

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 1670  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Several years ago, the Texas Department of Transportation (TxDOT) acquired large tracts of land throughout the state to later be used as possible right-of-way for highway expansion projects. However, some land cannot be used for highway expansion and has been deemed surplus property by TxDOT. This land is held by TxDOT but can be sold to another public entity. However, under current law, TxDOT can only sell this property for fair market value, which often exceeds the original purchase price of the property by tens of thousands of dollars. There are several governmental entities across the state that could use this property for the public's benefit. One such entity is Polk County, which, would like to build a community college.

As proposed, S.B. 1670 authorizes TxDOT to transfer a certain tract of its surplus property to Polk County for the purpose of building a community college. The bill requires Polk County to pay TxDOT the actual price that TxDOT paid for the land. S.B. 1670 stipulates that if Polk County uses the land for something other than a public purpose, it must pay TxDOT fair market value for the land.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. (a) Requires the Texas Department of Transportation (TxDOT), not later than September 30, 2009, to transfer to Polk County the real property described by Subsection (f) of this section.

(b) Authorizes Polk County (county) to use the property transferred under this Act for a purpose that benefits the public interest of the state. Requires the county, if the county uses the property for any purpose other than a purpose that benefits the public interest of the state, to pay TxDOT an amount equal to the fair market value of the property on the date the county begins using the property for the purpose other than a purpose that benefits the public interest of the state, less the amount that the county paid to TxDOT under Subsection (c) of this Act.

(c) Requires the county, on the effective date of the transfer authorized under Subsection (a), to pay an amount to reimburse TxDOT for TxDOT's actual costs to acquire the property. Requires that the amount, if TxDOT cannot determine that amount, 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) on the date of original acquisition of the property by TxDOT. Requires that money received by TxDOT under this subsection be deposited in the state highway fund and used in the TxDOT district in which the property is located.

(d) Requires TxDOT to transfer the property by an appropriate instrument of transfer. Requires that the instrument provide and describe certain information relating to the transfer.

(e) Requires TxDOT to retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of the county.

(f) Sets forth the description of the real property referred to in this section.

(g) Requires the county to pay any transaction fees resulting from the transfer of property under this Act.

SECTION 2. Effective date: upon passage or September 1, 2009.