospital campus for less than the prevailing market rate, without advertisement or competitive bidding, if:

(1) the executive commissioner determines the real property or improvement is not being used by the department; and

(2) the real property or improvement:

(A) will be used to provide mental health services, including jail diversion services; and

(B) is leased to a unit of local government.

SECTION 2. (a) As soon as practicable after the effective date of this Act, the Health and Human Services Commission shall lease to Travis County the real property described by Section 3 of this Act.

(b) The consideration for the lease authorized by this section is the requirement that Travis County use the leased property only in a manner that primarily promotes a public purpose of this state. If Travis County fails to use the property in a manner described by this subsection for more than 180 continuous days, the lease terminates and possession of the property automatically reverts to the Health and Human Services Commission.

(c) The Health and Human Services Commission shall lease the property by an appropriate instrument of transfer. The instrument of transfer must:

(1) provide that:

(A) Travis County may use the property only in a manner that primarily promotes a public purpose of this state;

(B) the lease will terminate and possession of the property will automatically revert to the Health and Human Services Commission if Travis County fails to use the property in a manner described by Paragraph (A) of this subdivision for more than 180 continuous days;

(C) the lease shall be for a term of 99 years; and

(D) Travis County may:

(i) operate and maintain public amenities on the property; and

(ii) construct and demolish improvements, utilities, infrastructure, and amenities on the property; and

(2) describe the leased property by metes and bounds.

(d) The Health and Human Services Commission shall retain custody of the instrument of transfer after the instrument of

transfer is filed in the real property records of Travis County.

(e) Sections 533.084 and 533.087, Health and Safety Code, and Section 31.158, Natural Resources Code, do not apply to the lease of real property authorized by this Act.

SECTION 3. The real property referred to in Section 2 of this Act is described as follows:

A PORTION OF THE AUSTIN STATE HOSPITAL TRACT

DESCRIPTION OF 16.08 ACRES (700,675 SQUARE FEET), MORE OR LESS, OF LAND AREA IN THE JAMES ROGERS SURVEY, ABSTRACT NO. 660, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF OUTLOT 79 AND OUTLOT 80, DIVISION D AND THE 80 FOOT WIDE ROAD TRAVERSING DIVISION D AND LYING NORTH OF OUTLOT 79 AND SOUTH OF OUTLOT 80, AS SHOWN ON THE MAP OF THE GOVERNMENT TRACT ADJOINING THE CITY OF AUSTIN, ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING A PORTION OF THOSE TRACTS OF LAND CONVEYED IN A DEED DATED APRIL 4, 1857, FROM WILLIAM FIELDS TO THE STATE OF TEXAS, AS RECORDED IN VOLUME L-1, PAGE 366, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND IN A DEED DATED FEBRUARY 18, 1858, FROM WILLIAMS FIELDS TO THE STATE OF TEXAS, AS RECORDED IN VOLUME M, PAGE 129, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICIULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1" iron pipe found [N=10,085,257.1900, E=3,115,232.4450] at the westerly northeast corner of that 38.535 acre portion of the aforereferenced State of Texas Tracts described in that "Master Lease" per the Memorandum of Lease Agreement between the Texas Department of Mental Health and Mental Retardation, and West 38th Street, LTD. dated January 9, 1992 as

recorded in Volume 11602, Page 858, Real Property Records of Travis County, Texas, same being the northeast corner of that 12.799 acre portion of the 38.535 acre Master Lease Tract described in that Exhibit 1 Memorandum of Sublease to HEBCO Development, Inc. dated April 26, 1991, as recorded in Volume 11602, Page 863, Real Property Records of Travis County, Texas, and being the northwest corner of the herein described tract of land;

THENCE leaving the 38.535 acre Master Lease Tract and the HEBCO Development Lease Tract, and crossing the remainder of the aforereferenced State of Texas Tracts, the following three (3) courses:

1. S 61°57'00"E 738.55 feet to a mag nail set with washer marked "TC-TNR", for the northeast corner of the herein described tract of land;

2. S 12°37'20"E 358.59 feet to a mag nail set with washer marked "TC-TNR", for the northeast corner of the herein described tract of land; and

3. S 13°16'57"E 334.77 feet to a 5/8" iron rod set with an aluminum cap marked "TRAVIS COUNTY TNR SURVEY DEPT", in the east line of the State of Texas Tracts, same being the west line of Guadalupe Street;

THENCE with the common line of the State of Texas Tracts and said Guadalupe Street, S 27°35'04"W 334.12 feet to a 5/8" iron rod set with an aluminum cap marked "TRAVIS COUNTY TNR SURVEY DEPT", for the southeast corner of the herein described tract of land, from which a calculated point for the easterly northeast corner of 38.535 acre Master Lease Tract bears S 27°35'04"W 41.11 feet, and from which, a

1/2" iron rod found for reference, bears S 48°09'10"W 39.99 feet; THENCE leaving Guadalupe Street and crossing the remainder of the State of Texas Tracts, the following eleven (11) courses:

1. N 61°54'32"W 61.96 feet to a 5/8" iron rod set with an aluminum cap marked "TRAVIS COUNTY TNR SURVEY DEPT", for an angle point;

2. S 81°56'45"W 37.68 feet to a 5/8" iron rod set with an aluminum cap marked "TRAVIS COUNTY TNR SURVEY DEPT", for an angle point;

3. N 62°46'13"W 220.17 feet to a 5/8" iron rod set with an aluminum cap marked "TRAVIS COUNTY TNR SURVEY DEPT", to a point at the beginning of a right breaking curve;

4. with said right breaking curve having a radius length of 94.00 feet, an arc length of 69.19 feet, and a chord which bears N 75°5'35" W 67.64 feet to a 5/8" iron rod set with an aluminum cap marked "TRAVIS COUNTY TNR SURVEY DEPT" at the beginning of a right breaking curve, said iron rod set, being located 3.25 feet north of an north line of the 38.535 acre Master Lease Tract;

5. with said right breaking curve having a radius length of 197.50 feet, an arc length of 136.27 feet, and a chord which bears N 34°51'09" W 133.58 feet to a 5/8" iron rod set with an aluminum cap marked "TRAVIS COUNTY TNR SURVEY DEPT" for an angle point;

6. N 01°00'15" E 43.94 feet to a 5/8" iron rod set with an aluminum cap marked "TRAVIS COUNTY TNR SURVEY DEPT" at the beginning of a right breaking curve;

7. with said right breaking curve having a radius length of 41.00 feet, an arc length of 49.50 feet, and a chord which bears N

34°29'28" W 46.55 feet to a 5/8" iron rod set with an aluminum cap marked "TRAVIS COUNTY TNR SURVEY DEPT";

8. N 18°10'54"E 33.78 feet to a 5/8" iron rod set with an aluminum cap marked "TRAVIS COUNTY TNR SURVEY DEPT", for an angle point, said iron rod set, being located 0.75 of a foot east of an east line of the 38.535 acre Master Lease Tract;

9. N 74°07'59"E 51.32 feet to a 5/8" iron rod set with an aluminum cap marked "TRAVIS COUNTY TNR SURVEY DEPT", for an angle point;

10. N 24°26'32"E 71.15 feet to a 5/8" iron rod set with an aluminum cap marked "TRAVIS COUNTY TNR SURVEY DEPT", at the beginning of a left breaking curve; and

11. with said left breaking curve having a radius length of 180.00 feet, an arc length of 93.40 feet, and a chord which bears N 05°48'02"E 92.36 feet to a 1" iron pipe found for an exterior corner of the 38.535 acre Master Lease Tract;

THENCE leaving the 38.535 acre Master Lease Tract and crossing the remainder of the State of Texas Tracts, the following four (4) courses:

1. N 59°32'54"W 350.73 feet to a 5/8" iron rod set with an aluminum cap marked "TRAVIS COUNTY TNR SURVEY DEPT", for an angle point;

2. N 43°03'29"W 104.81 feet to a 5/8" iron rod set with an aluminum cap marked "TRAVIS COUNTY TNR SURVEY DEPT", for an angle point; and

3. N 57°27'47"W 30.60 feet to a 5/8" iron rod set with an aluminum cap marked "TRAVIS COUNTY TNR SURVEY DEPT", in an easterly

line of the 38.535 acre Master Lease Tract, same being the east line of the HEBCO Development Lease Tract, for the southwest corner of the herein described tract of land, from which, a calculated point for an interior corner of the 38.535 acre Master Lease Tract, bears S 27°34'11"W 62.26 feet, and a calculated point for the southeast corner of the HEBCO Development Lease Tract, bears S 27°34'11"W 1.39 feet;

THENCE with the common line of the 38.535 acre Master Lease Tract and the HEBCO Development Lease Tract, N 27°34'11"E 567.56 feet to the PLACE OF BEGINNING. There are contained within these metes and bounds 16.08 acres (700,675 square feet), more or less, of land area as surveyed on the ground by the Travis County Transportation and Natural Resources Survey Department of Austin, Texas.

SECTION 4. 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, 2027.