

Chapter 864

H.B. No. 1738

1 AN ACT

2 relating to the release of certain restrictions on the use of  
3 certain highway rights-of-way transferred to a municipality from  
4 the Texas Department of Transportation.

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

6 SECTION 1. Section 202.021, Transportation Code, is amended  
7 by adding Subsection (e-2) to read as follows:

8 (e-2) A municipality that received a grant of highway  
9 right-of-way from the department on June 12, 2013, that is subject  
10 to a reservation described by Subsection (e-1) and that is  
11 described by Section 2 of the Act enacting this subsection may, with  
12 the approval of its governing body after a public hearing, enter  
13 into an agreement with the department under which:

14 (1) the department agrees to:

15 (A) recommend to the governor that an instrument  
16 releasing the reservation be executed; and

17 (B) if executed, record the instrument in the  
18 deed records of the county in which the right-of-way is located; and

19 (2) the municipality, if the instrument releasing the  
20 reservation is executed, agrees to:

21 (A) transfer the right-of-way to one or more  
22 landowners in exchange for real property with a value that is equal  
23 to or greater than the value of the right-of-way and that is  
24 described by Section 2 of the Act enacting this subsection;

1           (B) use the acquired real property for public  
2 road purposes necessary to accomplish a portion of a transportation  
3 master plan adopted by the municipality's governing body at a  
4 public meeting in February 2008; and

5           (C) execute and record in the deed records of the  
6 county in which the acquired real property is located a restrictive  
7 covenant that grants the real property to the state if the real  
8 property ceases to be used for public road purposes.

9           SECTION 2. The real property to be exchanged under Section  
10 202.021(e-2), Transportation Code, as added by this Act, is the  
11 following tracts in Hays County:

12           (1) FIELD NOTE DESCRIPTION OF 1.503 ACRES OF LAND, MORE OR  
13 LESS, OUT OF THE PHILLIP A. SMITH SURVEY NO. 26, ABSTRACT NO. 415,  
14 HAYS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 8.34 ACRE TRACT  
15 OF RIGHT OF WAY CONVEYED TO THE CITY OF DRIPPING SPRINGS BY DEED  
16 RECORDED IN VOLUME 4741, PAGE 377, OFFICIAL PUBLIC RECORDS OF HAYS  
17 COUNTY, TEXAS, SAID 1.503 ACRES BEING MORE PARTICULARLY DESCRIBED  
18 BY METES AND BOUNDS AS FOLLOWS:

19           COMMENCING at a concrete highway monument found at a point of  
20 curvature in the north right-of-way line of U.S. Hwy 290 (station  
21 924+80.70) and southwest line of Lot 1, R. J. Ragland Subdivision,  
22 as recorded in volume 194, page 347, Deed Records, Hays County,  
23 Texas, from which a capped 1/2 inch iron [CMA 5911] set in the  
24 curving north right-of-way line of U.S. Hwy 290 and south  
25 right-of-way line of Hays County Road No. 320, bears S 47°19'30" E,  
26 a distance of 275.02 feet, for the POINT OF BEGINNING of the herein  
27 described tract;

1           THENCE with the south right-of-way line of said county road  
2 and northeast line of said Lot 1, the following two (2) courses:

3           1) along a curve to the right, having a radius of 1,959.89  
4 feet, an arc length of 175.39 feet, a chord bearing of N 30°31'20" W,  
5 and a chord distance of 175.33 feet to a concrete highway monument  
6 found at a point of non-tangency, and

7           2) N 27°44'46" W, a distance of 245.39 feet to a capped 1/2  
8 inch iron rod [CMA 5911] set in the future south right-of-way line  
9 of Roger Hanks Parkway, for the northwest corner of the herein  
10 described tract;

11           THENCE over and across the right-of-way of said county road,  
12 along said future right-of-way, along a curve to the right, having a  
13 radius of 360.00 feet, an arc length of 100.37 feet, a chord bearing  
14 of N 60°41'43" E, and chord distance of 100.05 feet, to a capped 1/2  
15 inch iron rod [RPLS 4404] found in the north right-of-way line of  
16 said county road for the northeast corner of the herein described  
17 tract;

18           THENCE leaving said future right-of-way, with the north  
19 right-of-way line of said county road and south line of that certain  
20 142.00 acre tract conveyed to Draper Ranch Partnership by deed  
21 recorded in volume 936, page 868, Official Public Records, Hays  
22 County, Texas, the following two (2) courses:

23           1) S 27°44'46" E, a distance of 247.58 feet to a concrete  
24 monument found for a point of curvature, and

25           2) along a curve to the left, having a radius of 1,858.68  
26 feet, an arc length of 757.95 feet, a chord bearing of S 39°19'38" E,  
27 and a chord distance of 752.71 feet, to a 1/2 inch capped iron rod

1 [CMA 5911] set in the east line of said 142.00 acre tract;

2           THENCE leaving the north right-of-way line of said county  
3 road, with the south line of said 8.34 acre tract, the following  
4 three (3) courses:

5           1) N 53°18'17" W, a distance of 357.78 feet, to a capped 1/2  
6 inch iron rod [RPLS 4404] found for an angle point in south line of  
7 the herein described tract,

8           2) N 44°57'46" W, a distance of 54.06 feet, to a Mag nail  
9 found for an angle point in the south line of the herein described  
10 tract, and

11           3) along a curve to the right, having a radius of 5,669.65  
12 feet, an arc length of 200.79 feet, a chord bearing of N 48°50'36" W,  
13 and a chord distance of 200.78 feet to the POINT OF BEGINNING,  
14 containing 1.503 acres, more or less; and

15           (2) FIELD NOTE DESCRIPTION OF 11,604 SQUARE FEET ACRES OF  
16 LAND, MORE OR LESS, OUT OF THE PHILLIP A. SMITH SURVEY NO. 26,  
17 ABSTRACT NO. 415, HAYS COUNTY, TEXAS, AND BEING A PORTION OF LOT 1,  
18 R. J. RAGLAND SUBDIVISION, HAYS COUNTY, TEXAS, AS RECORDED IN  
19 VOLUME 194, PAGE 347, DEED RECORDS OF HAYS COUNTY, TEXAS, SAID  
20 11,604 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND  
21 BOUNDS AS FOLLOWS:

22           BEGINNING at a capped 1/2 inch iron rod [RPLS 4404] found for  
23 the northernmost corner of said Lot 1 and easternmost corner of Lot  
24 2 of said Ragland subdivision, in the south right-of-way line of  
25 Hays County Road No. 320 (Old U.S. Hwy 290) for the POINT OF  
26 BEGINNING and northernmost corner of the herein described tract;

27           THENCE with said south right-of-way line, S 27°44'46" E, a

1 distance of 88.41 feet to a capped 1/2 inch iron rod [CMA 5911] set  
2 in the future south right-of-way line of Roger Hanks Parkway for the  
3 easternmost corner of the herein described tract;

4 THENCE leaving the south right-of-way line of said county  
5 road, with future south right-of-way line of Roger Hanks Parkway,  
6 over and across said Lot 1, the following two (2) courses:

7 1) along a curve to the left, having a radius of 360.00 feet,  
8 an arc length of 53.88 feet, a chord bearing of S 48°25'13" W, and a  
9 chord distance of 53.83 feet to a capped 1/2 inch iron rod [CMA  
10 5911] set for a point of tangency, and

11 2) S 44°07'58" W, a distance of 76.04 feet, to a capped 1/2  
12 inch iron rod [CMA 5911] set in the north right-of-line of U.S. Hwy  
13 290 (100 foot wide) for the southernmost corner of the herein  
14 described tract;

15 THENCE with said north right-of-way line, N 45°52'02" W, a  
16 distance of 80.00 feet, to a capped 1/2 inch iron rod [CMA 5911] set  
17 for the westernmost corner of said Lot 1, southernmost corner of  
18 said Lot 2, and westernmost corner of the herein described tract;

19 THENCE with the common line between said Lot 1 and said Lot 2,  
20 N 44°07'58" E, a distance of 157.22 feet to the POINT OF BEGINNING,  
21 containing 11,604 square feet more or less.

22 (3) FIELD NOTE DESCRIPTION OF A 1.76 ACRE TRACT OF LAND OUT  
23 OF THE P.A.SMITH SURVEY NO. 26, HAYS COUNTY, TEXAS, BEING OUT OF A  
24 CALLED 142.00 ACRE TRACT OF LAND CONVEYED TO DRAPER RANCH  
25 PARTNERSHIP IN VOLUME 936, PAGE 868, OFFICIAL PUBLIC RECORDS OF  
26 HAYS COUNTY, TEXAS, SAID 1.76 ACRES BEING MORE PARTICULARLY  
27 DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

1 BEGINNING at a 1/2 inch iron rod with cap set for the  
2 northwest corner of the herein described tract, said iron rod being  
3 in the northeast corner of a called 19.21 acre tract of land  
4 conveyed to Hilltop Campus, LTD. In Volume 1780, Page 747, Official  
5 Public Records of Hays County, Texas, said iron rod being in the  
6 south line of a called 98.47 acre tract of land (remainder tract)  
7 recorded in Document No. 9926903, Official Public Records of Hays  
8 County, Texas;

9 THENCE N.89°11'23"E, with the south line of said 98.47 acre  
10 remainder tract and the north line of the herein described tract, a  
11 distance of 19.96 feet to a 1/2 inch iron rod with cap set for the  
12 northeast corner of the herein described tract, said iron rod being  
13 a northwest corner of a called 4.03 acre tract of land conveyed to  
14 The City of Dripping Springs, Texas in Volume 1878, Page 624,  
15 Official Public Records of Hays County, Texas;

16 THENCE S 01°18'22"E, with the west line of said 4.03 acre  
17 tract and the east line of said Draper Ranch Partnership remainder  
18 tract, a distance of 1010.94 feet to a 1/2 inch iron rod with cap set  
19 for the beginning of a non-tangent curve to the right;

20 THENCE crossing said Draper Ranch Partnership remainder  
21 tract, the following three (3) courses and distances;

22 1) with the arc of a non-tangent curve to the right, a  
23 distance of 396.92 feet, said curve having a radius of 440.00 feet  
24 and a chord bearing of S 54°49'12"W, a chord distance of 383.60 feet  
25 to a 1/2 inch iron rod with cap set for the end of said curve;

26 2) S 80°39'46"W, a distance of 223.53 feet to a 1/2 inch iron  
27 rod with cap set for the beginning of a curve to the left, and

1           3) with the arc of a curve to the left, a distance of 68.19  
2 feet, said curve having a radius of 360.00 feet and a chord bearing  
3 of S 75°14'11"W, a chord distance of 68.09 feet to a 1/2 inch iron  
4 rod with cap set in the east right of way of Hays County Road No. 320  
5 (R.O.W. varies), said iron rod being in the westerly line of said  
6 Draper Ranch Partnership remainder tract for the most southerly  
7 corner of the herein described tract, from which a concrete highway  
8 monument found bears S 26°42'54"E, a distance of 247.70 feet;

9           THENCE N 26°42'54"W, with the east right of way of Hays County  
10 Road No. 320, a distance of 80.43 feet to a 1/2 inch iron rod with  
11 cap set for the most westerly corner of the herein described tract  
12 and the beginning of a non-tangent curve to the right;

13           THENCE crossing said Draper Ranch Partnership remainder  
14 tract, the following four courses and distances;

15           1) with the arc of a non-tangent curve to the right, a  
16 distance of 92.48 feet, said curve having a radius of 440.00 feet  
17 and a chord bearing of N 74°38'29"E, a chord distance of 92.31 feet  
18 to a 1/2 inch iron rod with cap set for the end of said curve;

19           2) N 80°39'46"E, a distance of 223.53 feet to a 1/2 inch iron  
20 rod with cap set for the beginning of a curve to the left;

21           3) with the arc of a curve to the left, a distance of 515.03  
22 feet, said curve having a radius of 360.00 feet and a chord bearing  
23 of N 39°40'42"E, a distance of 472.22 feet to a 1/2 inch iron rod  
24 with cap set for the end of said curve, and

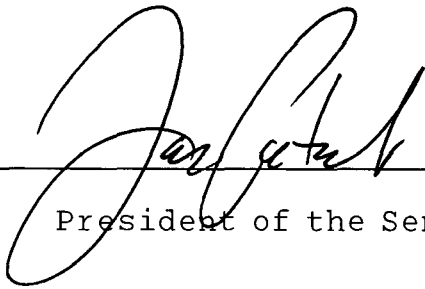
25           4) N 01°18'22"W, a distance of 789.23 feet to the POINT OF  
26 BEGINNING, containing 1.76 acres of land.

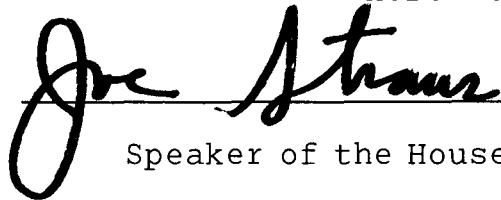
27           SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2015.



  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 1738 was passed by the House on April 30, 2015, by the following vote: Yeas 139, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1738 on May 28, 2015, by the following vote: Yeas 141, Nays 1, 2 present, not voting.

  
\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 1738 was passed by the Senate, with amendments, on May 26, 2015, by the following vote: Yeas 31, Nays 0.

  
\_\_\_\_\_  
Secretary of the Senate

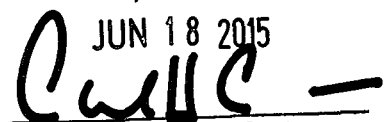
APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
8:00 pm O'CLOCK

JUN 18 2015  
  
\_\_\_\_\_  
Secretary of State

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 27, 2015

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1738** by Isaac (Relating to the release of certain restrictions on the use of certain highway rights-of-way transferred to a municipality from the Texas Department of Transportation.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Section 202.021 of the Transportation Code, relating to real property no longer needed for state highway purposes. Under current law, a transfer of Texas Department of Transportation real property to a government entity, without payment, must contain a requirement stating that the property reverts back to the state if the property ceases to be used for public road purposes. The bill would allow a municipality to enter into an agreement with TxDOT for a release of reversion requirement on certain property specified by the bill if the municipality agrees to then convey the property to a landowner in exchange for other property with a value at least equal to the transferred property, use the new property for public road purposes, and execute and record a restrictive covenant against the new property granting it to the state should it cease to be used for public road purposes. The bill would specify certain tracts of real property in Hays County to be exchanged under Section 202.021 as amended by the bill.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

**Local Government Impact**

According to the Texas Municipal League, no significant fiscal implication is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, SD, AG, NV, TG, KVe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 21, 2015**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB1738** by Isaac (Relating to the release of certain restrictions on the use of certain highway rights-of-way transferred to a municipality from the Texas Department of Transportation.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend Section 202.021 of the Transportation Code, relating to real property no longer needed for state highway purposes. Under current law, a transfer of Texas Department of Transportation real property to a government entity, without payment, must contain a requirement stating that the property reverts back to the state if the property ceases to be used for public road purposes. The bill would allow a municipality to enter into an agreement with TxDOT for a release of reversion requirement on certain property specified by the bill if the municipality agrees to then convey the property to a landowner in exchange for other property with a value at least equal to the transferred property, use the new property for public road purposes, and execute and record a restrictive covenant against the new property granting it to the state should it cease to be used for public road purposes. The bill would specify certain tracts of real property in Hays County to be exchanged under Section 202.021 as amended by the bill.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

**Local Government Impact**

According to the Texas Municipal League, no significant fiscal implication is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, AG, NV, TG, KVe

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 19, 2015**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1738** by Isaac (Relating to the release of certain restrictions on the use of certain highway rights-of-way transferred to a municipality from the Texas Department of Transportation.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Section 202.021 of the Transportation Code, relating to real property no longer needed for state highway purposes. Under current law, a transfer of Texas Department of Transportation real property to a government entity, without payment, must contain a requirement stating that the property reverts back to the state if the property ceases to be used for public road purposes. The bill would allow a municipality to enter into an agreement with TxDOT for a release of reversion requirement on certain property specified by the bill if the municipality agrees to then convey the property to a landowner in exchange for other property with a value at least equal to the transferred property, use the new property for public road purposes, and execute and record a restrictive covenant against the new property granting it to the state should it cease to be used for public road purposes. The bill would specify certain tracts of real property in Hays County to be exchanged under Section 202.021 as amended by the bill.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

**Local Government Impact**

According to the Texas Municipal League, no significant fiscal implication is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, AG, NV, TG, KVe

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 7, 2015**

**TO:** Honorable Joseph Pickett, Chair, House Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1738** by Isaac (Relating to the release of certain restrictions on the use of certain highway rights-of-way transferred to a municipality from the Texas Department of Transportation.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Section 202.021 of the Transportation Code, relating to real property no longer needed for state highway purposes. Under current law, a transfer of Texas Department of Transportation real property to a government entity, without payment, must contain a requirement stating that the property reverts back to the state if the property ceases to be used for public road purposes. The bill would allow a municipality to enter into an agreement with TxDOT for a release of reversion requirement if the municipality agrees to then convey the property to a landowner in exchange for other property with a value at least equal to the transferred property, use the new property for public road purposes, and execute and record a restrictive covenant against the new property granting it to the state should it cease to be used for public road purposes.

Based on the information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

**Local Government Impact**

According to the Texas Municipal League, no significant fiscal implication is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, AG, NV, TG, KVe