

1-1 By: Bonnen (Senate Sponsor - Jackson) H.B. No. 3202  
1-2 (In the Senate - Received from the House April 23, 2009;  
1-3 April 23, 2009, read first time and referred to Committee on  
1-4 Criminal Justice; May 23, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;  
1-6 May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3202 By: Whitmire

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to authorizing the transfer of certain real property held  
1-11 by the Texas Department of Criminal Justice.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. AUTHORIZATION FOR TRANSFER. (a) Not later than  
1-14 January 1, 2010, the Texas Department of Criminal Justice shall  
1-15 transfer to Brazoria County the real property specified in Section  
1-16 2 of this Act.

1-17 (b) Consideration for the transfer authorized by Subsection  
1-18 (a) of this section shall be in the form of an agreement between the  
1-19 parties that requires Brazoria County to use the property in a  
1-20 manner that primarily promotes a public purpose that benefits the  
1-21 public interest of the state.

1-22 (c) If Brazoria County fails to use the property in the  
1-23 manner described by an agreement under Subsection (b) of this  
1-24 section for more than 180 continuous days, ownership of the  
1-25 property automatically reverts to the Texas Department of Criminal  
1-26 Justice.

1-27 (d) The Texas Department of Criminal Justice shall transfer  
1-28 the property to Brazoria County by an appropriate instrument of  
1-29 transfer. The instrument of transfer must include:

1-30 (1) a provision that:

1-31 (A) requires Brazoria County to use the property  
1-32 in a manner that primarily promotes a public purpose that benefits  
1-33 the public interest of the state; and

1-34 (B) indicates that ownership of the property  
1-35 automatically reverts to the Texas Department of Criminal Justice  
1-36 if Brazoria County no longer uses the property in a manner that  
1-37 primarily promotes a public purpose that benefits the public  
1-38 interest of the state; and

1-39 (2) a provision that:

1-40 (A) excludes from the transfer all mineral  
1-41 interests in and under the property; and

1-42 (B) prohibits any exploration, drilling, or  
1-43 other similar intrusion on the property related to mineral  
1-44 interests.

1-45 SECTION 2. PROPERTY DESCRIPTION. The Texas Department of  
1-46 Criminal Justice property to be transferred as provided by Section  
1-47 1 of this Act consists of approximately 332 acres, more or less,  
1-48 being part of that 7,424.4 tract or parcel of land conveyed to the  
1-49 Prison Commission of the State of Texas as recorded in Book 145,  
1-50 Page 242 of the Deed Records Brazoria County, Texas, said 332 acres,  
1-51 more or less, being out of the Jared E. Groce grant in Brazoria  
1-52 County, Texas, near Angleton, Texas, bounded by the Brazoria County  
1-53 Airport property to the West and State Highway 288 to the East, the  
1-54 northern boundary being the northern boundary of the said 7,424.4  
1-55 tract or parcel of land, the southern boundary being the northern  
1-56 boundary of a tract or parcel of land conveyed to RH Retrieve, Ltd.  
1-57 as recorded as Document # 2007018866 in the Official Public Records  
1-58 of Brazoria County, Texas.

1-59 SECTION 3. AUTHORIZATION FOR TRANSFER. (a) Not later than  
1-60 October 31, 2010, the Texas Department of Criminal Justice shall  
1-61 transfer to the City of Houston the real property specified in  
1-62 Section 4 of this Act, including any improvements affixed to the  
1-63 property.

2-1 (b) Consideration for the transfer authorized by Subsection  
2-2 (a) of this section shall be in the form of an agreement between the  
2-3 parties that requires the City of Houston to use the property in a  
2-4 manner that primarily promotes a public purpose that benefits the  
2-5 public interest of the state.

2-6 (c) If the City of Houston fails to use the property in the  
2-7 manner described by an agreement under Subsection (b) of this  
2-8 section for more than 180 continuous days, ownership of the  
2-9 property automatically reverts to the Texas Department of Criminal  
2-10 Justice.

2-11 (d) The Texas Department of Criminal Justice shall transfer  
2-12 the property to the City of Houston by an appropriate instrument of  
2-13 transfer. The instrument of transfer must include:

2-14 (1) a provision that:

2-15 (A) requires the City of Houston to use the  
2-16 property in a manner that primarily promotes a public purpose that  
2-17 benefits the public interest of the state; and

2-18 (B) indicates that ownership of the property  
2-19 automatically reverts to the Texas Department of Criminal Justice  
2-20 if the City of Houston no longer uses the property in a manner that  
2-21 primarily promotes a public purpose that benefits the public  
2-22 interest of the state; and

2-23 (2) a provision that:

2-24 (A) excludes from the transfer all mineral  
2-25 interests in and under the property; and

2-26 (B) prohibits any exploration, drilling, or  
2-27 other similar intrusion on the property related to mineral  
2-28 interests.

2-29 SECTION 4. PROPERTY DESCRIPTION. The Texas Department of  
2-30 Criminal Justice property to be transferred as provided by Section  
2-31 3 of this Act is described as follows:

2-32 Being a tract or parcel containing 0.0204 acre (888 square  
2-33 feet) of land situated in the H. Reinerman Survey, Abstract Number  
2-34 644, City of Houston, Harris County, Texas, being out of and a part  
2-35 of Tract 1, Block 2 of BROOKHOLLOW/HOUSTON, SECTION ONE, a  
2-36 subdivision of record in Volume 144, Page 79, Harris County Map  
2-37 Records (H.C.M.R.), out of and a part of Tract 2, Block 2 of  
2-38 BROOKHOLLOW/HOUSTON, SECTION TWO, a subdivision of record in Volume  
2-39 148, Page 33, H.C.M.R., and being out of and a part of a called  
2-40 197,847 square foot tract conveyed to the State of Texas Department  
2-41 of Public Safety (State of Texas) by deed recorded under Harris  
2-42 County Clerks File (H.C.C.F.) Number C580248, said 0.0204 acre  
2-43 tract being more particularly described as follows (bearings are  
2-44 oriented to the bearing base reflected in the record plat of said  
2-45 BROOKHOLLOW/HOUSTON, SECTION ONE):

2-46 BEGINNING at a mag nail found marking the easterly corner of a  
2-47 called 0.0650 acre tract conveyed to the City of Houston by deed  
2-48 recorded under H.C.C.F. Number X311063, said nail marking the  
2-49 northerly corner of the herein described tract;

2-50 THENCE, South 44°54'53" East, over and across said 197,847  
2-51 square foot tract, a distance of 17.50 feet to a PK Nail set marking  
2-52 the easterly corner of the herein described tract

2-53 THENCE, South 45°05'07" West, over and across said 197,847  
2-54 square foot tract, a distance of 50.75 feet to a PK Nail set marking  
2-55 the southerly corner of the herein described tract;

2-56 THENCE, North 44°54'53" West, over and across said 197,847  
2-57 square foot tract, a distance of 17.50 feet to a Mag Nail found  
2-58 marking the southerly corner of said 0.0650 acre tract and marking  
2-59 the westerly corner of the herein described tract;

2-60 THENCE, North 45°05'07" East, along the southeasterly line of  
2-61 said 0.0650 acre tract, a distance of 50.75 feet to the POINT OF  
2-62 BEGINNING and containing 0.204 acre (888 square feet) of land.

2-63 SECTION 5. EFFECTIVE DATE. This Act takes effect  
2-64 immediately if it receives a vote of two-thirds of all the members  
2-65 elected to each house, as provided by Section 39, Article III, Texas  
2-66 Constitution. If this Act does not receive the vote necessary for  
2-67 immediate effect, this Act takes effect September 1, 2009.