

By: Eiland

H.B. No. 3499

Substitute the following for H.B. No. 3499:

By: Puente

C.S.H.B. No. 3499

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Galveston County Municipal Utility District No. 53; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8131 to read as follows:

CHAPTER 8131. GALVESTON COUNTY MUNICIPAL UTILITY

DISTRICT NO. 53

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8131.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the Galveston County Municipal Utility District No. 53.

Sec. 8131.002. NATURE OF DISTRICT. The district is a municipal utility district in Galveston County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 8131.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8131.023 before September 1, 2009:

(1) the district is dissolved September 1, 2009,

1 except that:

2 (A) any debts incurred shall be paid;

3 (B) any assets that remain after the payment of
4 debts shall be transferred to Galveston County; and

5 (C) the organization of the district shall be
6 maintained until all debts are paid and remaining assets are
7 transferred; and

8 (2) this chapter expires September 1, 2010.

9 Sec. 8131.004. INITIAL DISTRICT TERRITORY. (a) The
10 district is initially composed of the territory described by
11 Section 2 of the Act creating this chapter.

12 (b) The boundaries and field notes contained in Section 2 of
13 the Act creating this chapter form a closure. A mistake made in the
14 field notes or in copying the field notes in the legislative process
15 does not affect:

16 (1) the organization, existence, or validity of the
17 district;

18 (2) the right of the district to impose taxes;

19 (3) the validity of the district's bonds, notes, or
20 indebtedness; or

21 (4) the legality or operation of the district or the
22 board.

23 Sec. 8131.005. APPLICABILITY OF OTHER LAW. Except as
24 otherwise provided by this chapter, Chapters 49 and 54, Water Code,
25 apply to the district.

26 [Sections 8131.006-8131.020 reserved for expansion]

1 SUBCHAPTER A1. TEMPORARY PROVISIONS

2 Sec. 8131.021. TEMPORARY DIRECTORS. (a) On or after
3 September 1, 2005, a person who owns land inside the boundaries of
4 the proposed district may petition the Texas Commission on
5 Environmental Quality to appoint as temporary directors the five
6 persons listed in the petition.

7 (b) The commission shall appoint as temporary directors the
8 persons listed in a petition received by the commission under
9 Subsection (a). If the commission receives more than one petition,
10 the commission shall appoint the directors listed in the first
11 petition the commission receives.

12 (c) If a temporary director fails to qualify for office, the
13 commission shall appoint a person to fill the vacancy.

14 (d) Temporary directors serve until the earlier of:

15 (1) the date directors are elected under Section
16 8131.023; or

17 (2) the date this chapter expires under Section
18 8131.003.

19 Sec. 8131.022. ORGANIZATIONAL MEETING OF TEMPORARY
20 DIRECTORS. As soon as practicable after all the temporary
21 directors have qualified under Section 49.055, Water Code, the
22 temporary directors shall meet at a location in the district
23 agreeable to a majority of the directors. If a location cannot be
24 agreed upon, the meeting shall be at the Galveston County
25 Courthouse. At the meeting, the temporary directors shall elect
26 officers from among the temporary directors and conduct any other
27 district business.

1 Sec. 8131.023. CONFIRMATION AND INITIAL DIRECTORS'
2 ELECTION. The temporary directors shall hold an election to
3 confirm the creation of the district and to elect five directors as
4 provided by Section 49.102, Water Code.

5 Sec. 8131.024. INITIAL ELECTED DIRECTORS; TERMS. The
6 directors elected under Section 8131.023 shall draw lots to
7 determine which two shall serve terms expiring June 1 following the
8 first regularly scheduled election of directors under Section
9 8131.052 and which three shall serve until June 1 following the
10 second regularly scheduled election of directors.

11 Sec. 8131.025. EXPIRATION OF SUBCHAPTER. This subchapter
12 expires September 1, 2010.

13 [Sections 8131.026-8131.050 reserved for expansion]

14 SUBCHAPTER B. BOARD OF DIRECTORS

15 Sec. 8131.051. DIRECTORS; TERMS. (a) The district is
16 governed by a board of five directors.

17 (b) Directors serve staggered four-year terms that expire
18 June 1 of even-numbered years.

19 Sec. 8131.052. ELECTION OF DIRECTORS. On the uniform
20 election date in May of each even-numbered year, the appropriate
21 number of directors shall be elected.

22 [Sections 8131.053-8131.100 reserved for expansion]

23 SUBCHAPTER C. POWERS AND DUTIES

24 Sec. 8131.101. GENERAL POWERS. The district has all of the
25 rights, powers, privileges, authority, functions, and duties
26 provided by the general law of this state, including Chapters 49 and
27 54, Water Code, applicable to municipal utility districts created

1 under Section 59, Article XVI, Texas Constitution.

2 Sec. 8131.102. ROAD PROJECTS. (a) To the extent authorized
3 by Section 52, Article III, Texas Constitution, the district may
4 construct, acquire, improve, maintain, or operate macadamized,
5 graveled, or paved roads or turnpikes, or improvements in aid of
6 those roads or turnpikes, inside the district.

7 (b) A road project must meet all applicable construction
8 standards, zoning and subdivision requirements, and regulatory
9 ordinances of the municipality or county in whose jurisdiction the
10 district is located.

11 (c) The district may not undertake a road project unless
12 each municipality or county in whose jurisdiction the district is
13 located consents by ordinance or resolution.

14 Sec. 8131.103. LIMITATION ON USE OF EMINENT DOMAIN. The
15 district may exercise the power of eminent domain outside the
16 district only to acquire an easement necessary for a pipeline that
17 serves the district.

18 Sec. 8131.104. COMPLIANCE WITH MUNICIPAL CONSENT
19 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
20 54.016, Water Code, the district shall comply with all applicable
21 requirements of any ordinance or resolution adopted by the city
22 council of the City of Texas City, including an ordinance or
23 resolution adopted before September 1, 2005, that consents to the
24 creation of the district or to the inclusion of lands within the
25 district.

26 [Sections 8131.105-8131.150 reserved for expansion]

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Sec. 8131.151. TAX TO REPAY BONDS. The district may impose
3 a tax to pay the principal of or interest on bonds issued under
4 Section 8131.201.

5 Sec. 8131.152. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
6 ASSESSMENTS. The district may not impose an impact fee or
7 assessment on the property, including the equipment,
8 rights-of-way, facilities, or improvements, of:

9 (1) an electric utility or a power generation company
10 as defined by Section 31.002, Utilities Code;

11 (2) a gas utility as defined by Section 101.003 or
12 121.001, Utilities Code;

13 (3) a telecommunications provider as defined by
14 Section 51.002, Utilities Code; or

15 (4) a person who provides to the public cable
16 television or advanced telecommunications services.

17 [Sections 8131.153-8131.200 reserved for expansion]

18 SUBCHAPTER E. BONDS

19 Sec. 8131.201. AUTHORITY TO ISSUE BONDS AND OTHER
20 OBLIGATIONS. (a) The district may issue bonds or other obligations
21 as provided by Chapters 49 and 54, Water Code, to finance the
22 construction, maintenance, or operation of projects under Sections
23 8131.101 and 8131.102.

24 (b) The district may not issue bonds to finance projects
25 authorized by Section 8131.102 unless the issuance is approved by a
26 vote of a two-thirds majority of the voters of the district voting
27 at an election called for that purpose.

1 (c) Bonds or other obligations issued or incurred to finance
2 projects authorized by Section 8131.102 may not exceed one-fourth
3 of the assessed value of the real property in the district.

4 (d) Sections 49.181 and 49.182, Water Code, do not apply to
5 a project undertaken by a district under Section 8131.102 or to
6 bonds issued by the district to finance the project.

7 SECTION 2. The Galveston County Municipal Utility District
8 No. 53 initially includes all the territory contained in the
9 following area:

10 TRACT I:

11 BEING a 299.300-acre (13,037,520 square foot) tract of land
12 out of the W.G. BANK SURVEY, A-36, Galveston County, Texas, being
13 out of Lots 2 through 4 and 6 through 21 of the J.F. DUGAT
14 SUBDIVISION as recorded in Volume 141, Page 37 of the Galveston
15 County Deed Records, being out of the remainder of a 249.2069-acre
16 tract of land conveyed to B.C. Schroeder, Jr., Trustee, as recorded
17 in Volume 1741, Pages 903 and 908 of the Galveston County Deed
18 Records, being out of a .60.0-acre tract of land conveyed to B.C.
19 Schroeder, Jr., Trustee, as recorded under Galveston County Clerk's
20 File No. 8457526, being out of a 10-acre tract of land conveyed to
21 B.C. Schroeder, Jr., Trustee, as recorded under Galveston County
22 Clerk's File No. 8440855 and being more particularly described by
23 metes and bounds as follows with the basis of bearings being the
24 Texas State Plane Coordinate System, South: Central Zone;

25 BEGINNING at a 5/8-inch iron rod with cap stamped "Weisser
26 Eng. Houston, Tx." set in the Easterly, line of a 51.1-acre tract of
27 land conveyed to Frank Riley as recorded in Volume 1579, Page 114 of

1 the Galveston County Deed Records for the Southwesterly corner of a
2 23.762-acre tract of land described as "Tract IV" as conveyed to
3 League City Investors, Ltd. as recorded under Galveston County
4 Clerk's File No. 2002045006, for the Northwesterly corner of said.
5 60.0-acre tract and for the Northwesterly corner of this tract;

6 THENCE North 87° 06' 54" East, a distance of 2,630.78 feet
7 with the Southerly line of said 23.762-acre tract, with the
8 Southerly line of a 7.396-acre tract of land described as "Tract VI"
9 as conveyed to League City Investors, Ltd. as recorded under
10 Galveston County Clerk's File No. 2002045006, with the Southerly
11 line of a tract of land described as "Tract 3" as conveyed to Dan
12 Mihailovich and Stephen Wormington as recorded under Galveston
13 County Clerk's File No. 2000023039 and with the Southerly line of
14 the Wilken's Family Partners, LP 9.036-acre tract as recorded under
15 Galveston County Clerk's File No. 2002020372 to a 5/8-inch iron rod
16 with cap stamped "Weisser Eng. Houston Tx." set for the
17 Northeasterly corner of this tract;

18 THENCE South 03° 04' 21" West, a distance of 3,965.57 feet
19 with the Westerly line of Jones Subdivision as recorded in Volume
20 134, Page 10 of the Galveston County Deed Records to a, 5/8-inch
21 iron rod with cap stamped "Weisser Eng. Houston, Tx." set for a
22 Southeasterly corner of this tract;

23 THENCE South 86° 55' 39" West, a distance of 1,200.00 feet
24 with the Northerly line of Lot 5 of said J.F. Dugat Subdivision to a
25 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set
26 for an interior corner of this tract;

27 THENCE South 03° 04' 21" East, a distance of 180.00 feet with

1 the Westerly line of said Lot 5 to a 5/8-inch iron rod with cap
2 stamped "Weisser Eng. Houston, TX." set for an interior corner of
3 this tract, from which a 1/2-inch iron pipe found bears North 05° 49'
4 47" East, a distance of 1.53 feet;

5 THENCE North 86° 55' 39" East, a distance of 1,200.00 feet
6 with the Southerly line of said Lot 5 to a 1/2-inch iron pipe found
7 for Northeasterly corner of this tract;

8 THENCE South 03° 04' 21" East, a distance of 1,049.51 feet
9 with the Westerly line of said Jones Subdivision to a 5/8-inch iron
10 rod with cap stamped " Weisser Eng. Houston, Tx." set for a
11 Southeasterly corner of this tract;

12 THENCE South 86° 13' 29" West, a distance of 1.88 feet with the
13 Northerly line of the remainder of a 6.75-acre tract of land
14 described as "Tract II" as conveyed to B.C. Schroeder, Jr. as
15 recorded under Galveston County Clerk's File No. 8938252 to a
16 1-inch iron pipe for an interior corner of this tract;

17 THENCE South 02° 58' 41" East, a distance of 572.31 feet with
18 the Westerly line of said 6.75-acre tract to a 1-1/2-inch iron pipe
19 found for the Southeasterly corner of this tract;

20 THENCE South 85° 56' 43" West, a distance of 790.67 feet with
21 the Northerly line of a tract of land conveyed to Sylvia A. Cantu as
22 recorded under Galveston County Clerk's File No. 2003019644 to a
23 1-1/4-inch pipe found in the Northeasterly bank of Gum Bayou for the
24 most Southwesterly corner of this tract;

25 THENCE in a Northwesterly direction with the meanders of the
26 Northeasterly bank of Gum Bayou the following bearings and
27 distances:

- 1 North 07° 52' 40" West, a distance of 230.73 feet to an angle
- 2 point;
- 3 North 34° 56' 52" West, a distance of 62.34 feet to an angle
- 4 point;
- 5 North 15° 16' 59" West, a distance of 137.48 feet to an angle
- 6 point;
- 7 North 69° 51' 27" West, a distance of 129.69 feet to an angle
- 8 point;
- 9 North 51° 21' 01" West, a distance of 112.26 feet to an angle'
- 10 point;
- 11 North 28° 39' 42" West, a distance of 165.49 feet to an angle
- 12 point;
- 13 North 11° 30' 11" West, a distance of 147.82 feet to an angle
- 14 point;
- 15 North 67° 30' 52" West, a distance of 372.50 feet to a angle
- 16 point;
- 17 North 52° 59' 20" West, a distance of 167.58 feet to an angle
- 18 point;
- 19 North 83° 30' 14" West, a distance of 96.30 feet to an angle
- 20 point;
- 21 South 60° 12' 03" West, a distance of 234.97 feet to an angle
- 22 point;
- 23 North 50° 49' 04" West, a distance of 164.88 feet to an angle
- 24 point;
- 25 North 01° 40' 36" West, a distance of 118.20 feet to an angle
- 26 point;
- 27 North 35° 10' 41" West, a distance of 161.56 feet to an angle

1 point;

2 South 76° 07' 56" West, a distance of 214.7 feet to an angle

3 point;

4 North 10° 00' 01" East, a distance of 100.00 feet to an angle

5 point;

6 North 11° 03' 16" West, a distance of 226.60 feet to an angle

7 point;

8 North 41° 23' 18" West, a distance of 146.85 feet to an angle

9 point;

10 North 78° 26' 05" West, a distance of 91.92 feet to an angle

11 point;

12 South 78° 08' 03" West, a distance of 90.99 feet to a 5/8-inch

13 iron rod with cap stamped "Weisser Eng. Houston, Tx." set for the

14 most Westerly Southwesterly corner of this tract;

15 THENCE North 03° 01' 00" West, a distance of 4,000.08 feet

16 with the Easterly line of an 81.99-acre tract of land conveyed to

17 NationsBank of Texas, N.A. as recorded under Galveston County

18 Clerk's File No. 9746910, with the Easterly line of a 20.387-acre

19 tract of land conveyed to Seymour B. Shwiff and Joseph J. Tramonte

20 as recorded under Galveston County Clerk's File No. 9928141, with

21 the Easterly line of a tract of land conveyed to Tracy D. High as

22 recorded under Galveston County Clerk's File No. 9921239 and with

23 the Easterly line of said 51.1-acre tract TO THE POINT OF BEGINNING

24 and CONTAINING 299.300 acres (13,037,520 square feet) of land.

25 TRACT II:

26 BEING a 6.637 acre (289,089 square foot) tract of land out of

27 the J.S. SHERMAN SURVEY, A-181, Galveston County, Texas, being out

1 of Lot L of Jones Subdivision as recorded in Volume 134, Page 10 of
2 the Galveston County Deed Records, being but of a .75 acre tract of
3 land described as "Tract II" conveyed to B.C. Schroeder, Jr. as
4 recorded under Galveston County Clerk's File No. 8938252 and being
5 more particularly described by metes and bounds as follows with the
6 basis of bearings being the Texas State Plane Coordinate System,
7 South Central Zone:

8 BEGINNING at a 5/8-inch-iron rod with cap stamped "Weisser
9 Eng. Houston, TX." Set in the northerly right-of-way line of F.M.
10 Road No. 517 (90 feet wide) for the southeasterly corner of a tract
11 of land conveyed to Sylvia A. Cantu as recorded under Galveston
12 County Clerk's File No. 2003019644 and for the southwesterly corner
13 of this tract;

14 THENCE North 02° 58' 41" West, a distance of 1,050.28 feet
15 with the easterly line of said Sylvia A. Cantu tract and with the
16 easterly line of the remainder of a 249.2069 acre tract of land
17 conveyed to B.C. Schroeder, Jr., Trustee, as recorded in Volume
18 1741, Page 903 of the Galveston County Deed Records to a 1-inch iron
19 pipe found for the northwesterly corner of this tract.;

20 THENCE North 86° 13' 29" East, a distance of 279.22 feet to a 1
21 inch iron pipe found for the northeasterly corner of this tract;

22 THENCE South 03° 01' 14" East, a distance of 1,013.79 feet to a
23 1 inch iron pipe found in the northerly right-of-way line of said
24 F.M. Road No. 517 for the southeasterly corner of this tract;

25 "THENCE South 77° 41' 21" West, a distance of 158.70 feet with
26 the northerly right-of-way line of said F.M. Road No. 517 to a 5/8
27 inch iron rod with cap stamped "Weisser Eng. Houston, Tx." Set for a

1 point-of-curvature;

2 THENCE in a westerly direction with the northerly
3 right-of-way line of said F.M. Road No. 517 and with a tangent curve
4 to the right having a radius of 1,387.39, a central angle 05° 07'
5 52", and a length of 124.25 feet and a chord bearing South 80° 15'
6 17" West, a distance of 124.21 feet to the POINT OF BEGINNING and
7 CONTAINING 6.637 acres

8 TRACT III:

9 Lot Five (5) of the J.F. Dugat Subdivision of the Wm. G. Banks
10 Survey, Abstract 36, in Galveston County, Texas, according to the
11 map of said subdivision recorded in Volume 141, Page 37, in the
12 Office of the County Clerk of Galveston County, Texas.

13 TRACT IV:

14 BEING a 47.485-acre (2,068.447 square foot) tract of land out
15 of the J. S. SHERMAN SURVEY, A-181, Galveston County, Texas, being
16 out of Lots H, I and J of the JONES SUBDIVISION as recorded in Volume
17 134, Page 10 of the Galveston County Deed Records, said Lots H, I
18 and J being conveyed to Johnny H. Huynh and Tham T. Nguyen as
19 recorded under Galveston County Clerk's File No. 2001045439
20 and-being more particularly described by metes and bounds as
21 follows with the basis of bearing being the Texas State Plane
22 Coordinate System, South Central Zone:

23 BEGINNING at a 5/8-inch iron rod with cap found in the
24 Easterly line of the J.F. Dugat Subdivision as recorded in Volume
25 141, Page 37 of the Galveston County Deed Records and in the
26 Easterly line of the remainder of a 249.2069-acre tract of land
27 conveyed to B.C. Schroeder, Jr., Trustee, as recorded in Volume

1 1741, Page 903 of the Galveston County Deed Records for the
2 Southwesterly corner of Lot G of said JONES SUBDIVISION, for the
3 Northwesterly corner of said Lot H and for the Northwesterly corner
4 of this tract;

5 THENCE North 86 deg. 55 min. 39 sec. East, a distance of
6 1,213.09 feet with the Southerly line of said Lot G to a 5/8-inch
7 iron rod with cap stamped "Weisser Eng. Houston, Tx." set in the
8 Westerly right-of-way line of F.M. Road No. 3436 (100 feet wide) for
9 the Northeasterly corner of this tract, from which a 1/2-inch iron
10 rod found bears South 78 deg. 26 min. 26 sec. West, a distance of
11 0.38 feet;

12 THENCE South 03 deg. 04 min. 39 sec. East, a distance of
13 1,705.00 feet with the Westerly right-of-way line of said FM. Road
14 No. 3436 to a 5/8-inch iron rod with cap stamped "Weisser Eng.
15 Houston, Tx." set for the Southeasterly corner of this tract;

16 THENCE South 86 deg. 55 min. 39 sec. West, a distance of
17 1,213.24 feet over and across said Lot J to a 5/8-inch iron rod with
18 cap stamped "Weisser Eng. Houston, TX." set for the Southwesterly
19 corner of this tract;

20 THENCE North 03 deg. 04 min. 21 sec. West, a distance of
21 1,705.00 feet with the Westerly line of said Lots H, I and J and with
22 the Easterly line of said J.F. Dugat Subdivision to the POINT OF
23 BEGINNING and CONTAINING 47.485 acres (2,068,447 square feet) of
24 land.

25 SECTION 3. (a) The legal notice of the intention to
26 introduce this Act, setting forth the general substance of this
27 Act, has been published as provided by law, and the notice and a

1 copy of this Act have been furnished to all persons, agencies,
2 officials, or entities to which they are required to be furnished
3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4 Government Code.

5 (b) The governor, one of the required recipients, has
6 submitted the notice and Act to the Texas Commission on
7 Environmental Quality.

8 (c) The Texas Commission on Environmental Quality has filed
9 its recommendations relating to this Act with the governor, the
10 lieutenant governor, and the speaker of the house of
11 representatives within the required time.

12 (d) All requirements of the constitution and laws of this
13 state and the rules and procedures of the legislature with respect
14 to the notice, introduction, and passage of this Act are fulfilled
15 and accomplished.

16 SECTION 4. This Act takes effect September 1, 2005.