

CHAPTER 270

S.B. No. 1350

An Act relating to the conveyance of state-owned real property and described real property and to disposition and appropriation of the proceeds; amending Subsections (b) and (d), Section 31.159, Natural Resources Code.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. CONVEYANCE OF PROPERTY. (a) Except as provided by Subsection (b) of this section, the asset management division of the General Land Office shall convey for a consideration it considers appropriate the state's interest in the real property described in Section 3 of this Act. The property may be sold in parcels to facilitate the sale of all or part of the property authorized to be sold, and the state may retain all or part of the mineral rights to the property. The sale must comply with Section 31.159, Natural Resources Code, as added by Senate Bill 43, Acts of the 69th Legislature, Regular Session, 1985, regarding first option to purchase by the School Land Board.

(b) The asset management division of the General Land Office shall transfer to the Parks and Wildlife Department for development as an urban park a portion of the land in the northwest corner of the tract that includes all or part of the lake resulting from the confluence of Cluck Creek and South Brushy Creek along the frontage of the tract with U.S. Highway 183. The amount of land transferred shall be as much as may be transferred without decreasing the total value of the property by more than the proportion that \$6 million bears to \$65 million, but not more than 50 acres. The Parks and Wildlife Department may contract with Williamson County for the development and operation of the park; no state funds may be appropriated for the development or maintenance of the park.

SECTION 2. SOLICITATION OF BIDS. If the School Land Board does not exercise its option to purchase, the asset management division shall sell the property under Section 1 of this Act after advertising the sale in at least two issues of a newspaper of general circulation in Williamson County. The first advertisement must be published at least 30 days before the date the property is sold. Each advertisement shall describe the land to be sold and call for sealed bids on the property. The division shall either sell the property to the highest bidder or reject all bids and reoffer the property for sale. The division may not sell the property for less than the current appraised value.

SECTION 3. DESCRIPTION OF PROPERTY. The real property authorized to be conveyed under Section 1 of this Act consists of six tracts of land located in Williamson County, which are more particularly described as follows:

Being 305.05 acres of land, more or less, described in four (4) tracts as follows:

Tract 1: A part of the Rachel Saul Survey, patent No. 206, Volume 6, Abstract No. 170, described as follows: Beginning at the Northwest corner of the G W Glasscock 1/2 of the said Rachel Saul League; thence South 71 West with the South line of the Damon Survey, 338 varas to the Southwest corner of Lot No. 2 of the subdivision of the West 1/2 of the said Damon Survey, being the S E corner of 150 acre tract conveyed to M C Baird by Robert Hanna on Jan. 11, 1868, and recorded in Vol. 10, page 417 of the Deed Records of Williamson County, Texas; thence N 19 W with the East line of said Lot No. 2, being the East line of said 150 acre tract, 1120 varas to the center of Brushy Creek; thence with the center of Brushy Creek with its meanders South 71 West 190 varas; South 38 1/2 W 173 varas to the fork of the two Brushys; thence S 83 W 527 varas to the Northwest corner of the said 150 acre tract in the West line of said Lot No. 2, from which a S O bears S 83 W 10 varas; thence S 19 E with the West line of said 150 acre tract and West line of said Lot No. 2, 750 varas to the center of the South prong of said Brushy Creek; thence up said creek with its meanders to the Northeast corner of a tract of 3.66 acres conveyed to Stewart by Mayo and wife, April 6, 1872, and continuing with the meanders of said creek to the Northwest corner of said 3.66 acre tract in the center of old road, same being the Northeast corner of 601 acres of land conveyed by J. T. Sites and wife, to Van M. Smith by deed dated March 23, 1917, and recorded in Book 182, page 9, of the Deed Records of said county; thence with the East line of said Van M. Smith 601 acre tract and also with said road about as follows: South 37 3/4 East 133 1/5 varas; South 49 1/4 East 138 1/4 varas; South 36 1/2 East 590 2/5 varas; South 32 1/2 East 468 varas; South 33 1/2 East 364 varas to the Northwest corner of a 2 2/3 acre tract conveyed to Glen by Britton; thence N 71 E 310 varas to its N E corner; thence S 19 E 74 1/2 varas to its S E corner; thence N 71 E 590 varas to the West line of said G W Glasscock 1/2 of the Saul League; thence N 19 W 1422 varas to the place of beginning, containing 435 acres, more or less.

Tract 2: A part of the Samuel Damon Survey, Abstract No. 170, and described as follows: Beginning at W P Buttery's corner where the Burnet and Austin road crosses the Smithwick branch; thence down said Branch with its meanders 105 varas to a corner in Branch; thence North 67 West 105 varas, a stake for corner; thence South 23 West 105 varas, a stake in road for corner; thence S 67 E 105 varas to the place of beginning, containing two acres, more or less.

Tract 3: 1 3/4 acres of land, more or less, a part of the Samuel Damon Survey, Abstract No. 170, and being the same land conveyed by John P. Dodd and wife, to J. B. J. Oliver by their

deed, dated December 23, 1882, and recorded in Book 33, page 193, of the Deed Records of Williamson County, Texas.

Tract 4: A part of the Samuel Damon Survey, Abstract No. 170, and being described as follows: Beginning on Dr. Crumleys Northeast line in the middle of what is called the "Smithwick" branch of Brushy Creek, a small elm tree bears Northwest 4 varas; thence in a Northeast direction with the meanders of said creek 130 varas, corner in middle of said creek, a willow tree bears North 4 varas; thence Northwest 115 varas to a corner near a small cedar tree; thence Southwest 115 varas to the place of beginning, containing 2 1/2 acres of land, more or less;

Being the same land conveyed to Paul Koenig by J. T. Sites and wife, less 110.2 acres, more or less, described as follows: Beginning at the Southeast corner of the tract of 435 acres of land, conveyed to Paul Koenig by J. T. Sites and wife, by deed recorded in Book 192, page 332, of the deed records of Williamson County, Texas, said 435 acres being the first tract mentioned in said deed, and being also the Northeast corner of a tract owned by W. Glenn; thence N 19 W (variation 10 deg. east) 486.7 varas to post for Northeast corner hereof; thence following the field fence about South 86-15 West 480.6 varas to the corner post for corner; thence N 89 1/2 W 701.3 varas to the center of the Public road for the Northwest corner hereof; thence with the center of said road about South 35-30 East 802.8 varas to the Northwest corner of a tract of 2 2/3 acres, also owned by said W. Glenn; thence N 71 E with North line of said 2 2/3 acres 310 varas to the Northeast corner of said tract of 2 2/3 acres at the corner post; thence with a fence South 25 E 74 1/2 varas to corner; thence North 70-15 East 602-64 varas to the place of beginning, and containing after deducting the public road on the West, 110.2 acres of land, more or less; and also save and except 24 acres, more or less, conveyed to T. J. Wolf by Roy C. Archer, by General Warranty Deed dated April 1, 1929, recorded in Book 246, page 246, of the Deed Records of Williamson County, Texas.

And being the same land described in a deed from the Federal Land Bank of Houston to N. J. Dedear, dated the 9th day of May, A D 1936, recorded in Vol. 280, page 251, Records of Deeds of Williamson County, Texas; Less 2 acres, more or less, conveyed to E. A. Jones and Warren Jones by N. J. Dedear and wife, Ellen Dedear, by General Warranty Deed dated August 22, 1938, recorded in Book 296, page 103, of the Deed Records of Williamson County, Texas, for the proper description of which reference is made to a certain correction deed, dated May 12, 1942 recorded in Book page , of the Deed Records of Williamson County, Texas, to-wit:

Beginning at a point in the East line of Highway No. 29, 553 feet South of N J Dedear' N W corner of the South line of J. N. Stewart Estate property; thence in a Southerly direction with the east line of said Highway 29, 538.4 feet to stake about 10 feet west of the bank of Brushy Creek; thence in a northerly direction with the meanders of the center of the channel of said Creek to a point near the S E corner of Lot No. 4 of the Subdivision of this tract, and from thence in a northerly direction to said S E corner of Lot No. 4, which is situated 210 feet East at right angles from the east line of Highway 29, at a point 150 feet south of the N W corner hereof; thence North, parallel to the East line of said Highway and 210 feet distant therefrom, to a stake for N E corner hereof, a distant of 150 feet; thence West 210 feet to intersect the East line of the Highway at right angles to the place of beginning, and containing 2 acres, more or less; to which said deeds and the record thereof reference is hereto made for all pertinent purposes, together with all improvements thereon.

Tract 5: Three hundred and thirty-nine (339) acres of land more or less, being the tract of four hundred and sixty-seven (467) acres of land more or less, in Williamson County, Texas, known and described as Lots Numbers Nine (9), Twelve (12), Thirteen (13), and Fourteen (14), and all of those parts of Lots Numbers Five (5), Ten (10) and Eleven (11) lying west of the Houston & Texas Central Railroad right of way (formerly Austin and Northwestern railroad right of way) as shown by plat of M C Hamilton Subdivision of one-fourth of Rachel Saul League Survey, of record in the Deed Records of said Williamson County, Texas, in Volume 27, at page 224, excepting, however, from said lots and parts of said Lot number Ten (10), conveyed by W C Purcell and wife to Charles and Clara Petri, described in deed of conveyance dated October 10, 1902, of record in the Deed Records of Williamson County, Texas, in Volume 107, page 34, to which reference is here made for a more particular description of said tract of twelve (12) acres of land, more or less, the tract of four hundred and sixty-seven (467) acres of land, more or less, hereinbefore described, being the same conveyed to said Montpelier Savings Bank & Trust Company by O L Kooek, his wife, and W Trenchmann, assignee of O L Kooek and as Trustee, for the Creditors of O L Kooek, by deed dated August 30, 1935 of record in the Deed Records of Williamson County, Texas, in Volume 276, at page 115, under exception from said tract of four hundred and sixty-seven (467) acres of land, more or less, hereinbefore described, the tract of one hundred and twenty-eight (128) acres of land, more or less, conveyed by said Montpelier Savings Bank & Trust Company to the Lower Colorado River Authority by deed dated March, 1937 of record in the Deed Records of said Williamson County, Texas, in Volume

283 at page 549, wherein said tract of one hundred and twenty-eight (128) acres of land, more or less, is more particularly described, reference being here made to said plat of M C Hamilton Subdivision; to said Deed from O L Kooock at all to Montpelier Savings Bank & Trust Company, to the deed of trust therein mentioned, and to said deed from said Montpelier Savings Bank & Trust Company to said Lower Colorado River Authority for a more particular description of the land herein conveyed; all the land intended to be hereby conveyed being enclosed by fence; more particularly described by Metes and bounds, as follows:

Beginning at a stake set in the South West Corner of the above named tract and at the North West Corner of a tract of 14.15 acres now owned by Lower Colorado River Authority North 4 degrees 45 minutes 30 seconds East 2666.73 feet to an iron pin; thence following around a curve (the long chord of which bears North 2 degrees 32 minutes 30 seconds West 531.27 feet), a distance of 601.7 feet to an iron pin; thence North 38 degrees 9 minutes East 44.45 feet to an iron pin set in the Southerly line of the Southern Pacific Railroad right-of-way; thence along the curving Southerly line of said Southern Pacific Railroad right-of-way in a North-westerly to North direction a distance of 5021 feet to an iron pin and being the Northeast corner of said named tract; thence South 71 degrees 94 minutes West 3471 feet to an iron pin; thence South 18 degrees 6 minutes East 6208.06 feet to the point of beginning.

Tract 6: One hundred and thirteen and 85/100 (113.85) acres of land, more or less, out of the R Saul Survey, Abstract No 551, located in Williamson County, Texas, and being off of the South end of what is locally known as the Kooock Ranch of 467 acres which was conveyed to the Montpelier Savings Bank and Trust Company, of Montpelier, Vermont, by Wm Trenckman, Trustee for O L Kooock, said one hundred thirteen and 85/100 (113.85) acres being out of a one hundred and twenty-eight (128) acre tract being the same tract conveyed from Montpelier Savings Bank and Trust Company to the Lower Colorado River Authority by deed dated 3-29-1937 as now recorded in Vol 283, page 549, Deed Records of Williamson County, Texas, to which further reference is hereby made; and being here now more specifically described;

Beginning at the South West corner of the above named tract, thence North 18 degrees 06 minutes West a distance of 991.94 feet to an iron pin; thence North 46 degrees 45 minutes 30 seconds East a distance of 2666.73 feet to an iron pin; Thence following around a curve (the long chord of which bears North 2 degrees 32 minutes 30 seconds West 531.27 feet) a distance of 601.7 feet to an iron pin; Thence North 38 degrees 09 minutes East 44.45 feet to an iron pin set in the Southerly line of the Southern Pacific Railroad Right-of-way; thence following the curving Southerly line of said Southern Pacific Railroad Right-of-way (the long chord of said curve bearing South 70 degrees 34 minutes East 819.1 feet) a distance of 825.4 feet to an iron pin at the intersection of said Southerly line of Southern Pacific Railroad Right-of-way and the West line of a Public Road, the West line of Public Road being also the East line of the above named 128 acre tract; Thence South 16 degrees 09 minutes West 62.1 feet to an iron pin; Thence South 18 degrees 06 minutes East 2077.78 feet to a stake; Thence South 71 degrees 94 minutes West 3277 feet to the point of beginning;

SAVE AND EXCEPT, However, from the foregoing 128 acre tract, a tract of 14.15 acres particularly described by metes and bounds as follows; Beginning at the North West corner of the above described 128 acre tract, Thence North 46 degrees 45 minutes East a distance of approximately 2666.73 feet to an iron pin; thence following around a curve (the long chord of which bears North 2 degrees 32 minutes 30 seconds West 531.27 feet) a distance of 601.7 feet to an iron pin; thence North 38 degrees 09 minutes East 44.45 feet to an iron pin set in the Southerly line of the Southern Pacific Railroad Right-of-Way; thence following the curving Southerly line of said Southern Pacific Railroad Right of-Way (the long chord of said curve bearing South 70 degrees 34 minutes East 819.1 feet), a distance of 825.4 feet to an iron pin set at the intersection of said Southerly line of Southern Pacific Railroad Right-of-way and the West line of a Public Road, the West line of Public Road being also the East line of the above described 128 acre tract; Thence South 16 degrees 09 minutes West 62.1 feet to an iron pin; Thence following a curve (the long chord of which bears South 69 degrees 07 minutes West 485.98 feet) a distance of 492.1 feet to an iron pin; Thence South 53 degrees 07 minutes East a distance of 347.63 feet to an iron pin; Thence South 46 degrees 45 minutes West a distance of approximately 2684.47 feet to an iron pin set in the West line of the above described 128 acre tract and the East line of the adjacent J D Cahill Farm; Thence north 18 degrees 06 minutes West a distance of 165.70 feet to the place of beginning, containing 14.15 acres of land, more or less.

Leaving 113.85 acres, more or less, hereby conveyed together with all improvements thereon.

SECTION 4. DISPOSITION OF PROCEEDS. (a) The proceeds of the sale authorized by Section 1 of this Act are allocated as provided by this section.

(b) The first \$40 million shall be deposited in the State Treasury to the credit of the General Revenue Fund.

(c) The next \$18,500,000 is appropriated to the Texas Department of Mental Health and Mental Retardation for the biennium ending August 31, 1987. That amount shall first be used for community center construction and renovation as provided in Section 3.11, Texas Mental Health and Mental Retardation Act (Article 5547-203, Vernon's Texas Civil Statutes), necessary life safety code improvements, and the purchase of land and construction of facilities for a rehabilitation center to replace the one authorized for sale in Section 1 of this Act. Any balance may be used for other construction and improvements as approved by the Texas Board of Mental Health and Mental Retardation, or for residential contract services for juveniles.

(d) Any balance remaining after the preceding allocations are satisfied shall be deposited in the State Treasury to the credit of the General Revenue Fund.

SECTION 5. Subsections (b) and (d), Section 31.159, Natural Resources Code, are amended to read as follows:

"(b) After the legislature authorizes the sale of real property, the division shall appoint an appraiser after complying with Subdivision (2) of Subsection (d) of this section. The division must give to the School Land Board a written notice of the proposed sale and must include in the notice a description of the appointed appraiser. To exercise the option, the School Land Board, not later than the 30th day after the date the notice can first be considered by the board at a regular meeting, must give written notice to the division stating that the board has decided to exercise the option. The School Land Board must complete the cash purchase not later than the 120th day after the date the division receives the notice from the board."

"(d) (1) Current fair market value shall be determined in accordance with the [following] procedure prescribed by this subsection [~~simultaneously with the giving of the written notice described in the Subsection (b) above, the division shall appoint an appraiser, and such appointment shall be described in such notice~~]. Within 21 days after the day the School Land Board receives the notice given to the board under Subsection (b) of this section [~~at the receipt of said notice~~], the School Land Board shall appoint a second appraiser. If the School Land Board fails to appoint the second appraiser, the division shall appoint a second appraiser within 21 [~~10~~] days after [~~at~~] the expiration of said 21-day [~~20-day~~] period in which the board could have appointed an appraiser. The two appraisers shall meet promptly and shall attempt to reach agreement on the current fair market value. If the two appraisers so selected do not reach agreement within 10 days of such meeting, the two original appraisers shall appoint another appraiser whose appraisal shall be final and binding on both parties if said appraisal is at least as high as the lower of the appraisals of the two original appraisers. If said appraisal is not at least as high as the lower of the two original appraisals, the two original appraisers shall continue to appoint additional appraisers until an additional appraiser's appraisal is at least as high as the lower of the two original appraisals, and that appraisal shall be final and binding.

"(2) Each appraiser shall be qualified and disinterested and shall have M.A.I. or other comparable professional designation, and the appointment of each appraiser shall only be made by the appointing party following receipt of at least three competitive bids, and if the cost of the appraisal is reasonably expected to exceed \$10,000, the appointing party shall utilize the notification procedure set out in Chapter 454, Acts of the 65th Legislature, Regular Session, 1977 (Article 6252-11c, Vernon's Texas Civil Statutes), and all time periods described in this Act shall be extended for the number of days necessary to comply with said notification procedure. The appointing party shall award the appraisal services contract to the bidder submitting the lowest and best bid, and in determining who has submitted the lowest and best bid, the appointing party shall consider the factors set out in Subdivisions (1) through (9) of Subsection (e) of Section 3.11, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes). Expense of the appraisal shall be paid by the division."

SECTION 5. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 8, 1985, by the following vote: Yeas 30, Nays 0; Senate concurred in House amendments on May 27, 1985, by the following vote: Yeas 27, Nays 4; passed subject to the provisions of Article III, Section 49a of the Constitution of Texas; passed the House, with amendments, on May 25, 1985, by the following vote: Yeas 130, Nays 12, two present not voting; passed subject to the provisions of Article III, Section 49a of the Constitution of Texas.

Approved: June 5, 1985

Effective: Immediately