

CHAPTER 19

S.B. No. 380

An Act relating to the conveyance of certain state-owned real property in Wichita County and use of proceeds.

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

SECTION 1. CONVEYANCE OF PROPERTY. The board of regents of Midwestern State University may convey for consideration and on other terms it considers appropriate all of the interest in the real property described in Section 2 of this Act. The board may retain all or part of the mineral rights to the property.

SECTION 2. DESCRIPTION OF PROPERTY. (a) The real property authorized to be conveyed under Section 1 of this Act consists of Tract 1 described in Subsection (b) of this section less Tracts 2, 3, 4, and 5, described in Subsections (c)-(f) of this section.

(b) Tract 1 is composed of the following described real property:

Plots No. 1 and 2 of the Wichita Falls State Hospital, Wichita County, Texas, described in 1 tract as follows:

BEING 98.88 acres of land, more or less, out of the John A. Scott Survey No. 6, Abstract No. 301, and the John A. Scott Survey No. 7, Abstract No. 295, Wichita County, Texas, and more particularly described as follows:

BEGINNING at a point in a westerly line of the John A. Bingham tract, said point bearing N 89° 45' E a distance of 231.0 feet, more or less, from the northwest corner of the S W 1/4 of the John A. Scott Survey No. 7;

THENCE N 07° 02' W with said westerly line of the Bingham tract a distance of 202.4 feet, more or less, to a corner;

THENCE N 48° 19' E along a southwesterly line of said Bingham tract a distance of 579.1 feet, more or less, to a corner;

THENCE S 01° 59' E a distance of 556.7 feet, more or less, to a corner;

THENCE N 89° 47' E 660.2 feet, more or less, to the southwest corner of a 20.12 acre tract conveyed to State of Texas by Kemp and Kell by deed, Vol. 95, page 193, Deed Records of Wichita County, Texas;

THENCE N 00° 34 1/2' W 1,324 feet, more or less, to the northwest corner of said 20.12 acre tract;

THENCE N 89° 51' E 658.5 feet, more or less, to the northeast corner of said 20.12 acre tract;

THENCE S 00° 37' E 1,323.5 feet, more or less, to the southeast corner of said 20.12 acre tract;

THENCE N 89° 52' E 659.7 feet, more or less, to a point being the northeast corner of the S E 1/4 of the John A. Scott Survey No. 7, said point being the northeast corner of that tract of land conveyed to State of Texas by Kemp and Kell and described by deed, Vol. 95, page 195, Deed Records of Wichita County, Texas;

THENCE S 00° 07' W 399.6 feet, more or less, to a corner;

THENCE N 89° 55' W 2,280 feet, more or less, to a corner;

THENCE S 37° 13 1/2' W a distance of 2,968.6 feet, more or less, to a corner in the northeasterly line of the F. W. and D. Railroad right-of-way;

THENCE along the northeasterly line of said right-of-way the following three courses:

1. In a northwesterly direction along a curve to the right, said curve having a radius of 2,764.8 feet and a central angle of 2° 00', a distance of 96.5 feet;

2. N 48° 14' E a distance of 50.0 feet;

3. In a northwesterly direction along a curve to the right, said curve having a radius of 2,714.8 feet and a central angle of 4° 35', a distance of 217.2 feet to a point in the westerly line of a county road called Lake Park Drive;

THENCE in a northeasterly direction along said westerly line of Lake Park Drive with a curve to the left, said curve having a radius of 332.68 feet and a central angle of 90° 34', a distance of 524.0 feet;

THENCE N 39° 42' W and continuing with said westerly line of Lake Park Drive, a distance of 192.7 feet to the beginning of a curve to the right;

THENCE along said curve to the right and with said westerly line of Lake Park Drive, said curve having a radius of 855.5 feet and a central angle of 74° 10', a distance of 1,106.8 feet to the end of said curve;

THENCE S 55° 32' E a distance of 60.0 feet to a corner in the easterly line of Lake Park Drive;

THENCE in a southwesterly direction with said easterly line of Lake Park Drive along a curve to the left, said curve having a radius of 795.5 feet and a central angle of 3° 30', a distance of 48.6 feet to the most westerly corner of above stated John A. Bingham tract;

THENCE with the following described nine (9) courses along southwesterly lines of the said John A. Bingham tract to the place of BEGINNING.

1. N 87° 19' E, 235.2 feet, more or less;

2. S 66° 31' E, 282.1 feet, more or less;

3. N 72° 36' E, 189.2 feet, more or less;

4. N 21° 08' E, 465.0 feet, more or less;

5. S 81° 41' E, 295.8 feet, more or less;

6. N 39° 11' E, 257.5 feet, more or less;

7. N 69° 56' E, 585.1 feet, more or less;

8. N 80° 19' E, 106.3 feet, more or less;

9. N 07° 2' W, 114.5 feet, more or less, to the place of BEGINNING.

Plots 3, 4, 5 and the plot immediately west of 5 of the Wichita Falls State Hospital, Wichita County, Texas, described as follows:

BEING 337.63 acres of land, more or less, out of Block 1, Kemp and Newby Sub. of Cherokee County School Lands, and being more particularly described as follows:

BEGINNING at the northeast corner of the SE 1/4 of the John A. Scott Survey No. 7, said point being the northeast corner of that tract of land conveyed to the State of Texas by Kemp & Kell, and described by deed recorded in Vol. 95, page 195, Deed Records of Wichita County, Texas;

THENCE N 00° 04 1/2' E 1,230.0 feet, more or less, with the west line of said Block 1, Kemp and Newby Sub. of Cherokee County School Lands, to the northwest corner of said Block 1;

THENCE S 89° 55' E 3525.3 feet, more or less, with the north line of said Block 1, to the northwest corner of that certain 31.6 acre tract conveyed to the Texas State Highway Department by the Board for Texas State Hospitals and Special Schools, July 21, 1958;

THENCE S 00° 17' E 2,000.0 feet, more or less, with the west line of said Highway Department tract to the southwest corner of same;

THENCE S 89° 55' E 700.0 feet, more or less, to a point in the east line of said Block 1, said point being the southeast corner of said Highway Department tract;

THENCE S 00° 17' E 1,065.9 feet, more or less, with the east line of said Block 1, to a corner in the northwest line of Texas Highway No. 79;

THENCE S 46° 19' W with the northwest line of Texas Highway No. 79, a distance of 1,160.7 feet, more or less, to a corner;

THENCE N 89° 56 1/2' W 1,196 feet, more or less, to a corner;

THENCE S 0° 17' E 27.5 feet, more or less, to a point in the center of a road;

THENCE N 89° 56 1/2' W 2199.8 feet, more or less, with the center of said road to a point for corner in the west line of the Cherokee County School Land Survey;

THENCE N 00° 07' E 2655.9 feet, more or less, with the west line of said School Land Survey, to a point of BEGINNING.

Plot 6 of the lands of the Wichita Falls State Hospital, Wichita County, Texas, described as follows:

BEING 83.32 acres of land out of the D. L. & C. Co. Survey, Abstract 613, Wichita County, Texas, and the Harvey Cox Survey, Abstract 67, Archer County, Texas, and more particularly described as follows:

BEGINNING at the northeast corner of the D. L. & C. Co. Survey, described in Vol. 37, page 403, Deed Records of Wichita County, Texas;

THENCE S 00° 15' E, 3,251.2 feet, more or less, with the east lines of said D. L. & C. Co. Survey and the said Harvey Cox Survey to a point for corner;

THENCE S 89° 33' W, 1,586.0 feet, more or less, to a point in the northeast line of the W. F. and D. Railroad right-of-way;

THENCE N 26° 14' W with said northeast line a distance of 196.2 feet, more or less, to a corner;

THENCE East a distance of 224.0 feet, more or less, to a corner;

THENCE N 26° 14' W, 552.0 feet, more or less, to a corner;

THENCE S 63° 46' W, 200.9 feet, more or less, to a corner in the northeast line of the W. F. and D. Railroad right-of-way;

THENCE N 26° 14' W with said right-of-way line a distance of 158.6 feet, more or less, to a corner;

THENCE N 37° 13 1/2' E, 3,188.7 feet, more or less, to the place of BEGINNING.

SAVE AND EXCEPT however that certain tract of land conveyed by deed on April 6, 1918 recorded in Volume 95, page 193 of the Deed Records of Wichita County and described as follows:

BEGINNING at the southwest corner of Blk. 2, Kemp and Newby Subdivision of Cherokee County School Lands, said point being in the center line of a road and being 141.6 feet S 89° 56 1/2' E from the northeast corner of D. L. and C. Co. Survey, Abstract No. 613;

THENCE N 0° 7' E, 27.5 feet to a corner in the north line of said road;

THENCE S 89° 56 1/2' E, 2199.6 feet along said north line of road to a point for a corner;

THENCE S 0° 17' E, 27.5 feet to a point on the center line of said road;

THENCE N 89° 56 1/2' W, 2199.8 feet along center line of said road to the place of BEGINNING.

(c) Tract 2 is composed of the following described real property:

A tract of land out of a 337.63 acre tract out of Block 1, Kemp & Newby Subdivision of Cherokee County School Lands, and being more particularly described by metes and bounds as follows:

BEGINNING at Northeast corner of the Southeast 1/4 of the John A. Scott Survey No. 7, said point being the Northeast corner of that tract conveyed to the State of Texas by Kemp & Kell, and described by deed recorded in Volume 95, Page 195, Deed Records of Wichita County, Texas;

THENCE North 00 deg. 04 1/2' East 1230.00 feet, with the West line of said Block 1, Kemp & Newby Subdivision of Cherokee County School Lands, to the Northwest corner of said Block 1;

THENCE South 89 deg. 55' East 3525.30 feet with the North line of said Block 1, the Northwest corner of that certain 31.6 acre tract conveyed to the Texas State Highway

Department by the Board for Texas State Hospitals and Special Schools, July 21, 1958, said point also being the Northeast corner and beginning point of the herein described tract, said point also being the Southeast corner of a 1.14 acre tract;

THENCE South 00 deg. 20' East 1613.70 feet with the West line of said Highway Department tract to a point for the Southeast corner of this tract;

THENCE North 89 deg. 55' West 1320.00 feet to a point for the Southwest corner of this tract;

THENCE North 00 deg. 20' West 1613.70 feet to a point in the North line of said Block 1, said point being the Northwest corner of this tract;

THENCE South 89 deg. 55' East 1320.00 feet along the North line of said Block 1, to the place of beginning and containing 48.90 acres, more or less.

(d) Tract 3 is composed of the following described real property:

A tract of land out of Block 1, Kemp & Newby Subdivision of the Cherokee County School Lands located in Wichita County, Texas, said tract being more specifically described by metes and bounds as follows:

Beginning at a point which bears West 700.20 feet and North 89° 55' West 1783-30 feet from the Northeast corner of the above mentioned Block 1, Kemp & Newby Subdivision corner and place of beginning of this description;

Thence South 00° 05' West 625.21 feet to a point for the Southeast corner of this tract;

Thence North 89° 55' West 958.00 feet to a point for the Southwest corner of this tract;

Thence North 00° 05' East 625.21 feet to a point for the Northwest corner of this tract;

Thence South 89° 55' East 958.00 feet, along a fence, to the place of beginning and containing 13.75 acres, more or less.

(e) Tract 4 is composed of the following described real property:

A tract of land out of Block 1, Kemp & Newby Subdivision of the Cherokee County School Lands, Wichita County, Texas, said tract being more specifically described by metes and bounds as follows:

Beginning at a point which bears South 00° 19' East 1814.72 feet from the northeast corner of said Block 1, Kemp & Newby Subdivision, said point being the northeast corner and place of beginning of this description;

Thence South 00° 17' East 272.00 feet to a point being the southeast corner of this tract;

Thence North 89° 55' West 160.00 feet to a point being the southwest corner of this tract;

Thence North 00° 17' West 272.00 feet to a point being the northwest corner of this tract;

Thence South 89° 55' East 160.00 feet to the place of beginning and containing 1.00 acre of land, more or less, said tract being out of 519.83 acres out of State Hospital Property conveyed to Midwestern State University under H.B. 688 Regular Session 58th Legislature, 1963.

(f) Tract 5 is composed of the following described real property:

A tract of land out of Block 1, Kemp & Newby Subdivision, of the Cherokee County School Lands, Wichita County, Texas, said tract being more specifically described by metes and bounds as follows:

Beginning at a point which bears South 00° 19' East 2086.72 feet from the northeast corner of said Block 1, Kemp & Newby Subdivision, said point being the northeast corner and place of beginning of this description;

Thence South 00° 17' East 932.20 feet to a point lying in the north right-of-way line of State Highway No. 79, said point being the southeast corner of this tract;

Thence along said north right-of-way line of State Highway No. 79, South 46° 19' West 41.29 feet to a point being the southwest corner of this tract;

Thence leaving said north right-of-way line of State Highway No. 79, North 00° 17' West 960.76 feet to a point being the northwest corner of this tract;

Thence South 89° 55' East 30.00 feet to the place of beginning and containing 0.65 acre of land, more or less, said tract being out of 519.83 acres out of State Hospital Property conveyed to Midwestern State University under H.B. 688 Regular Session 58th Legislature, 1963.

SECTION 3. SOLICITATION OF BIDS. The board of regents may not sell the property described in Section 2 of this Act until notice of the sale has been published in at least two issues of a newspaper of general circulation published in Wichita County. The first notice must be published at least 30 days before the date the property is to be sold. Each notice must describe the land to be sold and call for sealed bids on the property. The board shall reject any bid below the appraised value of the property. The board shall sell the property to the highest bidder or reject all bids and reoffer the property for sale.

SECTION 4. DISPOSITION OF PROCEEDS. The proceeds from the sale of real property authorized by Section 1 of this Act shall be deposited in an appropriate account of the university to be used for faculty and scholarship endowments.

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 February 18, 1985, by the following vote: Yeas 30, Nays 0;
passed the House on March 25, 1985, by a non-record vote.

Approved: April 3, 1985

Effective: August 26, 1985