

## CHAPTER 3.

## EXECUTION OF QUIT-CLAIM DEEDS TO LAND IN BIG BEND NATIONAL AND STATE PARKS.

S. B. No. 448.]

An Act directing the Texas State Parks Board to execute quit-claim deeds to lands situated in the Big Bend Park in Brewster County which were sold for taxes and acquired by the State for park purposes under the terms of Chapter 100, Acts of the First Called Session of the Forty-third Legislature, to the original owners in cases where the taxes were not actually delinquent, and where tax receipts or tax certificates can be produced showing payment of such taxes; and declaring an emergency.

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

SECTION 1. The Texas State Parks Board shall execute quit-claim deeds to any and all lands being and situated in the Big Bend National Park or the Big Bend State Park in Brewster County, which lands were sold for taxes and were acquired by the State of Texas for park purposes under such tax sales under the terms and provisions of Chapter 100, Acts of the First Called Session of the Forty-third Legislature to the record owners thereof at the time of such tax sales in all cases where the taxes on such lands were not actually delinquent, and in which cases the original owners can produce valid tax receipts or a tax certificate from the Tax Collector of Brewster County showing that all taxes on the lands were paid each year in accordance with the laws of this State in the required time and were not actually delinquent.

SEC. 2. The fact that there were a number of tax sales made of lands on which taxes were never actually delinquent and on which the landowners can produce valid tax receipts, and the fact that the tax deeds to the State, though invalid, constitute a cloud on the title of the landowner and the fact that the State Parks Board cannot remove this cloud at this time constitutes a great public necessity and emergency requiring that the Constitutional Rule requiring bills to be read on three separate days in each House be and is hereby suspended and this law shall take effect from and after its passage, and it is so enacted.

[NOTE.—S. B. No. 448 was passed by the Senate, May 1, 1939, by a vote of 29 yeas, 0 nays; by the House, May 31, 1939, by a vote of 123 yeas, 1 nay.]

Approved June 7, 1939.

Effective June 7, 1939.

## Subdivision II. State Parks.

## CHAPTER 4.

## BIG BEND NATIONAL PARK.

## S. B. No. 123.]

An Act dedicating and establishing the Big Bend National Park in Brewster County, Texas, and defining the area of said park, granting powers of condemnation, and defining the duties and powers of the Texas State Parks Board in regard thereto, withdrawing from sale or lease, and transferring certain lands belonging to the State Public School Fund to the State of Texas for park purposes only, and providing a consideration therefor, and transferring and conveying certain mineral estates now owned by the State Public School Fund in said area to the State of Texas for park purposes only and providing a consideration for said transfer and conveyance; and authorizing the Board to make exchange of lands previously acquired for park purposes under certain Acts lying outside the area defined by this Act for land lying within said area and fixing a maximum price that shall be paid by the Board for the purchase of land in said area where said consideration is to be paid out of appropriations from the General Fund of the State, and further providing that all lands acquired by the State for park purposes under Chapter 100, Acts First Called Session, Forty-third Legislature, within said area are to be transferred to the State of Texas for park purposes and to be designated as a part of the land dedicated herein as the Big Bend National Park, and providing that the United States Government may acquire title to said property within said area and authorizing a conveyance by the State of Texas to the United States Government for park purposes, reserving certain jurisdictional rights and privileges to the State, and declaring an emergency.

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

SECTION 1. That when the title to the following described lands situated in Brewster County, Texas, shall have become vested in the State of Texas for park purposes under the terms of this Act or any previous Act or Acts or that have been acquired or that have become vested under any previous Act or Acts, such lands shall be and are hereby established, dedicated and set apart as a public park for the benefit and enjoyment of the people and shall be known and designated as the "Big Bend National Park" which area is approximately defined by the following metes and bounds:

Beginning at a point on the north bank of the Rio Grande River marked by a wooden monument painted white, about six feet high, and located at Long.  $102^{\circ} 50' 47''$ ; Lat.  $29^{\circ} 22' 09''$

Thence: N  $65^{\circ} 20'$  W approximately 9.1 miles to B. M. 5857 on Sue Peaks;

Thence: N  $18^{\circ} 0'$  W approximately 11.8 miles to a point at Long.  $103^{\circ} 24'$ ; Lat.  $29^{\circ} 35'$ ;

Thence: N  $52^{\circ} 30'$  W approximately 9.4 miles to a point at Long.  $103^{\circ} 10'$ ; Lat.  $29^{\circ} 40'$ ;

Thence: N  $\frac{1}{2}$  mile;

Thence: W  $\frac{1}{2}$  mile;

Thence: S  $\frac{1}{2}$  mile to a point  $\frac{1}{2}$  mile west of Long.  $103^{\circ} 10'$ ; Lat.  $29^{\circ} 40'$ ;

Thence: S  $5^{\circ} 15' E$  approximately 5.8 miles to a point at Long.  $103^{\circ} 10'$ ; Lat.  $29^{\circ} 35'$ ;

Thence: S approximately 7.8 miles;

Thence: S  $83^{\circ} 30' W$  approximately 13.7 miles to B. M. 4405;

Thence: S  $42^{\circ} 30' W$  approximately 20.6 miles to B. M. 2316;

Thence: N  $82^{\circ} 30' W$  approximately 9.5 miles to a monument similar to the one described at the point of beginning and located on the N. bank of the Rio Grande River at Long.  $103^{\circ} 46' 17''$ ; Lat.  $29^{\circ} 14' 48''$ ;

Thence: Following the international boundary line along the Rio Grande River in a generally easterly direction to point of beginning, containing approximately 788,000 acres.

Provided, however, in the event it should prove advantageous to the State of Texas in acquiring land within this area to include other and adjoining lands than that comprised within the foregoing boundaries, then it will be permissible under this Act to acquire such additional lands in such amounts just so the total amount purchased or acquired in said area does not exceed one million acres.

SEC. 2. The Texas State Parks Board is hereby empowered and authorized to carry out the purposes and provisions of this Act and to employ such employees or assistants as may be necessary from time to time for the accomplishment of the provisions herein set forth. That the members of said Parks Board shall not receive any additional compensation for their services, except to be reimbursed for all necessary and actual traveling expenses incurred in carrying out the provisions of this Act.

Said Board is hereby authorized and empowered to acquire either by purchase or condemnation proceedings, or by gift or donation lands within the foregoing area not now owned by the State of Texas or that is not now owned by the State of Texas for park purposes, said land so acquired to be used only for park purposes. Said Board is hereby authorized and empowered to accept for park purposes any and all lands within said area that may be offered or conveyed to it by any individual, group of individuals or corporation, private or municipal, having title to such land. The Texas State Parks Board is also authorized to accept any and all donations of funds or property that may be made to it for the purchase of lands within this area, and is further authorized to use said monies or property so donated in acquiring title to lands within this area, and to pay for such lands and the cost of acquiring same, out of said fund, such sums as in its discretion it may deem advisable. Provided, however, that no commission shall be paid to anyone in the acquisition of said land. That the State Parks Board shall place any and all funds so received by it in a special fund in the State Treasury to be used for the sole and only purpose provided herein. Said Board is hereby vested with the power of eminent domain, and in

the exercise of said power shall have the right to condemn for park purposes within the said area, and may institute, maintain and prosecute suits in the name of the State of Texas, for that purpose following the procedure applicable to the condemnation of lands by counties or by railroads or any other method authorized by law, and it is hereby made the duty of the Attorney General or the County or District Attorneys of Brewster County, Texas, to aid and assist the Board in the institution and prosecution of condemnation suits within said area. That all land acquired by said Board shall be for the use and benefit of the State of Texas for recreational park purposes and shall be under the supervision and control of the Texas State Parks Board.

SEC. 3. The Legislature of the State of Texas hereby withdraws from sale or lease all unsold public free school lands situated within the boundaries of the area described in this Act and which has been designated as the Big Bend National Park and hereby transfers and conveys said land from the State Public School Fund to the State of Texas for park purposes only, and upon payment being made for said land as hereinafter set out the title thereto shall vest in the State of Texas for park purposes only, and said land shall become a part of the Big Bend National Park. Said land is hereby valued at the sum of one dollar per acre which amount shall be paid therefor to the State Treasurer of the State of Texas to be credited to the State Public School Permanent Fund as consideration for said lands and in lieu of said lands. Said lands hereby transferred and conveyed are conveyed in fee simple title without any mineral reservation. The amount of the consideration for said conveyance of said Public School lands is to be paid out of any appropriation hereinafter made in this Act, or that may hereafter be made for said purpose in any other Act or Acts or from any gift or donation of funds that may be made to the State Parks Board for the purchase of land within the area that has been designated by this Act as the Big Bend National Park. The Commissioner of the General Land Office shall prepare a list of the lands now owned by the State Public School Fund situated within this area and which has not heretofore been transferred or conveyed by the provisions of Chapter 100, Acts First Called Session of the Forty-third Legislature, and shall deliver one copy to the Texas State Parks Board and shall certify and furnish to the State Treasurer of the State of Texas a copy of said list showing the number of acres and a proper description thereof, and on the basis of said certificate the State Treasurer is hereby authorized to make proper settlement, credits, and transfers of monies from the General Fund of the State of Texas hereby appropriated to the State Public School Fund, and to make proper settlement and credits from payment received from the Texas State Parks Board out of any donations or gifts of monies made to said Board to the State Public School Fund for the purpose of purchasing said school lands for park purposes. That

the Texas State Parks Board is hereby authorized and empowered in conjunction with the State Treasurer to designate the proper amount of acreage contained in said certificate in accordance with the payments so made in proportion to the amount paid therefor.

SEC. 4. That where the mineral estate has been severed from the surface estate in Public Free School lands situated within the boundaries of the area which has been designated herein as the Big Bend National Park, the Legislature of the State of Texas hereby transfers and conveys all the mineral estate now owned by the State of Texas for the benefit of its Public Free School Fund to the State of Texas for park purpose only and the title to said mineral estate shall vest upon the payment of the consideration hereinafter set out. The amount of consideration for said conveyance shall be at the rate of fifty cents per acre and shall be paid to the State Treasurer of the State of Texas to be credited to the Public School Permanent Fund as consideration for said mineral estates in said lands and in lieu of said mineral estates in said public school lands. That said consideration shall either be paid by a transfer to be made by the State Treasurer from the General Fund of the State of Texas to the Public School Fund from the appropriation hereinafter made in this Act or from appropriations that may be hereafter made for said purpose or may be made by proper credit to be made by the State Treasurer from payments that may be made by the Texas State Parks Board from the special fund established by this Act for the purchase of lands situated within the area that has been designated as the Big Bend National Park. That upon the taking effect of this Act, the Commissioner of the General Land Office shall prepare a list of the lands in which the State of Texas owns only the mineral estate situated in the area designated as the Big Bend National Park herein for the benefit of the State Public School Fund and shall deliver one copy to the State Parks Board and one copy to the State Treasurer and shall certify to the State Treasurer the number of acres covered by said mineral estates and a proper description thereof which certificate shall form the basis for the credits to be made by the State Treasurer covering the transfer and conveyance of the mineral estates covered by this Act.

SEC. 5. That the Texas State Parks Board is hereby authorized to exchange any lands that have been acquired for park purposes under the provisions of Chapter 100, Acts First Called Session of the Forty-third Legislature, and that may have been acquired for park purposes under Chapter 95, Acts Regular Session Forty-third Legislature, that are situated outside of the boundaries of the area described and designated in this Act as the Big Bend National Park, for lands not yet acquired for park purposes within the area which has been described in this Act and designated as the Big Bend National Park.

SEC. 6. The Board in the purchase of lands within said area from private owners thereof, shall not pay a greater price than Two (\$2.00) Dollars per acre, exclusive of improvements thereon,

for voluntary sales where the consideration is to be paid out of appropriations made from the General Fund of the State of Texas, provided this limitation shall not apply on lands acquired through condemnation proceedings. That all such lands shall be acquired in fee simple title without any reservation of any character whatsoever. That where lands have been sold by the State of Texas for the benefit of the State Public School Fund on the deferred payment plan and there are now outstanding balances due from the purchasers upon obligations executed for the purchase of said land and as a part of the consideration therefor, the Board shall place a value on the purchasers' equity therein and pay such purchaser or purchasers therefor not to exceed the amount of Two (\$2.00) Dollars per acre, exclusive of improvements where said consideration is to be paid out of appropriations made from the General Fund of the State of Texas, and to pay the State of Texas for the benefit of the Public School Fund the amount of unpaid balance due thereon. The limitation as to the amount that shall be paid per acre for the land shall not apply to payments that are to be made out of the special fund created by this Act but shall only apply to payments or part-payments to be made out of the appropriations payable out of the General Fund of the State of Texas.

SEC. 7. That all lands acquired by the State of Texas for park purposes under the provisions of Chapter 100, Acts First Called Session, Forty-third Legislature which is situated within the area herein defined and designated as the Big Bend National Park is hereby transferred and conveyed to the State of Texas for park purposes and shall be designated as the Big Bend National Park.

SEC. 8. The United States Government, through the Secretary of the Interior or any other Agency, is hereby authorized to acquire title, to hold, occupy and possess the area herein defined as the Big Bend National Park and the Governor of the State of Texas is hereby authorized to execute a deed of conveyance to the United States Government covering the area acquired under the terms of this Act as the Big Bend National Park for the use of the public for recreational park purposes, in consideration of the United States Government agreeing to establish and maintain said area as a National Park under an Act of Congress, being Public—No. 157, enacted by the Seventy-fourth Congress of the United States and to cede to the United States jurisdiction over said lands in conformity with the provisions of Article 5247, of the Revised Civil Statutes of Texas, 1925; reserving, however, to the State of Texas, the right to retain concurrent jurisdiction with the United States over every portion of the lands so ceded, so far, that all process, civil or criminal, issuing under the authority of this State or any of the courts or judicial officers thereof, may be executed by the proper officers of the State, upon any person amenable to the same within the limits of the land so ceded as the area for the Big Bend National Park, in like manner and like effect as if no such session had taken place; and, reserving further, to the State the right to

levy and collect taxes on sales of products or commodities upon which a sales tax is levied in this State, and to tax persons and corporations, their franchises and properties, on land or lands deeded and conveyed under the terms of this Act; and reserving also, to persons residing in or on any of the land or lands deeded or conveyed under the terms of this Act to the United States Government the right to vote at all elections within the counties, in which said land or lands are located, upon like terms and conditions and to the same extent as they would be entitled to vote in such counties had not such lands been deeded or conveyed as aforesaid to the United States of America.

SEC. 9. The fact that the United States Government has been authorized by an Act of Congress of the United States through the Secretary of the Interior to establish and dedicate and maintain a National Park to be known as the "Big Bend National Park of the State of Texas," provided the State of Texas will convey title to said area free of any cost to the United States Government, and the fact that the land lying within said area is of little, if any, value for any other purpose, and the fact that the establishment of a National Park in this area by the United States Government will be of great benefit to the people of the State of Texas and the country at large, both from a standpoint of recreation and economic development, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and this Act shall be in full force and effect from and after its passage, and it is so enacted.

[NOTE.—S. B. No. 123 was passed by the Senate, April 4, 1939, by a vote of 23 yeas, 2 nays; by the House, May 1, 1939, with amendments, by a vote of 109 yeas, 20 nays. Senate concurred in House amendments, May 2, 1939, by a vote of 29 yeas, 0 nays.]

Approved May 12, 1939.

Effective May 12, 1939.

#### CHAPTER 5.

### BLANCO STATE PARK.

H. B. No. 879.]

An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas to deed, convey, and transfer all right, title, and interest of whatsoever class, kind, or character directly or indirectly belonging to the State of Texas, in and to that tract of land known as the Blanco State Park, which said tract of land is located in the City of Blanco, Blanco County, Texas; providing for reversion of title to said Park to the State upon failure of the city to continue levying the tax for maintenance of the Park; and declaring an emergency.

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

SECTION 1. The Commissioner of the General Land Office of the State of Texas is hereby authorized and directed to convey

This was separated from its  
original rolled sketch.

Part 2; Now being Attached to Rolled Sketch 60.  
Brewster Co.

3/31/82 BR.

See Brewster Co. Rld. Sk. 60, part 2

File No. Sketch File 46

Brewster County

Enabling Big Bend Nat'l

Filed (10-20-1989)

GARRY MAURO, Clerk

By (Douglas Howard)