(b) Mitchell County shall use the property transferred under this Act only for a purpose that benefits the public interest of the state. If Mitchell County uses the property for any purpose other than a purpose that benefits the public interest of the state, ownership of the property automatically reverts to the Texas Department of Criminal Justice.

(c) The Texas Department of Criminal Justice shall transfer the property by an appropriate instrument of transfer. The instrument of transfer must:

1. provide that:
   A. Mitchell County use the property only for a purpose that benefits the public interest of the state; and
   B. ownership of the property will automatically revert to the Texas Department of Criminal Justice if Mitchell County uses the property for any purpose other than a purpose that benefits the public interest of the state; and
2. describe the property to be transferred by metes and bounds.

(d) The Texas Department of Criminal Justice shall retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of Mitchell County.

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

Tract 1

221.72 acres of land out of Section 31, Block 26, T&P Rwy. Co Surveys, Mitchell County, Texas, and being the middle 1/2 of that portion of said Section 31 north of Interstate 20. Described further by metes and bounds as follows:

Beginning: At an iron pin in the north line of said section that is N 76° 38' 11" E—1184.8' from the N.W. corner of said Section 31
Thence: N 76° 38' 11" E—2550.8' along said north line to an iron pin
Thence: S 12° 51' 41" E—3325.7' to an iron pin in the north r/w of Interstate 20
Thence: S 56° 49' 49" W—2719.9' along said r/w to an iron pin
Thence: N 12° 51' 41" W—4247.3' to the place of beginning and containing 221.72 acres of land more or less.

(f) Mitchell County shall pay any transaction fees resulting from the transfer of property under this Act.

SECTION 2. 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, 2009.

Passed the Senate on April 30, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 142, Nays 0, two present not voting.

Approved June 19, 2009.


CHAPTER 545

S.B. No. 1670

AN ACT

relating to the transfer of certain state property from the Texas Department of Transportation to Polk County.

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

SECTION 1. (a) Not later than September 30, 2009, the Texas Department of Transportation shall transfer to Polk County the real property described by Subsection (f) of this section.
(b) Polk County may use the property transferred under this Act only for a purpose that benefits the public interest of the state. If Polk County uses the property for any purpose other than a purpose that benefits the public interest of the state, Polk County shall pay to the Texas Department of Transportation an amount equal to the fair market value of the property on the date Polk County begins using the property for the purpose other than a purpose that benefits the public interest of the state, less the amount that Polk County 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, Polk County shall pay an amount to reimburse the Texas Department of Transportation for the department’s actual costs to acquire the property. If the Texas Department of Transportation cannot determine that amount, the amount shall be determined based on the average historical right-of-way acquisition values for right-of-way located in proximity to the property described by Subsection (f) of this section on the date of original acquisition of the property by the Texas Department of Transportation. Money received by the Texas Department of Transportation under this subsection shall be deposited in the state highway fund and used in the Texas Department of Transportation district in which the property is located.

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

   (1) provide that:
      (A) Polk County may use the property only for a purpose that benefits the public interest of the state; or
      (B) if Polk County uses the property for any purpose other than a purpose that benefits the public interest of the state, Polk County shall pay to the Texas Department of Transportation an amount equal to the fair market value of the property on the date Polk County begins using the property for the purpose other than a purpose that benefits the public interest of the state, less the amount that Polk County paid to the Texas Department of Transportation under Subsection (c) of this section; and

   (2) 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 Polk County.

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

FIELDNOTES of 10.549 Acres in the M.L. Choate Survey, A-15, Polk County, Texas and being all of a 1.338 Acre Tract described under Parcel 28, Part 1 in a Judgment of Court in the State of Texas, et al versus Wayne Duncan and wife, Judy Duncan, dated August 6, 1975 and recorded in Volume 305, Page 357 of the Polk County Deed Records and also being part of a 20.198 Acre Tract described under Parcel 26, Part 2 in a deed from H.D. Nixon and wife, Bonibel Nixon, et al, to the State of Texas dated August 21, 1975 and recorded in Volume 305, Page 726 of said Deed Records. Said 10.549 Acres being more particularly described as follows:

BEGINNING at the most Northerly West corner of said 20.198 Acre Tract and an interior corner of a 224.204 Acre Tract conveyed to the City of Livingston by deed recorded in Volume 450, Page 805 of said Deed Records, found a concrete monument with a 1/2" iron rod for corner;

THENCE with the most Northerly Northwest Line of said 20.198 Acre Tract and a Southeast Line of said 224.204 Acre Tract, N48°28′33″E 399.68 feet to the most Northerly North corner of said 20.198 Acre Tract and an interior corner of said 224.204 Acre Tract, found a concrete monument with a 1/2" iron rod for corner;

THENCE with the most Northerly Northeast Line of said 20.198 Acre Tract, a Southwest Line of said 224.204 Acre Tract, the Southwest Line of Garden Ridge Subdivision as shown on a Plat recorded in Volume 11, Page 31 of the Polk County Plat Records, the Southwest Line of the residue of a 4.573 Acre Tract conveyed to Donald R. Langston by deed recorded in Volume 1064, Page 882 of said Official Records, and the Northeast Line of said 1.338 Acre Tract, S41°33′29″E 1,149.91 feet to an interior corner of said 20.189 Acre Tract and the South corner of said residue Tract, found a concrete monument with a 1/2" iron rod for corner which
bears N41°26'31"W 200 feet from Highway No. 59 centerline station 164+49.77 and also marks the beginning of a Control of Access Line;

   THENCE across and severing said 20.198 Acre Tract, S48°33'29"W, at 369.77 feet and
   N41°26'31"W 200 feet from station 161+00 pass the end of said Control of Access Line and
   continue on same course a total distance of 399.77 feet to an interior corner of said 20.198
   Acre Tract and the East corner of a 1.250 Acre Tract conveyed to the Polk County Chamber
   of Commerce by deed recorded in Volume 1089, Page 79 of said Official Records, found a
   concrete monument with a 1/2" iron rod for corner which bears N41°26'31"W 200 feet from
   said Highway centerline at station 160+50.00;

   THENCE with the Northeast Line of said 1.250 Acre Tract, the Northeast Line of said
   224.204 Acre Tract, and the Southwest Line of said 20.198 Acre Tract, N41°33'13"W 1,149.34
   feet to the Place of Beginning and containing 10.549 Acres of Land.

The bearings described herein are based upon the most Westerly Northwest Line of said
20.198 Acre Tract.

   (g) Polk County shall pay any transaction fees resulting from the transfer of property
under this Act.

SECTION 2. 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, 2009.

Passed the Senate on April 9, 2009: Yeas 31, Nays 0; passed the House on May 26,
2009: Yeas 145, Nays 0, one present not voting.
Approved June 19, 2009.

CHAPTER 546

S.B. No. 1676

AN ACT

relating to fees charged by certain counties near international borders for issuing certain utility
certificates.

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

SECTION 1. Subsection (g), Section 232.028, Local Government Code, is amended to read
as follows:

   (g) The commissioners court may impose a fee for a certificate issued under this section for
a subdivision [part of which is located in the county and not within the limits [the
extraterritorial jurisdiction] of a municipality [and part of which is not located in the
extraterritorial jurisdiction of the municipality]]. The amount of the fee may be the greater of
$30 or the amount of the fee imposed by the municipality for a subdivision that is located
entirely in the extraterritorial jurisdiction of the municipality for a certificate issued under
Section 212.0115. A person who obtains a certificate under this section is not required to
obtain a certificate under Section 212.0115.

SECTION 2. Section 232.029, Local Government Code, is amended by adding Subsection
(n) to read as follows:

   (n) The commissioners court may impose a fee for a certificate issued under this section for
a subdivision which is located in the county and not within the limits of a municipality.
The amount of the fee may be the greater of $30 or the amount of the fee imposed by the
municipality for a subdivision that is located entirely in the extraterritorial jurisdiction of
the municipality for a certificate issued under Section 212.0115. A person who obtains a
certificate under this section is not required to obtain a certificate under Section 212.0115.

SECTION 3. This Act takes effect September 1, 2009.