

By: Eiland

H.B. No. 3504

Substitute the following for H.B. No. 3504:

By: Puente

C.S.H.B. No. 3504

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Galveston County Municipal Utility District No. 54; providing authority to impose taxes 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 8147 to read as follows:

CHAPTER 8147. GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 54

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8147.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Texas City, Texas.

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

(4) "District" means the Galveston County Municipal Utility District No. 54.

Sec. 8147.002. NATURE OF DISTRICT. The district is a municipal utility district in Galveston County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8147.003. CONFIRMATION ELECTION REQUIRED. The board shall hold an election to confirm the creation of the district as provided by Section 49.102, Water Code.

Sec. 8147.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)

1 All land and other property included in the district will benefit
2 from the improvements and services to be provided by the district
3 under powers conferred by Section 52, Article III, and Section 59,
4 Article XVI, Texas Constitution.

5 (b) The district is created to accomplish:

6 (1) the same purposes as a municipal utility district
7 as provided by Section 54.012, Water Code; and

8 (2) to the extent authorized by Section 52, Article
9 III, Texas Constitution, the construction, acquisition,
10 improvement, maintenance, or operation of macadamized, graveled,
11 or paved roads or turnpikes, or improvements in aid of those roads
12 or turnpikes, inside the district.

13 Sec. 8147.005. INITIAL DISTRICT TERRITORY. (a) The
14 district is initially composed of the territory described by
15 Section 2 of the Act creating this chapter.

16 (b) The boundaries and field notes contained in Section 2 of
17 the Act creating this chapter form a closure. A mistake made in the
18 field notes or in copying the field notes in the legislative process
19 does not affect the district's:

20 (1) organization, existence, or validity;

21 (2) right to issue any type of bond for the purposes
22 for which the district is created or to pay the principal of and
23 interest on a bond;

24 (3) right to impose or collect an assessment or tax; or

25 (4) legality or operation.

26 [Sections 8147.006-8147.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8147.051. DIRECTORS; TERMS. (a) The district is
3 governed by a board of five directors.

4 (b) Except as provided by Section 8147.053, directors serve
5 staggered four-year terms.

6 Sec. 8147.052. ELECTION OF DIRECTORS. On the uniform
7 election date in May of each even-numbered year, the appropriate
8 number of directors shall be elected.

9 Sec. 8147.053. INITIAL DIRECTORS. (a) The initial board
10 consists of:

- 11 (1) Shirley McLennan;
- 12 (2) Greg Ordeneaux;
- 13 (3) Amy Zapletal;
- 14 (4) Terri Schoener; and
- 15 (5) Scott Bean.

16 (b) The terms of the first three directors named in
17 Subsection (a) expire on the uniform election date in May of 2006,
18 and the terms of the last two directors named in Subsection (a)
19 expire on the uniform election date in May of 2008.

20 (c) This section expires September 1, 2009.

21 [Sections 8147.054-8147.100 reserved for expansion]

22 SUBCHAPTER C. GENERAL POWERS AND DUTIES

23 Sec. 8147.101. GENERAL POWERS AND DUTIES. The district has
24 the powers and duties necessary to accomplish the purposes for
25 which the district is created.

26 Sec. 8147.102. MUNICIPAL UTILITY DISTRICT POWERS AND
27 DUTIES. The district has the powers and duties provided by the

1 general law of this state, including Chapters 49 and 54, Water Code,
2 applicable to municipal utility districts created under Section 59,
3 Article XVI, Texas Constitution.

4 Sec. 8147.103. ROAD PROJECTS. (a) The district may
5 construct, acquire, improve, maintain, or operate macadamized,
6 graveled, or paved roads or turnpikes, or improvements in aid of
7 those roads or turnpikes, inside the district.

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

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

15 Sec. 8147.104. COMPLIANCE WITH MUNICIPAL CONSENT
16 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
17 54.016, Water Code, the district shall comply with all applicable
18 requirements of any ordinance or resolution adopted by the city
19 council that consents to the creation of the district or to the
20 inclusion of lands within the district.

21 Sec. 8147.105. LIMITATION ON USE OF EMINENT DOMAIN. The
22 district may exercise the power of eminent domain outside the
23 district only to acquire an easement necessary for underground
24 water, sewage, or drainage facilities that serve the district.

25 [Sections 8147.106-8147.150 reserved for expansion]

26 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

27 Sec. 8147.151. ELECTIONS REGARDING TAXES OR BONDS. (a)

1 Except as provided by Section 8147.201(c), the district may issue,
2 without an election, bonds and other obligations secured by revenue
3 or contract payments from any lawful source other than ad valorem
4 taxation.

5 (b) The district must hold an election in the manner
6 provided by Chapters 49 and 54, Water Code, to obtain voter approval
7 before the district may impose a maintenance tax or issue bonds
8 payable from ad valorem taxes.

9 Sec. 8147.152. AD VALOREM TAX. (a) If authorized at an
10 election held under Section 8147.151, the district may impose an
11 annual ad valorem tax on taxable property in the district for the
12 provision of services or for the maintenance and operation of the
13 district, including the construction, acquisition, maintenance,
14 and operation of improvements.

15 (b) The board shall determine the tax rate. The rate may not
16 exceed the rate approved at the election.

17 [Sections 8147.153-8147.200 reserved for expansion]

18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

19 Sec. 8147.201. AUTHORITY TO ISSUE BONDS AND OTHER
20 OBLIGATIONS. (a) The district may issue bonds or other obligations
21 payable wholly or partly from ad valorem taxes, impact fees,
22 revenue, grants, or other district money, or any combination of
23 those sources, to pay for any authorized district purpose.

24 (b) In exercising the district's borrowing power, the
25 district may issue a bond or other obligation in the form of a bond,
26 note, certificate of participation, or other instrument evidencing
27 a proportionate interest in payments to be made by the district, or

1 other type of obligation.

2 (c) The district may not issue bonds to finance projects
3 authorized by Section 8147.103 unless the issuance is approved by a
4 vote of a two-thirds majority of the voters of the district voting
5 at an election called for that purpose.

6 (d) Bonds or other obligations issued or incurred to finance
7 projects authorized by Section 8147.103 may not exceed one-fourth
8 of the assessed value of the real property in the district.

9 (e) Sections 49.181 and 49.182, Water Code, do not apply to
10 a project undertaken by the district under Section 8147.103 or to
11 bonds issued by the district to finance the project.

12 Sec. 8147.202. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
13 the time bonds or other obligations payable wholly or partly from ad
14 valorem taxes are issued:

15 (1) the board shall impose a continuing direct annual
16 ad valorem tax, without limit as to rate or amount, for each year
17 that all or part of the bonds are outstanding; and

18 (2) the district annually shall impose an ad valorem
19 tax on all taxable property in the district in an amount sufficient
20 to:

21 (A) pay the interest on the bonds or other
22 obligations as the interest becomes due;

23 (B) create a sinking fund for the payment of the
24 principal of the bonds or other obligations when due or the
25 redemption price at any earlier required redemption date; and

26 (C) pay the expenses of imposing the taxes.

27 SECTION 2. The Galveston County Municipal Utility District

1 No. 54 initially includes all the territory contained in the
2 following area:

3 BEING 212.06 acres of land situated in the Alexander Farmer League,
4 Abstract No. 11, Galveston County, Texas, being out of a called
5 2,052.761 acre tract of land recorded under Galveston County
6 Clerk's File Number 2000027987 and a portion of Holland Road
7 recorded under Volume 1199, Page 407 of the Galveston County Deed
8 Records, said 212.06 acre tract being more particularly described
9 by metes and bounds as follows with the basis of bearings being the
10 Texas State Plane Coordinate System, South Central Zone:

11 BEGINNING at a 5/8-inch iron rod with cap stamped "Hovis Surveying"
12 found for the most northerly corner of said called 2,052.761 acre
13 tract, being in the east line of Interurban Gardens, a subdivision
14 recorded in Volume 223, Page 207 of the Galveston County Map Records
15 and in the south right-of-way line of Interstate Highway 45 (Width
16 Varies), from which a found disturbed 5/8-inch iron rod bears S 40°
17 53' E, 1.22 feet and a found 5/8-inch iron rod bears S 02° 01' E, 6.82
18 feet;

19 THENCE with the southwesterly right-of-way line of Interstate
20 Highway 45 (Width Varies) as follows:

21 S 42° 38' 35" E, a distance of 1,594.72 feet to a point for corner and
22 point of curve;

23 In a southerly direction, 558.46 feet, with the arc of a curve to
24 the right, having a radius of 533.69 feet, a central angle of 59° 57'
25 19" and chord which bears S 12° 26' 02" E, 533.33 feet to a broken
26 TxDOT monument found for corner;

27 S 17° 32' 12" W, a distance of 51.06 feet to a TxDOT monument found

1 for corner and point of curve, from which a found 5/8-inch iron rod
2 bears S 73° 23' W, 2.05 feet;
3 In a southerly direction, 185.89 feet, with the arc of a curve to
4 the left, having a radius of 423.06 feet, a central angle of 25° 10'
5 32" and chord which bears S 04° 30' 42" W, 184.40 feet to a TxDOT
6 monument found for corner, from which a found 5/8-inch iron rod
7 bears S 89° 02' W, 0.98 feet;
8 S 07° 34' 27" E, a distance of 35.11 feet to a broken TxDOT monument
9 found for corner;
10 S 46° 19' 11" W, a distance of 49.82 feet to a broken TxDOT monument
11 found for corner from which a found 5/8-inch iron rod bears N 66° 13'
12 W, 0.70 feet;
13 S 01° 26' 48" E, a distance of 80.39 feet to a to a TxDOT monument
14 found for corner;
15 S 59° 51' 01" E, a distance of 99.95 feet to a TxDOT monument found
16 for corner;
17 S 29° 02' 56" E, a distance of 38.17 feet to a TxDOT monument found
18 for corner and point of curve from which a found 5/8-inch iron rod
19 bears S 09°48' E, 5.28 feet;
20 In a southeasterly direction, 480.47 feet, with the arc of a curve
21 to the left, having a radius of 423.06 feet, a central angle of 65°
22 04' 17" and chord which bears S 60° 14' 11" E, 455.06 feet to a TxDOT
23 monument found for a corner, from which a 5/8-inch iron rod bears N
24 16° 14' W, 3.45 feet;
25 N 87° 26' 16" E, a distance of 291.31 feet to a broken TxDOT monument
26 found for corner and point of curve;
27 In a southeasterly direction, 464.90 feet, with the arc of a curve

1 to the right, having a radius of 533.69 feet, a central angle of 49°
2 54' 39" and chord which bears S 67° 36' 31" E, 450.34 feet to a
3 disturbed TxDOT monument found at the end of curve from which a
4 found 5/8-inch iron rod bears N 08° 38' E, 2.55 feet;
5 S 42° 40' 24" E, a distance of 4811.23 feet to a TxDOT monument, and a
6 5/8-inch iron rod with cap stamped "Hovis Surveying" found for
7 corner;
8 N 47° 19' 36" E, a distance of 40.00 feet to a 5/8-inch iron rod with
9 cap stamped "Hovis Surveying" found for corner from which a found
10 broken TxDOT monument which bears N 53° 47' W, 0.78 feet, and from
11 which a found broken TxDOT monument bears N 44° 02' W, 5.46 feet;
12 S 42° 40' 24" E, a distance of 70.00 feet to a 5/8-inch iron rod with
13 cap stamped "Hovis Surveying" found for corner;
14 S 47° 19' 36" W, a distance of 40.00 feet to a 5/8-inch iron rod with
15 cap stamped "Hovis Surveying" found for corner from which a found
16 TxDOT monument bears N 41° 18' W, 7.38 feet;
17 S 42° 40' 24" E, a distance of 1,605.85 feet to a point for a corner;
18 THENCE over and across the said called 2,052.761 acre tract as
19 follows:
20 S 47° 19' 36" W, a distance of 1000.00 feet to a point for a
21 corner;
22 N 42° 40' 24" W, a distance of 1,804.37 feet to a point in the
23 southeasterly line of a varied width Galveston County Water Company
24 Canal as recorded in Volume 821, Page 490 of the Galveston County
25 Deed Records;
26 THENCE along the southeasterly line of the said varied width
27 Galveston County Water Company Canal as follows:

1 N 66° 22' 36" E, a distance of 459.14 feet to a point for a corner;
2 S 33° 12' 24" E, a distance of 8.80 feet to a point for a corner;
3 N 56° 47' 36" E, a distance of 549.94 feet to a point for a corner;
4 THENCE N 42° 40' 24" W over and across the said varied width
5 Galveston County Water Company Canal and the said called 2,052.761
6 acre tract, a distance of 1,710.86 feet to a point for a corner;
7 THENCE over and across the said called 2,052.761 acre tract as
8 follows:
9 S 47° 19' 36" W, a distance of 975.00 feet to a point for a corner;
10 N 42° 40' 24" W, a distance of 2,700.00 feet to a point for a corner;
11 S 88° 01' 49" W, a distance of 1836.03 feet to a point in the east
12 line of the said Interurban Gardens Subdivision;
13 THENCE N 01° 58' 11" W, along the east lines of the said Interurban
14 Gardens Subdivision and Holland Road Estates, Section Two as
15 recorded under Volume 18, Page 442, of the Galveston County Map
16 Records, a distance of 3,670.00 feet to the POINT OF BEGINNING and
17 containing 212.06 acres of land.

18 SECTION 3. (a) The legal notice of the intention to
19 introduce this Act, setting forth the general substance of this
20 Act, has been published as provided by law, and the notice and a
21 copy of this Act have been furnished to all persons, agencies,
22 officials, or entities to which they are required to be furnished
23 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
24 Government Code.

25 (b) The governor, one of the required recipients, has
26 submitted the notice and Act to the Texas Commission on
27 Environmental Quality.

1 (c) The Texas Commission on Environmental Quality has filed
2 its recommendations relating to this Act with the governor, the
3 lieutenant governor, and the speaker of the house of
4 representatives within the required time.

5 (d) All requirements of the constitution and laws of this
6 state and the rules and procedures of the legislature with respect
7 to the notice, introduction, and passage of this Act are fulfilled
8 and accomplished.

9 SECTION 4. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2005.