

By: Nichols
(Otto)

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A BILL TO BE ENTITLED

AN ACT

relating to the transfer of certain state property from the Texas Department of Transportation to the Shepherd Independent School District; requiring the payment of certain transaction fees.

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

SECTION 1. (a) Not later than September 30, 2015, the Texas Department of Transportation shall transfer to the Shepherd Independent School District the real property described by Subsection (f) of this section.

(b) The Shepherd Independent School District may use the property transferred under this Act only for a purpose that benefits the public interest of the state. If the Shepherd Independent School District uses the property for any purpose other than a purpose that benefits the public interest of the state, the Shepherd Independent School District shall pay to the Texas Department of Transportation an amount equal to the fair market value of the property on the date the Shepherd Independent School District begins using the property for the purpose other than a purpose that benefits the public interest of the state, less the amount that the Shepherd Independent School District paid to the Texas Department of Transportation under Subsection (c) of this section.

(c) On the effective date of the transfer authorized under Subsection (a) of this section, the Shepherd Independent School

1 District shall pay an amount to reimburse the Texas Department of
2 Transportation for the department's actual costs to acquire the
3 property. If the Texas Department of Transportation cannot
4 determine that amount, the amount shall be determined based on the
5 average historical property acquisition values for property
6 located in proximity to the property described by Subsection (f) of
7 this section on the date of original acquisition of the property by
8 the Texas Department of Transportation. Money received by the
9 Texas Department of Transportation under this subsection shall be
10 deposited in the state highway fund and used in the Texas Department
11 of Transportation district in which the property is located.

12 (d) The Texas Department of Transportation shall transfer
13 the property by an appropriate instrument of transfer. The
14 instrument of transfer must:

15 (1) provide that:

16 (A) the Shepherd Independent School District may
17 use the property only for a purpose that benefits the public
18 interest of the state; or

19 (B) if the Shepherd Independent School District
20 uses the property for any purpose other than a purpose that benefits
21 the public interest of the state, the Shepherd Independent School
22 District shall pay to the Texas Department of Transportation an
23 amount equal to the fair market value of the property on the date
24 the Shepherd Independent School District begins using the property
25 for the purpose other than a purpose that benefits the public
26 interest of the state, less the amount paid to the Texas Department
27 of Transportation under Subsection (c) of this section;

(2) retain for the State of Texas:

(A) a 0.2583 acre tower site; and

(B) a 0.1570 acre access easement to the tower site; and

(3) describe the property to be transferred by metes and bounds.

(e) The Texas Department of Transportation shall retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of San Jacinto County.

(f) The real property referred to in this section is described as follows:

12.2138 acres of land, being out of and a part of that certain State of Texas called 2.47 acre tract described in Volume 60 Page 69 of the San Jacinto County Deed Records (SJCCF#1951-001138) and all of that certain State of Texas called 10.00 acre tract described in Volume 230 Page 664 of the Official Public Records of San Jacinto County (SJCCF#1983-002691), out of the William Logan Survey A-25 in San Jacinto County, Texas, said 12.2138 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod set in a fence corner on the North right-of-way line of State Highway No. 150 (100 foot wide) marking the Southwest corner of that certain Judson D. Jarboe called 1.6 acre tract described in Volume 106 Page 346 of the San Jacinto County Deed Records (SJCCF#1967-001881) and the Southeast corner of said called 2.47 acre tract, same being the Most Westerly Southeast corner and PLACE OF BEGINNING of the tract herein described;

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1 THENCE South 81°20'16" West, with the North right-of-way line of
2 said State Highway No. 150 and the South line of said called 2.47
3 acre tract, at 30.43 feet pass a concrete nail set in asphalt
4 pavement, at 155.96 feet pass a concrete nail set in asphalt
5 pavement marking the Most Westerly Southeast corner of a 0.1570
6 acre access easement to a 0.2583 acre tower site to be retained by
7 the State of Texas, at 176.24 feet pass a concrete nail set in
8 asphalt pavement marking the Southwest corner of said 0.1570 acre
9 access easement to a 0.2583 acre tower site to be retained by the
10 State of Texas, in all a total distance of 208.70 feet to a 5/8 inch
11 iron rod set in a fence corner marking the Southeast corner of that
12 certain City of Shepherd called 16 acre tract described in Volume
13 137 Page 757 of the Official Public Records of San Jacinto County
14 (SJCCF#1991-005476) and the Southwest corner of said called 2.47
15 acre tract, same being the Most Easterly Southwest corner of the
16 tract herein described;

17 THENCE North 00°57'32" East, with the fenced East line of said
18 called 16 acre tract, same being the fenced West line of said called
19 2.47 acre tract, a distance of 538.92 feet to a chain link fence
20 corner post found on the South line of said called 10.00 acre tract
21 marking a corner of said called 10.00 acre tract, the Northeast
22 corner of said called 16 acre tract and the Northwest corner of said
23 called 2.47 acre tract, same being a Re-entrant corner of the tract
24 herein described;

25 THENCE South 89°54'46" West, with the fenced North line of said
26 called 16 acre tract, same being the fenced South line of said
27 called 10.00 acre tract, a distance of 520.78 feet to a 3 inch

1 square concrete monument found in a fence corner marking the
2 Southeast corner of that certain Michael Flynn, Jr., et al. called
3 26.742 acre tract described in San Jacinto County Clerk File
4 No. 2005-006416 of the Official Public Records of San Jacinto
5 County and the Southwest corner of said called 10.00 acre tract,
6 same being the Most Northerly Southwest corner of the tract herein
7 described (the above mentioned fence is a chain link fence that is
8 approximately One foot North of the property line);
9 THENCE North 00°52'32" West, with the fenced East line of said
10 called 26.742 acre tract, same being the fenced West line of said
11 called 10.00 acre tract, a distance of 583.95 feet to a 3 inch
12 square concrete monument found in a fence corner on the South line
13 of that certain Bernard B. Kendall called 10.645 acre tract
14 described in Volume 213 Page 281 of the San Jacinto County Deed
15 Records (SJCCF#1982-000549) marking the Northeast corner of said
16 called 26.742 acre tract and the Northwest corner of said called
17 10.00 acre tract, same being the Northwest corner of the tract
18 herein described (the above mentioned fence is a chain link fence
19 that is approximately One foot East of the property line);
20 THENCE North 89°35'07" East, with the fenced South line of said
21 called 10.645 acre tract, same being the fenced North line of said
22 called 10.00 acre tract, a distance of 334.20 feet to a 1/2 inch
23 iron rod found marking the Southeast corner of said called 10.645
24 acre tract, the Southwest corner of that certain George W. Cox, et
25 ux. called 10.66 acre tract described in Volume 123 Page 657 of the
26 Official Public Records of San Jacinto County (SJCCF#1991-001094)
27 and a corner of said called 10.00 acre tract, same being a corner of

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1 the tract herein described (the above mentioned fence is a chain
2 link fence that is approximately One foot South of the property
3 line);
4 THENCE North 89°20'11" East, with the fenced South line of said
5 called 10.66 acre tract, same being the fenced North line of said
6 called 10.00 acre tract, a distance of 420.05 feet to a 3 inch
7 square concrete monument found in a fence corner marking the
8 Northwest corner of that certain Glennon M. Dillon, et ux. called
9 5.09 acre tract described in San Jacinto County Clerk File
10 No. 2004-004887 of the Official Public Records of San Jacinto
11 County and the Northeast corner of said called 10.00 acre tract,
12 same being the Northeast corner of the tract herein described (the
13 above mentioned fence is a chain link fence that is approximately
14 One foot South of the property line);
15 THENCE South 01°23'09" West, with the fenced West line of said
16 called 5.09 acre tract, same being the fenced East line of said
17 called 10.00 acre tract, at 531.10 feet pass the Northwest corner of
18 a called sixty (60) foot wide ingress/egress easement described in
19 San Jacinto County Clerk File No. 2004-004887 of the Official
20 Public Records of San Jacinto County, in all a total distance of
21 591.60 feet to a 3 inch square concrete monument found in a fence
22 corner on the North line of said called 1.6 acre tract marking the
23 Southwest corner of said called 5.09 acre tract, the Southwest
24 corner of said called sixty (60) foot wide ingress/egress easement
25 and the Southeast corner of said called 10.00 acre tract, same being
26 the Most Northerly Southeast corner of the tract herein described
27 (the above mentioned fence is a chain link fence that is

1 approximately One foot West of the property line);
2 THENCE South 84°28'26" West, with the fenced North line of said
3 called 1.6 acre tract, same being the fenced South line of said
4 called 10.00 acre tract, a distance of 4.42 feet to a chain link
5 fence corner post found marking the Northwest corner of said called
6 1.6 acre tract, a corner of said called 10.00 acre tract and the
7 Northeast corner of said called 2.47 acre tract, same being a
8 Re-entrant corner of the tract herein described
9 THENCE South 00°57'49" West, with the fenced West line of said
10 called 1.6 acre tract, same being the fenced East line of said
11 called 2.47 acre tract, a distance of 140.69 feet to a 5/8 inch iron
12 rod set marking the Northeast corner of said 0.2583 acre tower site
13 to be retained by the State of Texas, same being a corner of the
14 tract herein described (from said set 5/8 inch iron rod a 5/8 inch
15 iron rod set in a fence corner on the North right-of-way line of
16 said State Highway No. 150 marking the Southeast corner of said
17 called 2.47 acre tract bears South 00°57'49" West 365.33 feet);
18 THENCE North 89°02'11" West, crossing said called 2.47 ace tract
19 perpendicular to the fenced West line of said called 1.6 acre tract,
20 same being the fenced East line of said called 2.47 acre tract, with
21 the North line of said 0.2583 acre tower site to be retained by the
22 State of Texas, a distance of 75.00 feet to a concrete nail set in
23 asphalt pavement marking the Northwest corner of said 0.2583 acre
24 tower site to be retained by the State of Texas, same being a
25 Re-entrant corner of the tract herein described;
26 THENCE South 00°57'49" West, crossing said called 2.47 acre tract
27 parallel with and 75.00 feet West of the fenced West line of said

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1 called 1.6 acre tract, same being the fenced East line of said
2 called 2.47 acre tract, with the West line of said 0.2583 acre tower
3 site to be retained by the State of Texas, at 130.00 feet pass a
4 concrete nail set in asphalt pavement marking the Northeast corner
5 of said 0.1570 acre access easement to said 0.2583 acre tower site
6 to be retained by the State of Texas, in all a total distance of
7 150.00 feet to a concrete nail set in asphalt pavement marking the
8 Most Northerly Southeast corner of said 0.1570 acre access easement
9 to said 0.2583 acre tower site to be retained by the State of Texas
10 and the Southwest corner of said 0.2583 acre tower site to be
11 retained by the State of Texas, same being a Re-entrant corner of
12 the tract herein described;

13 THENCE South 89°02'11" East, crossing said called 2.47 acre tract
14 perpendicular to the fenced West line of said called 1.6 acre tract,
15 same being the fenced East line of said called 2.47 acre tract, with
16 the South line of said 0.2583 acre tower site to be retained by the
17 State of Texas, at 45.00 feet pass a 5/8 inch iron rod set as a
18 reference point, in all a total distance of 75.00 feet to a 5/8 inch
19 iron rod set on the fenced West line of said called 1.6 acre tract,
20 same being the fenced East line of said called 2.47 acre tract,
21 marking the Southeast corner of said 0.2583 acre tower site to be
22 retained by the State of Texas, same being a corner of the tract
23 herein described;

24 THENCE South 00°57'49" West, with the fenced West line of said
25 called 1.6 acre tract, same being the fenced East line of said
26 called 2.47 acre tract, a distance of 215.33 feet to the PLACE OF
27 BEGINNING and containing 12.2138 acres of land, more or less.

1 The above described tract is a 12.4721 acre tract, being all of that
2 certain State of Texas called 2.47 acre tract described in Volume 60
3 Page 69 of the San Jacinto County Deed Records (SJCCF#1951-001138)
4 and all of that certain State of Texas called 10.00 acre tract
5 described in Volume 230 Page 664 of the Official Public Records of
6 San Jacinto County (SJCCF#1983-002691), out of the William Logan
7 Survey A-25 in San Jacinto County, SAVE AND EXCEPT, a 0.2583 acre
8 tower site out of said called 2.47 acre tract to be retained by the
9 State of Texas as Texas, resulting in 12.2138 acres of land, more or
10 less.

11 (g) The Shepherd Independent School District shall pay any
12 transaction fees resulting from the transfer of property under this
13 Act.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2015.