

THE FOCAL POINT

The focal points as shown on the Gulf Coast Map is at the intersection of a Meridian line projected south from the mouth of the Sabine River, with the intersection of a parallel of latitude projected east from the mouth of the Rio Grande

The approximate Latitude $25^{\circ} 58' 15''$
The approximate Longitude $93^{\circ} 50' 12''$

All County line boundaries intersecting the shore line of the Gulf of Mexico have been projected to the focal point, and shown graphically upon the Gulf Coast area map. (maps)

It is now planned and will soon be agreed upon to have the said county line boundaries fronting on the shore line of the Gulf of Mexico, marked by a monument, and tied into the U. S. Coast and Geodetic Triangulation and given in Latitude and Longitude.

When this is completed the Geodetic Azimuths can thus be calculated from the county line monument out to the focal point.

The Geodetic Azimuths of each county line running from the shore out to the 3 marine league line can be converted to Lambert Grid Azimuths and coordinated with the Gulf Coast area maps.

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CURRENT MISC INFORMATION
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THE FOCAL POINT FOR
SUB-DIVISION OF GULF
FOR CO. BOUNDARIES

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Current
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MOTOR VEHICLES—LICENSE PLATES

Ch. 254

STATE OF TEXAS—SOVEREIGNTY ALONG GULFWARD SEACOAST

CHAPTER 253

S. B. No. 400

An Act declaring the sovereignty of Texas along its Gulfward seacoast; fixing its present Gulfward seacoast boundary and ownership; amending Section 1 of Senate Bill No. 30, Chapter 286 of the 47th Legislature; and declaring an emergency.

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

Section 1. That Section 1 of Senate Bill No. 30, Chapter 286, Acts of the 47th Legislature, be and the same is hereby amended ⁵³ so as to hereafter read as follows:

"Section 1. The Gulfward boundary of the State of Texas is hereby fixed and declared to be a line beginning in the Gulf of Mexico at the mouth of the Sabine River; thence on a grid bearing S. 35 degrees 55 minutes and 22 seconds E. to the farthestmost edge of the continental shelf from the Gulf Shore line; thence in a Westerly and Southerly direction with the edge of the continental shelf to a point opposite the mouth of the Rio Grande River; thence to the mouth of the Rio Grande River."

Sec. 2. The fact that the land included within the boundaries hereinabove fixed belongs to the Permanent Public Free School Fund of this state, and the state has never by statute embraced all of same within the boundary of Texas, and that the same is believed to be oil bearing land, and that the development of same in accordance with the provisions of law governing the sale or lease of minerals belonging to said Permanent Free School Fund is a major duty of the Legislature, and requires prompt and immediate attention, creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days in each House be, and the same is hereby suspended, and that this Act take effect and be in full force from and after its passage, and it is so enacted.

Passed the Senate, April 29, 1947: Yeas 26, Nays 0; passed the House, May 7, 1947: Yeas 124, Nays 14.

Approved May 23, 1947.

Effective May 23, 1947.

MOTOR VEHICLES—LICENSE PLATES

CHAPTER 254

H. B. No. 166

An Act to amend Section 5 of Chapter 3 of the General Laws of the Second Called Session, Forty-third Legislature, 1933, as amended by Section 1, Chapter 21, Forty-fourth Legislature, 1935, to provide that license plates may be purchased and placed on vehicles beginning February first, in the event this date falls on Sunday they may be purchased beginning on February second; providing a saving clause; and repealing all laws in conflict herewith; and declaring an emergency.

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

Section 1. That Section 5 of Chapter 3 of the General Laws of the Second Called Session, Forty-Third Legislature, as amended by Sec-

⁵³ Vernon's Ann.Civ.St., art. 5415a.

COUNTIES—GULFWARD BOUNDARIES

CHAPTER 287 ⁸⁷

S. B. No. 338

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Act

An Act extending the gulfward boundaries of all coastal counties of this state; providing for the surveying and platting of same and fixing the boundaries between said counties; providing that all such areas shall become a part of the Public Free School Lands; containing a saving clause; and declaring an emergency.

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

Section 1. The gulfward boundary lines of all of the counties of this state bordering on the coast line of the Gulf of Mexico are hereby fixed and declared to be the continental shelf in the Gulf of Mexico.

Sec. 2. The Commissioner of the General Land Office is hereby authorized and directed to have the area between the coast line of the Gulf of Mexico and the continental shelf compiled and platted, and fix and locate the boundary lines between the several coastal counties from the coast line to the continental shelf. (The boundary lines from the coast line to the continental shelf between the counties shall be fixed and located by the Commissioner of the General Land Office in accordance with established engineering practice.) The legal description of the boundary lines as fixed between the counties from the coast line to the continental shelf shall be filed and recorded in the office of the county clerk of the county affected thereby.

Sec. 3. All of the areas within the extended boundaries of said counties as provided in this Act shall become a part of the Public Free School Lands and Domain and shall be subject to the Constitutional and Statutory provisions of this state pertaining to the use, distribution, sale and lease of Public Free School Lands of this state.

or Sec. 4. If any section, provision, or part whatsoever of this Act should be held to be void as in violation of the Constitution, it shall not affect the validity of the remaining portions thereof, it being the express intention that the Legislature would have passed the bill without the presence of the section or part thereof to be invalid.

Sec. 5. The fact that the gulfward boundary lines of the coastal counties of this state should be fixed and determined due to the potential value of the areas within the extended boundaries as provided in this Act, and the crowded condition of the calendars of both Houses of the Legislature, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate, April 17, 1947: Yeas 28, Nays 0; May 12, 1947, Senate concurred in House amendments, by a viva voce vote; passed the House, May 7, 1947, with amendments: Yeas 125, Nays 13.

Approved May 25, 1947.

Effective 90 days after June 6, 1947, date of adjournment.

cf Vernon's Ann.Civ.St., art. 1592a.

House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the House, April 10, 1957: Yeas 139, Nays 1; passed the Senate,

May 21, 1957: Yeas 31, Nays 0.

Approved June 10, 1957.

Effective June 10, 1957.

TEXAS GULF COAST LINE—AGREEMENTS WITH FEDERAL AGENCIES FOR SURVEYS— LOW WATER CONTOUR

CHAPTER 477⁸⁴

H. B. No. 764

An Act authorizing and directing the Commissioner of the General Land Office to enter into an agreement or agreements with the appropriate agency of the Federal Government to contract for a survey of the Texas Gulf Coast line for the purpose of determining the low water contour along said Gulf Coast line; providing that such survey may be based on a traverse delineated from controlled aerial mosaic sheets and contact prints; providing that such mosaic sheets and contact prints shall be official records and archives of the General Land Office; authorizing and directing the Commissioner of the General Land Office to furnish without cost to any governmental agency copies of data on file in, or compiled by, the General Land Office and to furnish other facilities of his office in matters affecting the determination of boundaries and/or the exploration and development of minerals in submerged areas; providing that field notes, maps, or other documents compiled as a result of survey authorized herein shall be permanent records and archives of the General Land Office; providing that such documents or certified copies thereof shall be admissible in evidence; requiring the Commissioner of the General Land Office to report the results of the survey herein authorized to the Fifty-sixth Legislature; and declaring an emergency.

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

Section 1. The Commissioner of the General Land Office is hereby authorized and directed to negotiate and consummate an agreement, or agreements, with the appropriate agency of the Federal Government of the United States, whereby the General Land Office and such appropriate agency of the Federal Government may enter into contracts or agreements with the United States Coast and Geodetic Survey, or other appropriate governmental agency, for a survey of the Texas Gulf Coast line, by projection, protraction, ground surveying or other recognized surveying methods, for the purpose of determining the low water contour along said Gulf Coast line from which the three marine league boundary line may be accurately fixed by metes and bounds, demarking the boundary of Texas as defined in the Submerged Lands Act (Public Law 31, 83d Congress, Ch. 65, 1st Sess., H.R. 4198, 67 Stat. 29).

Sec. 2. The survey of the low water contour as herein authorized may be developed by using a basic traverse line delineated from controlled aerial mosaic survey sheets and contact prints depicting the Texas coast, as made and compiled by Jack Ammann Photogrammetric Engineers, Inc., of an aerial survey made from December 31, 1953, to May 17, 1954, and

⁸⁴ Vernon's Ann.Civ.St. art. 5415c.

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filed in the General Land Office of the State of Texas on October 19, 1954. The controlled aerial mosaic sheets and contact prints herein described are hereby declared to be official records and archives of the General Land Office of the State of Texas.

Sec. 3. The Commissioner of the General Land Office is hereby authorized and directed to furnish without cost to any governmental agency, copies of papers, maps, records, documents and all other data on file in, or compiled by, the General Land Office pertaining to or affecting the determination of boundaries by and between the State of Texas and the United States of America on the Continental Shelf, and to furnish other facilities of his office in co-operation with the appropriate agency or agencies of the Federal Government in the matter of boundary determination and/or the exploration and development of the minerals in submerged areas under the jurisdiction of the State of Texas.

Sec. 4. The field notes, maps or other documents compiled as a result of the survey accomplished pursuant to this Act shall be filed in the General Land Office as permanent records and archives and the same, or certified copies thereof, shall be admissible in evidence as are other papers, documents and records and certified copies thereof of such office.

Sec. 5. The Commissioner of the General Land Office shall report the results of the survey herein authorized to the Governor, Lieutenant Governor, Speaker of the House and Members of the Fifty-sixth Legislature so that the necessary Legislative action can be taken to approve the location and demarkation of the three marine league boundary of Texas.

Sec. 6. The need for determination of factual data to be used in the ultimate determination of the boundary of Texas on the Continental Shelf so that orderly and unhampered development of the mineral resources in the submerged areas may be accomplished without delay, 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 suspended, and such Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the House, May 15, 1957: Yeas 128, Nays 0; passed the Senate,

May 17, 1957: Yeas 30, Nays 0.

Approved June 10, 1957.

Effective June 10, 1957.

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Thurman v. Kirkland (Civ.App.1924) 260 S. W. 677.

Texas & P. Ry. Co. v. State (1935) 124 T. 482, 78 S.W.2d 580, appeal dismissed 56 S. Ct. 369, 296 U.S. 552, 80 L.Ed. 390.

3. Grants to railroads

Resolution making adoption by United States of route for transcontinental railroad by specified date condition precedent to grant of public lands never became effective as grant, where route was not adopted within specified time, regardless of whether condition was unreasonable because allowing insufficient time for necessary work preliminary to laying out route.

Acceptance by railroad of act defining railroad's rights, which stated that rights granted should be accepted by railroad in full satisfaction of all claims for land against state, divested railroad of all rights respecting land which railroad's predecessor had received from state, except easement rights granted predecessor by statute. Id.

§ 11.012. Gulfward Boundary of Texas

(a) The gulfward boundary of the State of Texas is the boundary determined in and pursuant to the decision of the United States Supreme Court in Texas v. Louisiana, 426 U.S. 465 (1976).

(b) The State of Texas has full sovereignty over the water, the beds and shores, and the arms of the Gulf of Mexico within its boundaries as provided in Subsection (a) of this section, subject only to the right of the United States to regulate foreign and interstate commerce under Article I, Section 8 of the United States Constitution, and the power of the United States over admiralty and maritime jurisdiction under Article III, Section 2 of the United States Constitution.

(c) The State of Texas owns the water and the beds and shores of the Gulf of Mexico and the arms of the Gulf of Mexico within the boundaries provided in this section, including all land which is covered by the Gulf of Mexico and the arms of the Gulf of Mexico either at low tide or high tide.

(d) None of the provisions of this section may be construed to relinquish any dominion, sovereignty, territory, property, or rights of the State of Texas previously held by the state.

Revisor's Note

The description of the gulfward boundary of Texas is changed in the revised law to reflect actions of the United States Supreme Court and its special master in Louisiana v. Texas, 398 U.S. 934 (1970) and boundary determinations made by the International Boundary and Water Commission.

Historical Note

Prior Law:

Acts 1941, 47th Leg., p. 454, ch. 286.
Acts 1947, 50th Leg., p. 451, ch. 253, § 1.
Vernon's Ann.Civ.St. art. 5415a.

Library References

States 12(1).

C.J.S. States §§ 7, 8, 10, 15, 17, 18.

United States Supreme Court

Louisiana and Texas. Texas boundary dispute, see Texas v. Louisiana, 1976, 96 S. Ct. 2155.

Notes of Decisions

In general 2
Federal dominion 3
Seismograph operations 4
Validity of prior laws 1

1. Validity of prior laws

Vernon's Ann.Civ.St. art. 5415a (repealed) in so far as it attempted to extend boundaries of Texas beyond the three-league limit and to assert ownership of state in waters and submerged lands beyond that limit, was inconsistent with provisions of federal Submerged Lands Act (43 U.S.C.A. § 1301 et seq.) which fixed boundaries of Texas at three marine leagues from the Texas coast, and said art. 5415a could not afford basis for claim that airplane which carried employee to death crashed in the United States within policy extending coverage only to accidents occurring in the United States, its territories or possessions. Employers Mut. Cas. Co. v. Samuels (Civ.App.1966) 407 S.W.2d 839, ref. n. r. e.

2. In general

The admission of Texas into the Union with its maritime boundary not yet settled did not result in the United States' foreign policy on extent of territorial waters operating automatically upon admission to fix its seaward boundary, as a domestic matter, at three miles. U. S. v. States of La., Tex., Miss., Ala. and Fla. (1960) 80 S.Ct. 961, 363 U.S. 1, 121, 4 L.Ed.2d 1025, 1096, rehearing denied 81 S.Ct. 36, 364 U.S. 856, 5 L.Ed.2d 80.

The three-league maritime boundary asserted by the Republic of Texas embraced an area which was "properly included within, and rightfully belonging to" the republic within meaning of joint resolution of annexation providing that such territory

was annexed to United States subject to subsequent boundary adjustment. Id.

Under Submerged Lands Act (43 U.S.C.A. § 1301 et seq.), the seaward boundary of Texas, in so far as title to natural resources is concerned, is three marine leagues, or nine nautical miles, from the Texas coast line. Employers Mut. Cas. Co. v. Samuels (Civ.App.1966) 407 S.W.2d 839, ref. n. r. e.

3. Federal dominion

Former provision of Vernon's Ann.Civ.St. art. 5415a (repealed) extending boundary to a line 24 miles beyond three mile limit and thereafter, to outer edge of continental shelf did not affect dominion of United States over such area, including oil thereunder. U. S. v. State of Tex. (1950) 70 S. Ct. 918, 339 U.S. 707, 94 L.Ed. 1221, rehearing denied 71 S.Ct. 277, 340 U.S. 907, 95 L. Ed. 656.

While language of Outer Continental Shelf Lands Act (43 U.S.C.A. § 1331 et seq.), expressly amounts to an assertion of federal jurisdiction, words manifestly show that federal jurisdiction and control are extended only to the subsoil and seabed of the shelf, and all artificial islands and fixed structures which may be erected thereon and does not affect the status of the superjacent waters as high seas. Employers Mut. Cas. Co. v. Samuels (Civ. App.1966) 407 S.W.2d 839, ref. n. r. e.

4. Seismograph operations

To conduct seismograph operation in bays, inlets and arms of Gulf of Mexico, without permission of state, would constitute a trespass, and state board of education has no authority, either express or implied, to grant such a permit. Op.Atty. Gen.1945, No. O-6888.

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§ 11.013. Gulfward Boundaries of Counties

(a) The gulfward boundary of each county located on the coastline of the Gulf of Mexico is the Three Marine League line as determined by the United States Supreme Court.

(b) The area in the extended boundaries of the counties as provided in this section becomes a part of the public free school land and is subject to the constitutional and statutory provisions of this state pertaining to the use, distribution, sale, and lease of public free school land in this state.

Revisor's Note

See the revisor's note following Section 11.012 of this code for an explanation of the change in boundary description.

Historical Note

Prior Law:

Acts 1947, 50th Leg., p. 490, ch. 287, §§ 1,


3.

Vernon's Ann.Civ.St. art. 1592a, §§ 1, 3.

Cross References

Location of coastal boundaries, see § 31.063.

Library References

Counties  7.

C.J.S. Counties § 14.

§ 11.014. Land Acquired From Oklahoma

(a) Land acquired by the state in *Oklahoma v. Texas*, 272 U.S. 21 (1926) and subsequent orders of the United States Supreme Court relating to that case, is incorporated into the counties which are adjacent to the land, and the north and south lines of the adjacent counties, Lipscomb, Hemphill, Wheeler, Collingsworth, and Childress, are extended east to the 100th degree of west longitude as it is fixed in the final judgment.

(b) The land acquired from Oklahoma shall become a part of the respective counties as though it were originally included in each county for governmental purposes and shall be assessed for taxes and have taxes collected under the provisions of existing law.

Revisor's Note

(1) The provisions of V.A.C.S. Art. 5421a, Sec. 1, have been altered to reflect the court's decision in *State of Oklahoma v. State of Texas*, the *United States of America*, Intervenor, 272 U.S. 21 (1926).

§ 31.062

PUBLIC DOMAIN

Title 2

(c) If the suspended clerk is found guilty of embezzlement, he shall be removed from office and a suit shall be instituted to recover on his bond.

Historical Note

Prior Law:

Acts Nov. 10, 1866, p. 162, § 3.
G.L. vol. 5, p. 1079.
Rev.Civ.St.1879, art. 2790.

Rev.Civ.St.1895, art. 2879.
Rev.Civ.St.1911, art. 4406.
Vernon's Ann.Civ.St. art. 5258.

Library References

Public Lands \S 180.

C.J.S. Public Lands § 237.

§ 31.063. Location of Coastal Boundaries

(a) The commissioner shall have the area between the coastline of the Gulf of Mexico and the Three Marine League line compiled and platted and shall locate and set the boundary lines between the coastal counties from the coastline to the Three Marine League line.

(b) The boundary lines between the counties from the coastline to the Three Marine League line shall be located and set by the commissioner in accordance with established engineering practice.

(c) The legal description of the boundary lines set between the counties from the coastline to the continental shelf shall be filed and recorded in the office of the county clerk of the affected county.

Revisor's Note

For an explanation of the use of the Three Marine League line in lieu of the continental shelf, see the revisor's note following Section 11.012 of this code.

Historical Note

Prior Law:

Acts 1947, 50th Leg., p. 490, ch. 287, § 2.
Vernon's Ann.Civ.St. art. 1592a, § 2.

Cross References

Gulfward boundaries of counties, see § 11.013.

Library References

Boundaries \S 54(1).

C.J.S. Boundaries § 89 et seq.

[Sections 31.064 to 31.100 reserved for expansion]

PUBLIC DOMAIN
Title 2

Annexations 5
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TITLE 2. PUBLIC DOMAIN

SUBTITLE C. ADMINISTRATION

Chapter	Section
40. Oil Spill Prevention and Response Act of 1991	40.001

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SUBTITLE A. GENERAL PROVISIONS

**CHAPTER 11. PROVISIONS GENERALLY APPLICABLE
TO THE PUBLIC DOMAIN**

SUBCHAPTER B. TERRITORY AND BOUNDARIES OF THE STATE		Section
11.0131. Jurisdiction of Home-Rule Cities Over Submerged Lands.		11.080. Damages to Persons and Personalty. 11.081. Rules. 11.082. Notice to School Land Board.

SUBCHAPTER D. REGULATION OF THE PUBLIC DOMAIN

11.079. Access to Land.

Administrative Code References

Railroad Commission, oil and gas division, conservation rules and regulations, obtaining pipeline connections, see 16 TAC § 3.67.

SUBCHAPTER B. TERRITORY AND BOUNDARIES OF THE STATE

§ 11.012. Gulfward Boundary of Texas

Law Review Commentaries

Public trust doctrine: Insuring needs of Texas bays and estuaries. Michael D. Morrison and M. Keith Dollahite, 37 Baylor L.Rev. 365 (1985).
The international component of Texas water law. Darcy Alan Frownfelter, 18 St.Mary's L.J. 481 (1986).

5. Annexations

County drainage district 1 land covered by Gulf of Mexico Matagorda County Drainage 597 S.W.2d 910.

§ 11.013. Gulfward Boundary

(a) The gulfward boundary of the Three Marine League

(b) The area in the extent of a part of the public free provisions of this state per land in this state.

(c) The gulfward boundary of general laws of the State annexation more than 5,2 a city, town, or village in gulfward. Any inclusion gulfward beyond the coast the line of mean low tide open Gulf of Mexico. The general laws of the State charter.

If any such general-law ratification or attempted incorporation existence of such approved, and confirmed.

The boundaries of such to the extent of 5,280 feet approved, and confirmed territory than is expressly amended, or by reason of used for strictly town or by reason of not const

Neither this Act nor that of validating, ratifying, approval law city, town, or village

If for any reason it should such general-law city, town laws of the state in effect boundaries of any such exclude all territory more

Amended by Acts 1979, 66th § 24, eff. Sept. 1, 1987.

1979 Amendment. Added "Villages" to section heading. Sections 2 and 3 of 1979 act "Sec. 2. If any provision application to any person or to be invalid for any reason,

PUBLIC DOMAIN

Title 2

Notes of Decisions
Annexations 5
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5. Annexations

County drainage district had no power to annex land covered by Gulf of Mexico. *Mobil Oil Corp. v. Matagorda County Drainage Dist. No. 3* (Sup.1980) 597 S.W.2d 910.

6. Navigable streams

Waters of public navigable streams are held by the state in trust for the public, primarily for navigation purposes. *Carrithers v. Terramar Beach Community Imp. Ass'n, Inc.* (Sup.1983) 645 S.W.2d 772, certiorari denied 104 S.Ct. 422; 464 U.S. 981, 78 L.Ed.2d 357.

§ 11.013. Gulfward Boundaries of Counties, Cities, Towns, or Villages

(a) The gulfward boundary of each county located on the coastline of the Gulf of Mexico is the Three Marine League line as determined by the United States Supreme Court.

(b) The area in the extended boundaries of the counties as provided in this section becomes a part of the public free school land and is subject to the constitutional and statutory provisions of this state pertaining to the use, distribution, sale, and lease of public free school land in this state.

(c) The gulfward boundaries of any city, town, or village created and operating under the general laws of the State of Texas shall not be established or extended by incorporation or annexation more than 5,280 feet gulfward beyond the coastline. The governing body of such a city, town, or village may, by ordinance, extend the municipal boundaries up to 5,280 feet gulfward. Any inclusion of territory in any such city, town, or village more than 5,280 feet gulfward beyond the coastline is void. The term "coastline" as used in this subsection means the line of mean low tide along that portion of the coast which is in direct contact with the open Gulf of Mexico. The term "city, town, or village created and operating under the general laws of the State of Texas" shall not include any city operating under a home-rule charter.

If any such general-law city, town, or village has heretofore been established by incorporation or attempted incorporation more than 5,280 feet gulfward beyond the coastline, the corporate existence of such general-law city, town, or village is in all things validated, ratified, approved, and confirmed.

The boundaries of such general-law city, town, or village, including the gulfward boundaries to the extent of 5,280 feet gulfward beyond the coastline, are in all things validated, ratified, approved, and confirmed and shall not be held invalid by reason of the inclusion of more territory than is expressly authorized in Article 971, Revised Civil Statutes of Texas, 1925, as amended, or by reason of the inclusion of territory other than that which is intended to be used for strictly town or city purposes as required by Section 7.002, Local Government Code or by reason of not constituting a city, town, or village.

Neither this Act nor the general laws nor the special laws of the state shall have the effect of validating, ratifying, approving, or confirming the inclusion of territory in any such general-law city, town, or village more than 5,280 feet gulfward beyond the coastline.

If for any reason it should be determined by any court of competent jurisdiction that any such general-law city, town, or village has heretofore been incorporated in violation of the laws of the state in effect as of the date of such incorporation or is invalid, the corporate boundaries of any such general-law city, town, or village shall be revised and reformed to exclude all territory more than 5,280 feet gulfward of the coastline.

Amended by Acts 1979, 66th Leg., p. 2165, ch. 828, § 1, eff. June 14, 1979; Acts 1987, 70th Leg., ch. 149, § 24, eff. Sept. 1, 1987.

Historical and Statutory Notes

1979 Amendment. Added "Cities, Towns, or Villages" to section heading and added subsec. (c). Sections 2 and 3 of 1979 amendatory act provide:
 "Sec. 2. If any provision of this Act or its application to any person or circumstance is held to be invalid for any reason, the invalidity does not affect any other provision or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."
 "Sec. 3. This Act applies to any litigation pending on the date this Act takes effect which ques-

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§ 11.013

tions the validity of the incorporation, boundaries, or governmental proceedings or acts of any city, town, or village and shall be applied thereto and determinative thereof."

1987 Legislation

The 1987 amendment, in subsec. (c), inserted provision permitting extension, by ordinance, of municipal boundaries up to 5,280 feet gulfward, and substituted reference to § 7.002 of the Local Government Code for reference to Art. 1134 of the Revised Civil Statutes.

PUBLIC DOMAIN Title 2

Section 1 of Acts 1987, 70th Leg., ch. 149, which amended this section, enacted the Local Government Code.

Prior Law:

Acts 1947, 50th Leg., p. 490, ch. 287, §§ 1, 3.

Acts 1983, 68th Leg., p. 5444, ch. 1020, § 1.

Vernon's Ann.Civ.St. arts. 974g-2, 1592a, §§ 1, 3.

Law Review Commentaries

Home rule cities and municipal annexation in Texas: Recent trends and future prospects. Robert R. Ashcroft and Barbara Kyle Balfour, 15 St. Mary's L.J. 519 (1984).

Oil and gas leasing upon Texas state lands. J.W. Adams, Jr., 47 Texas Bar J. 18 (1984).

Library References

Municipal Corporations §§29(1 to 4).

C.J.S. Municipal Corporations §§ 43, 44, 46, 57, 68.

Notes of Decisions

1. In general

County drainage district had no power to annex land covered by Gulf of Mexico. Mobil Oil Corp. v.

Matagorda County Drainage Dist. No. 3 (Sup.1980) 597 S.W.2d 910.

§ 11.0131. Jurisdiction of Home-Rule Cities Over Submerged Lands

(a) In this section:

(1) "Coastline" has the meaning assigned by Section 11.013(c) of this code.

(2) "State-owned submerged lands" means the state-owned submerged lands described by Section 11.012 of this code.

(b) The boundary of a home-rule city may not extend into the gulf outside of an area that is enclosed by:

(1) for home-rule cities which have not prior to May 1, 1983, annexed gulfward from the coastline:

(A) drawing a straight line connecting the two most remote points on the part of the coastline located in the city on June 1, 1983, the distance to be measured along the coastline;

(B) drawing straight lines that extend gulfward for one marine league from each of the two ends of the line drawn under Paragraph (A) of Subdivision (1) of this subsection and that are perpendicular to the line drawn under Paragraph (A); and

(C) drawing a straight line connecting the two gulfward ends of the lines drawn under Paragraph (B) of Subdivision (1) of this subsection; or

(2) for home-rule cities which have, prior to May 1, 1983, annexed no farther than one marine league gulfward from the coastline:

(A) drawing a straight line that connects the two most remote points on the part of the coastline located in the city on June 1, 1983, and that extends through those two points as far as necessary to draw the lines described by Paragraph (B) of Subdivision (2) of this subsection;

(B) drawing two straight lines that extend gulfward for one marine league, that are perpendicular to the line drawn under Paragraph (A) of Subdivision (2) of this subsection, and that each extend through one of the two most remote points from the coastline on the boundary lines extending gulfward from the coastline;

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0th Leg., ch. 149, which
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490, ch. 287, §§ 1, 3.
5444, ch. 1020, § 1.
974g-2, 1592a, §§ 1,

Texas state lands.
J. 18 (1984).

PUBLIC DOMAIN Title 2

§ 11.0131

(C) drawing a straight line connecting the two gulfward ends of the lines drawn under Paragraph (B) of Subdivision (2) of this subsection; or
(3) for home-rule cities which have, prior to May 1, 1983, annexed farther than one marine league gulfward from the coastline:

(A) drawing lines following the two current boundary lines extending gulfward from the coastline for a distance of one marine league;

(B) drawing a straight line connecting the two gulfward ends of the lines drawn under Paragraph (A) of Subdivision (3) of this subsection.

(c) A contract or agreement by which a home-rule city purports to pledge, directly or indirectly, taxes or other revenue from or attributable to state-owned submerged lands or other lands located outside the area described by Subsection (b) of this section does not create an enforceable right to prevent the reformation of the city's boundary under Subsection (d) of this section.

(d) The boundary of a home-rule city is void to the extent that it violates Subsection (b) of this section, and the boundary is reformed on the effective date of this Act to exclude the territory situated outside the area described by Subsection (b) of this section.

(e) A home-rule city may create industrial districts in the area that is outside the city limits and that is located in an area formed in the manner prescribed by Subsection (b) of this section except that the lines drawn under Paragraph (B) of Subdivision (1), Paragraph (B) of Subdivision (2) or Paragraph (A) of Subdivision (3) of Subsection (b) may be extended for no more than five statute miles instead of one marine league. The governing body of such city shall have the right, power, and authority to designate the area described as an industrial district, as the term is customarily used, and to treat such area from time to time as such governing body may deem to be in the best interest of the city. Included in such rights and powers of the governing body of any city is the right and power to enter into contracts or agreements with the owner(s) or lessee(s) of land in such industrial district upon such terms and considerations as the parties might deem appropriate. The city shall have no authority to regulate oil and gas exploration, production, and transportation operations in an industrial district established pursuant to this Act, but in consideration of such relinquishment and the relinquishment of other rights under Section 42.044, Local Government Code, the city is expressly authorized to require payments of a property owner or lessee(s) in such industrial district in an amount not to exceed 35 percent of the revenue that would be produced if the city imposed a property tax in the industrial district. Nothing herein shall prohibit a city and property owner or lessee(s) from agreement by contract for payments in a lesser amount.

Added by Acts 1981, 67th Leg., p. 3057, ch. 803, § 1, eff. Aug. 31, 1981. Amended by Acts 1983, 68th Leg., p. 3134, ch. 533, § 1, eff. June 19, 1983; Acts 1987, 70th Leg., ch. 149, § 38, eff. Sept. 1, 1987.

Historical and Statutory Notes

Section 2 of the 1981 Act provides:

"This Act does not affect an annexation that was completed before the effective date of this Act or a contract or agreement that is in effect on the effective date of this Act."

1983 Amendment. In subsec. (b), in the introductory language, substituted "The boundary of a" for "A" and "extend into the gulf outside of an area that is enclosed by:" for "annex state-owned submerged lands located:"; rewrote subds. (1) and (2) which formerly read:

"(1) gulfward from the coastline; or

"(2) more than 5,280 feet from the corporate city boundaries in bays or estuaries"

and added subd. (3); in subsec. (c), inserted "or other lands" and substituted "outside the area described by Subsection (b) of this section" for "more than one marine league gulfward from the coastline" and "reformation of the city's boundary under Subsection (d) of this section" for "removal, by disannexation or other means, of all or part of

the submerged lands from the city's jurisdiction"; rewrote subsec. (d); and added subsec. (e). Prior to being rewritten, subsec. (d) read:

"This section expires October 1, 1983."

Section 2 of the 1983 amendatory act provides:

"The reformation of a city's boundaries under Section 11.0131, Natural Resources Code, as amended by this Act, does not affect the authority of a city to collect any city taxes for any year preceding and including, prorated, the year of the effective date of this Act on an area that is removed from the city by the reformation of boundaries if, on May 1, 1983, the legality of the annexation or the imposition of the taxes was involved in litigation and the validity of the annexation is upheld in a final, nonappealable judgment in such litigation."

1987 Legislation

The 1987 amendment, in subsec. (e), substituted reference to § 42.044 of the Local Government

§ 11.0131

Code for reference to § 5 of the Municipal Annexation Act, Art. 970a, Civil Statutes.

Section 1 of Acts 1987, 70th Leg., ch. 149, which amended this section, enacted the Local Government Code.

Law Review Commentaries

Home rule cities and municipal annexation in Texas: Recent trends and future prospects. Robert R. Ashcroft and Barbara Kyle Balfour, 15 St. Mary's L.J. 519 (1984).

Library References

Municipal Corporations § 29(4).
C.J.S. Municipal Corporations § 46.

SUBCHAPTER C. SPECIAL FUNDS

§ 11.041. Permanent School Fund

Law Review Commentaries

Oil and gas leasing upon Texas state lands. J.W. Adams, Jr., 47 Texas Bar J. 18 (1984).

§ 11.042. Asylum Fund

Law Review Commentaries

Oil and gas leasing upon Texas state lands. J.W. Adams, Jr., 47 Texas Bar J. 18 (1984).

SUBCHAPTER D. REGULATION OF THE PUBLIC DOMAIN

§ 11.071. Recovery of Value of Minerals and Timber

[See main volume for (a) to (d)]

(e) Except as otherwise provided by law, no person may use for his benefit or cut or remove any mineral, plant, or anything of value located on land belonging to the permanent school fund without proper authority from the commissioner.

(f) In addition to any other penalties provided by law, a person violating the provisions of Subsection (e) of this section shall be liable for a civil penalty of not more than \$10,000 for each thing of value cut, used, or removed. All civil penalties collected under this subsection shall be credited to the permanent school fund.

Amended by Acts 1987, 70th Leg., ch. 208, § 9, eff. Aug. 31, 1987.

Historical and Statutory Notes

1987 Legislation

The 1987 amendment added subsecs. (e) and (f).

Notes of Decisions

1. In general

Salvage company had no reason to understand that its services had been rejected by the state of Texas; in the first place, it was far from clear in 1967 that Texas owned sunken vessel in the Gulf of Mexico that was not established until the salvor failed to appeal 1976 district court decision awarding the res to Texas; further, even if the salvor should have known that Texas was the owner,

neither Vernon's Ann. P.C. (1925) art. 147b(3) (repealed) requiring nonresidents to get a permit from state before engaging in excavation on any archaeological site, nor Vernon's Ann.Civ.St. art. 5421 (repealed; see, now, this section) authorizing the Attorney General to sue anyone who has appropriated any property of value from state lands, was calculated to put salvor on notice that its services had been rejected. *Platoro Ltd., Inc. v.*

PUBLIC DOMAIN Title 2

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Unidentified Remains of
parel, Tackle, and Furni
vage, Civil and Maritime

§ 11.076. Unlawful

(f) An appeal from :

Amended by Acts 1981, 67

1981 Amendment. In
"An appeal from a" for "A
appeal".

§ 11.078. Venue

1. In general

This section governed ver
State against builder of b
land through suit for injunct
against unlawful encroachme

§ 11.079. Access to I

(a) The state, a permit
dedicated to the permane
an easement whenever it
purpose of obtaining acces
is dedicated by law to the

(b) If the state or such
through which an easeme
the easement to obtain acc
order to provide that acce
by Chapter 21, Property (

(c) Easements acquired
the state, its permittee, les
achieve the required acces
was granted. An easemer

(d) If the state desires to
this section for access to a
proceedings as provided u
easement for access cannot
lessee or assignee of land
utilize this section to obtai
condemnation proceedings :

(e) If the easement acqui
which the permanent schoo
permanent but shall be lim
prospect permit or lease. T
expires or terminates.

(f) This section is cumul
Resources Code,¹ relating to