

By: Watson

S.B. No. 1349

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Department of Motor Vehicles over real property, including the transfer of specific property from the Texas Department of Transportation.

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

SECTION 1. Section 2165.007(b), Government Code, as amended by Chapters 247 (S.B. 836) and 932 (H.B. 2206), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(b) Notwithstanding any other law, the commission shall provide facilities management services in relation to all state agency facilities in Travis County or a county adjacent to Travis County. The commission's duty does not apply to:

(1) a facility owned or operated by an institution of higher education;

(2) military facilities;

(3) facilities owned or operated by the Texas Department of Criminal Justice;

(4) facilities owned or operated by the Texas Juvenile Justice Department;

(5) facilities owned or operated by the Texas Department of Transportation;

(6) the Capitol, including the Capitol Extension, the General Land Office building, the Bob Bullock Texas State History

Museum, any museum located on the Capitol grounds, the Governor's Mansion, and any property maintained by the Texas Historical Commission under Sections 442.0072 and 442.0073;

(7) a facility determined by the commission to be completely residential;

(8) a regional or field office of a state agency;

(9) a facility located within or on state park property;

(10) the property known as the Finance Commission Building described by deed recorded in Volume 5080, Page 1099, of the Deed Records of Travis County, Texas;

(11) the property known as the Credit Union Department Building described by deed recorded in Volume 6126, Page 27, of the Deed Records of Travis County, Texas; ~~or~~

(12) the property known as the Texas State Cemetery described as 17.376 acres located at 801 Comal, Lot 5, Division B, City of Austin, Travis County, Texas; or

(13) facilities owned or operated by the Texas Department of Motor Vehicles.

SECTION 2. Section 2166.003(a), Government Code, is amended to read as follows:

(a) Unless otherwise provided, this chapter does not apply to:

(1) a project constructed by and for the Texas Department of Transportation;

(2) a project constructed by and for a state institution of higher education;

1 (3) a pen, shed, or ancillary building constructed by
2 and for the Department of Agriculture for the processing of
3 livestock before export;

4 (4) a project constructed by the Parks and Wildlife
5 Department;

6 (5) a repair or rehabilitation project, except a major
7 renovation, of buildings and grounds on the commission inventory;

8 (6) a repair and rehabilitation project of another
9 using agency, if all labor for the project is provided by the
10 regular maintenance force of the using agency under specific
11 legislative authorization and the project does not require the
12 advance preparation of working plans or drawings;

13 (7) a repair and rehabilitation project involving the
14 use of contract labor, if the project has been excluded from this
15 chapter by commission rule and does not require the advance
16 preparation of working plans or drawings;

17 (8) an action taken by the Texas Commission on
18 Environmental Quality under Subchapter F or I, Chapter 361, Health
19 and Safety Code;

20 (9) a repair, rehabilitation, or construction project
21 on property owned by the Texas Department of Housing and Community
22 Affairs or the Texas State Affordable Housing Corporation;

23 (10) a project constructed by and for the Veterans'
24 Land Board; ~~[or]~~

25 (11) a project constructed by and for the Texas
26 Historical Commission; or

27 (12) a project constructed by and for the Texas

Department of Motor Vehicles.

SECTION 3. Section 2167.001(b), Government Code, is amended to read as follows:

(b) This chapter does not apply to:

- (1) radio antenna space;
- (2) residential space for a Texas Department of Mental Health and Mental Retardation program;
- (3) residential space for a Texas Juvenile Justice Department program;
- (4) space to be used for less than one month for meetings, conferences, conventions, seminars, displays, examinations, auctions, or similar purposes;
- (5) district office space for members of the legislature;
- (6) space used by the Texas Workforce Commission;
- (7) residential property acquired by the Texas Department of Housing and Community Affairs or the Texas State Affordable Housing Corporation that is offered for sale or rental to individuals and families of low or very low income or families of moderate income;
- (8) except as provided by Section 2167.007, space for a university system or institution of higher education; ~~or~~
- (9) space leased by the Texas Veterans Commission to administer the veterans employment services program; or
- (10) space for the Texas Department of Motor Vehicles.

SECTION 4. Chapter 1001, Transportation Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. AUTHORITY REGARDING REAL PROPERTY

Sec. 1001.201. OWNERSHIP, CONTROL, MAINTENANCE, IMPROVEMENT, AND DISPOSITION OF REAL PROPERTY. (a)
Notwithstanding Chapters 2165, 2166, and 2167, Government Code, or any other law, the department may own, control, manage, maintain, improve, lease, pledge, encumber, trade, sell, transfer, and otherwise dispose of real property, including improvements.

(b) If requested by the department, the General Land Office shall negotiate and close a sale of real property under this section on behalf of the department using procedures under Section 31.158(c), Natural Resources Code, except that the General Land Office is not required to offer the School Land Board the first option to purchase the real property.

(c) Revenue from the lease, encumbrance, sale, trade, transfer, or other disposition of real property under this section shall be deposited to the credit of the Texas Department of Motor Vehicles fund for the use and benefit of the department.

(d) The expenses incurred by the General Land Office in conducting a real estate transaction under this section, including the payment of reasonable brokerage fees, may be deducted from the proceeds of the transaction before the proceeds are deposited to the credit of the Texas Department of Motor Vehicles fund.

Sec. 1001.202. CONTRACT AUTHORITY. (a) Notwithstanding Chapters 2165, 2166, and 2167, Government Code, or any other law, the department may enter into a contract regarding the management, maintenance, design, construction, rehabilitation, repair, renovation, improvement, inspection, lease, pledge, encumbrance,

1 trade, sale, transfer, or other disposition of real property,
2 including improvements, under this subchapter.

3 (b) The department shall comply with the requirements and
4 processes in Chapters 2165, 2166, and 2167, Government Code, to the
5 extent feasible, except that the department shall comply with a
6 requirement that expressly applies to a state agency that is exempt
7 from Chapter 2166, Government Code, under Section 2166.003 of that
8 code. Although the department is not required to use the services
9 of the Texas Facilities Commission, the department may use services
10 provided under Sections 2165.056, 2166.005, and 2167.007,
11 Government Code.

12 SECTION 5. (a) The Texas Department of Transportation may
13 donate and transfer all or part of the property described by
14 Subsection (e) of this section to the Texas Department of Motor
15 Vehicles.

16 (b) The Texas Department of Motor Vehicles may use the
17 property transferred under this Act only for a purpose that
18 benefits the public interest of the state. If the Texas Department
19 of Motor Vehicles uses the property for any purpose other than a
20 purpose described by this subsection, ownership of the property
21 automatically reverts to the Texas Department of Transportation.

22 (c) The Texas Department of Transportation must transfer
23 any property under Subsection (a) of this section by an appropriate
24 transfer instrument. The transfer instrument must include:

25 (1) a provision that:

26 (A) requires the Texas Department of Motor
27 Vehicles to use the property for a purpose that benefits the public

1 interest of the state; and

2 (B) indicates that ownership of the property
3 automatically reverts to the Texas Department of Transportation if
4 the Texas Department of Motor Vehicles no longer uses the property
5 for a purpose that benefits the public interest of the state; and

6 (2) a legal description of the property to be
7 transferred.

8 (d) The Texas Department of Motor Vehicles is responsible
9 for the recordation of the transfer instrument.

10 (e) The real property to which Subsection (a) of this
11 section refers consists of the following two tracts of land:

12 TRACT 1

13 BEING A 7.5138 ACRES [327,300 SQUARE FEET] TRACT OF LAND, MORE OR
14 LESS, IN THE WILLIAM PORTER SURVEY, ABSTRACT NO. 7, GEORGE W. SPEAR
15 LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF
16 A TRACT OF LAND DESCRIBED IN DEED TO THE STATE OF TEXAS, RECORDED IN
17 BOOK 261, PAGE 134 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS
18 (D.R.T.C.T.), SAID 7.5138 ACRE TRACT OF LAND BEING MORE
19 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

20 BEGINNING AT A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF
21 SAID STATE OF TEXAS TRACT, SAME BEING IN THE WEST RIGHT-OF-WAY
22 (R.O.W.) LINE OF JACKSON STREET (A VARIABLE WIDTH R.O.W.), HAVING A
23 SURFACE COORDINATE OF NORTH 10,088,522.008, EAST 3,110,296.848;

24 1) THENCE SOUTH 04°31'15" WEST ALONG THE EAST LINE OF SAID
25 STATE OF TEXAS TRACT AND THE COMMON WEST R.O.W LINE OF SAID JACKSON
26 STREET, A DISTANCE OF 951.21 FEET TO A MAG NAIL WITH WASHER STAMPED
27 "LAMB-STAR TBPLS#10048300" SET IN ASPHALT;

1 2) THENCE NORTH 85°29'55" WEST DEPARTING SAID COMMON LINE
2 AND OVER AND ACROSS SAID STATE OF TEXAS TRACT, A DISTANCE OF 323.74
3 FEET TO A 3 1/4 INCH ALUMINUM DISC STAMPED "TEXAS DEPT OF
4 TRANSPORTATION" SET IN CONCRETE IN THE WEST LINE OF SAID STATE OF
5 TEXAS TRACT, SAME BEING THE EAST R.O.W. LINE OF MO-PAC EXPRESSWAY
6 (LOOP 1, VARIABLE WIDTH R.O.W.) DESCRIBED IN DEED TO THE STATE OF
7 TEXAS, RECORDED IN VOLUME 6823, PAGE 637 D.R.T.C.T.;

8 3) THENCE NORTH 03°23'50" EAST ALONG THE WEST LINE OF SAID
9 STATE OF TEXAS TRACT AND THE COMMON EAST R.O.W LINE OF SAID MO-PAC
10 EXPRESSWAY (LOOP 1), A DISTANCE OF 6.95 FEET TO A 4 INCH BRASS DISC
11 STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN
12 CONCRETE;

13 4) THENCE NORTH 04°49'47" EAST CONTINUING ALONG SAID COMMON
14 LINE, A DISTANCE OF 1080.01 FEET TO A 4 INCH BRASS DISC STAMPED
15 "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN CONCRETE FOR THE
16 NORTHWEST CORNER OF SAID STATE OF TEXAS TRACT, SAME BEING THE SOUTH
17 LINE OF WESTMINSTER MANOR LOT 1, BLOCK A, AN ADDITION TO THE CITY OF
18 AUSTIN, ACCORDING TO THE PLAT THEREOF RECORDED IN INSTRUMENT NUMBER
19 200600340 D.R.T.C.T., FROM WHICH A 4 INCH BRASS DISC STAMPED "TEXAS
20 DEPARTMENT OF TRANSPORTATION R.O.W." FOUND BEARS NORTH 62°07'46"
21 WEST, A DISTANCE OF 12.91 FEET;

22 5) THENCE SOUTH 62° 23' 09" EAST DEPARTING SAID COMMON LINE
23 AND ALONG THE NORTH LINE OF SAID STATE OF TEXAS TRACT AND THE COMMON
24 SOUTH LINE OF SAID WESTMINSTER MANOR LOT 1, BLOCK A, A DISTANCE OF
25 345.76 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.5138 ACRES
26 [327,300 SQUARE FEET] OF LAND, MORE OR LESS.

TRACT 2

BEING A 7.5823 ACRES [330,284 SQUARE FEET] TRACT OF LAND, MORE OR LESS, IN THE WILLIAM PORTER SURVEY, ABSTRACT NO. 7, GEORGE W. SPEAR LEAGUE, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN DEED TO THE STATE OF TEXAS, RECORDED IN BOOK 261, PAGE 134 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), SAID 7.5138 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID STATE OF TEXAS TRACT, SAME BEING IN THE WEST RIGHT-OF-WAY (R.O.W.) LINE OF JACKSON STREET (A VARIABLE WIDTH R.O.W.); THENCE SOUTH 04°31'15" WEST ALONG THE EAST LINE OF SAID STATE OF TEXAS TRACT AND THE COMMON WEST R.O.W LINE OF SAID JACKSON STREET, A DISTANCE OF 951.21 FEET TO A MAG NAIL WITH WASHER STAMPED "LAMB-STAR TBPLS#10048300" SET IN ASPHALT FOR THE POINT OF BEGINNING, HAVING A SURFACE COORDINATE OF NORTH 10,087,573.756, EAST 3,110,221.872;

1) THENCE SOUTH 04°31'15" WEST CONTINUING ALONG SAID COMMON LINE, PASSING A 4 INCH BRASS DISC STAMPED "TEXAS HIGHWAY DEPARTMENT R.O.W." FOUND, AT A DISTANCE OF 636.60 FEET, CONTINUING IN ALL A TOTAL DISTANCE OF 1043.34 FEET TO A 4 INCH BRASS DISC STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN CONCRETE IN THE NEW NORTH R.O.W. LINE OF WEST 35TH STREET (A VARIABLE WIDTH R.O.W.) DESCRIBED IN DEED TO THE STATE OF TEXAS, RECORDED IN VOLUME 6823, PAGE 637 D.R.T.C.T.;

2) THENCE NORTH 80°50'24" WEST DEPARTING SAID COMMON LINE AND OVER AND ACROSS SAID STATE OF TEXAS TRACT AND ALONG THE NEW NORTH R.O.W. LINE OF WEST 35TH STREET, A DISTANCE OF 320.77 FEET TO

1 A 4 INCH BRASS DISC STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION
2 R.O.W." SET IN CONCRETE IN THE WEST LINE OF SAID STATE OF TEXAS
3 TRACT, SAME BEING THE EAST R.O.W. LINE OF MO-PAC EXPRESSWAY (LOOP 1,
4 VARIABLE WIDTH R.O.W.) DESCRIBED IN DEED TO THE STATE OF TEXAS,
5 RECORDED IN VOLUME 6823, PAGE 637 D.R.T.C.T.;

6 3) THENCE NORTH 04°01'11" EAST ALONG THE WEST LINE OF SAID
7 STATE OF TEXAS TRACT AND THE COMMON EAST R.O.W LINE OF SAID MO-PAC
8 EXPRESSWAY (LOOP 1), A DISTANCE OF 374.34 FEET TO A 4 INCH BRASS
9 DISC STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN
10 CONCRETE;

11 4) THENCE NORTH 05°50'15" EAST CONTINUING ALONG SAID COMMON
12 LINE, A DISTANCE OF 205.75 FEET TO A 4 INCH BRASS DISC STAMPED
13 "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN CONCRETE;

14 5) THENCE NORTH 04°49'47" EAST CONTINUING ALONG SAID COMMON
15 LINE, A DISTANCE OF 124.25 FEET TO A 4 INCH BRASS DISC STAMPED
16 "TEXAS DEPARTMENT OF TRANSPORTATION R.O.W." SET IN CONCRETE;

17 6) THENCE NORTH 03°23'50" EAST CONTINUING ALONG SAID COMMON
18 LINE, A DISTANCE OF 313.07 FEET TO A 3 1/4 INCH ALUMINUM DISC
19 STAMPED "TEXAS DEPT OF TRANSPORTATION" SET IN CONCRETE;

20 7) THENCE SOUTH 85° 29' 55" EAST DEPARTING SAID COMMON LINE
21 AND OVER AND ACROSS SAID STATE OF TEXAS TRACT, A DISTANCE OF 323.74
22 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.5823 ACRES [330,284
23 SQUARE FEET] OF LAND, MORE OR LESS.

24 SECTION 6. To the extent of any conflict, this Act prevails
25 over another Act of the 85th Legislature, Regular Session, 2017,
26 relating to nonsubstantive additions to and corrections in enacted
27 codes.

1 SECTION 7. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2017.