

By: Jackson

S.B. No. 1804

Substitute the following for S.B. No. 1804:

By: Puente

C.S.S.B. No. 1804

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Galveston County Municipal Utility District No. 64; 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 8146 to read as follows:

CHAPTER 8146. GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT

NO. 64

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8146.001. 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. 64.

Sec. 8146.002. 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. 8146.003. 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. 8146.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)

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

(b) The district is created to accomplish:

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

(2) the same purposes as a navigation district created under Section 59, Article XVI, Texas Constitution, and operating under Chapters 60 and 62, Water Code; and

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

Sec. 8146.005. INITIAL DISTRICT TERRITORY. (a) The

district is initially composed of the territory described by Section 2 of the Act creating this chapter.

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

(1) organization, existence, or validity;

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

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

2 (4) legality or operation.

3 [Sections 8146.006-8146.050 reserved for expansion]

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 8146.051. DIRECTORS; TERMS. (a) The district is
6 governed by a board of five directors.

7 (b) Except as provided by Section 8146.053, directors serve
8 staggered four-year terms.

9 Sec. 8146.052. ELECTION OF DIRECTORS. On the uniform
10 election date in May of each even-numbered year, the appropriate
11 number of directors shall be elected.

12 Sec. 8146.053. INITIAL DIRECTORS. (a) The initial board
13 consists of:

14 (1) Troy Maxwell;

15 (2) Phillip Franshaw;

16 (3) David Hile;

17 (4) Jeremy Radack; and

18 (5) Robert Anthony.

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

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

24 [Sections 8146.054-8146.100 reserved for expansion]

25 SUBCHAPTER C. GENERAL POWERS AND DUTIES

26 Sec. 8146.101. GENERAL POWERS AND DUTIES. The district has
27 the powers and duties necessary to accomplish the purposes for

1 which the district is created.

2 Sec. 8146.102. MUNICIPAL UTILITY DISTRICT POWERS AND
3 DUTIES. The district has the powers and duties provided by the
4 general law of this state, including Chapters 49 and 54, Water Code,
5 applicable to municipal utility districts created under Section 59,
6 Article XVI, Texas Constitution.

7 Sec. 8146.103. NAVIGATION POWERS. The district may
8 purchase, construct, acquire, own, operate, maintain, improve, or
9 extend, inside and outside the district, canals, waterways,
10 bulkheads, docks, and any other improvements or facilities
11 necessary or convenient to accomplish the navigation purposes of
12 the district authorized by Section 59, Article XVI, Texas
13 Constitution.

14 Sec. 8146.104. ROAD PROJECTS. (a) The district may
15 construct, acquire, improve, maintain, or operate macadamized,
16 graveled, or paved roads or turnpikes, or improvements in aid of
17 those roads or turnpikes, inside the district.

18 (b) A road project must meet all applicable construction
19 standards, zoning and subdivision requirements, and regulatory
20 ordinances of the municipality or county in whose jurisdiction the
21 district is located.

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

25 Sec. 8146.105. COMPLIANCE WITH MUNICIPAL CONSENT
26 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
27 54.016, Water Code, the district shall comply with all applicable

1 requirements of any ordinance or resolution adopted by the city
2 council that consents to the creation of the district or to the
3 inclusion of lands within the district.

4 Sec. 8146.106. LIMITATION ON USE OF EMINENT DOMAIN. The
5 district may exercise the power of eminent domain outside the
6 district only to acquire an easement necessary for underground
7 water, sewage, or drainage facilities that serve the district.

8 [Sections 8146.107-8146.150 reserved for expansion]

9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

10 Sec. 8146.151. ELECTIONS REGARDING TAXES OR BONDS. (a)
11 Except as provided by Section 8146.201(c), the district may issue,
12 without an election, bonds and other obligations secured by revenue
13 or contract payments from any lawful source other than ad valorem
14 taxation.

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

19 Sec. 8146.152. AD VALOREM TAX. (a) If authorized at an
20 election held under Section 8146.151, the district may impose an
21 annual ad valorem tax on taxable property in the district for the
22 provision of services or for the maintenance and operation of the
23 district, including the construction, acquisition, maintenance,
24 and operation of improvements.

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

27 [Sections 8146.153-8146.200 reserved for expansion]

1 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

2 Sec. 8146.201. AUTHORITY TO ISSUE BONDS AND OTHER
3 OBLIGATIONS. (a) The district may issue bonds or other obligations
4 payable wholly or partly from ad valorem taxes, impact fees,
5 revenue, grants, or other district money, or any combination of
6 those sources, to pay for any authorized district purpose.

7 (b) In exercising the district's borrowing power, the
8 district may issue a bond or other obligation in the form of a bond,
9 note, certificate of participation, or other instrument evidencing
10 a proportionate interest in payments to be made by the district, or
11 other type of obligation.

12 (c) The district may not issue bonds to finance projects
13 authorized by Section 8146.104 unless the issuance is approved by a
14 vote of a two-thirds majority of the voters of the district voting
15 at an election called for that purpose.

16 (d) Bonds or other obligations issued or incurred to finance
17 projects authorized by Section 8146.104 may not exceed one-fourth
18 of the assessed value of the real property in the district.

19 (e) Sections 49.181 and 49.182, Water Code, do not apply to
20 a project undertaken by the district under Section 8146.104 or to
21 bonds issued by the district to finance the project.

22 Sec. 8146.202. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
23 the time bonds or other obligations payable wholly or partly from ad
24 valorem taxes are issued:

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

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

4 (A) pay the interest on the bonds or other
5 obligations as the interest becomes due;

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

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

10 SECTION 2. The Galveston County Municipal Utility District
11 No. 64 initially includes all the territory contained in the
12 following area:

13 Of 91.9438 acres of land being Lots 1 & 8, Block 2, Subdivision "D",
14 Lots 3 & 4, Block 2, Subdivision "C", Lots 1 thru 6 Block 1,
15 Subdivision "C", and all of Block 1, Subdivision "B", of the
16 KOHFELDT'S RESUBDIVISION according to the map or plat thereof
17 recorded in Volume 10, Page 35 of the Deed Records of Galveston
18 County, Texas. Said 91.9438 acres being part of the tracts of land
19 conveyed by deed dated March 22, 2004 from Kohfeldt family Limited
20 Partnership, to Texas Gulf Coast Holdings I LP., as recorded in
21 Galveston County Clerk's File No. GAC 2004020693, of the Deed
22 Records of Galveston County, Texas. Said 91.9438 acres being
23 situated in the Thomas W. Johnson Survey, James Haggard Survey, and
24 the James Smith Survey Galveston County, Texas, and being more
25 particularly described by metes and bounds as follows; (Bearings
26 based plat calls of said Kohfeldt's Resubdivision)

27 BEGINNING at a point for corner at the intersection of the north

1 line of 25th Avenue (120' R.O.W.) (also known as Loop 197), with the
2 west line of said Lot 8, Block 2, Subdivision "D" (James Smith
3 Survey);
4 THENCE North, along the west line of said Lots 1 & 8, Block 2,
5 Subdivision "D", for a distance of 1,095.00 feet to a point for
6 corner;
7 THENCE East, for a distance of 377.15 feet to a point for the
8 southwest corner of said Block 1, Subdivision "C";
9 THENCE North, along the west line of said Block 1, Subdivision "C"
10 for a distance of 1,155.00 feet to a point for corner;
11 THENCE East, along the north line of said Block 1, Subdivision "C"
12 for a distance of 1,282.30 feet to a point for corner;
13 THENCE North, along the east line of Block 2, of said Subdivision
14 "B" for a distance of 1,155.00 feet to a point for corner;
15 THENCE West, along the south line of said Block 1, Subdivision "B"
16 for a distance of 1,282.30 feet to a point for corner;
17 THENCE North, along the west line of said Block 1, Subdivision "B"
18 for a distance of 1,030.00 feet to a point for corner;
19 THENCE North 82° 26' 53" East along the meanders of Moses Lake, for a
20 distance of 1,293.52 feet to a point for the northeast corner of
21 said Block 1, Subdivision "B"
22 THENCE East, for a distance of 30.00 feet to a point for corner in
23 the east line of a 60' dedicated road right-of-way;
24 THENCE South, along a line 30.00 feet east of and parallel with the
25 east line said Subdivisions "B" & "C", for a distance of 3,510.00
26 feet to a point for corner in the common line of Blocks 1 & 2, of said
27 Subdivision "C";

1 THENCE West, for a distance of 786.30 feet to a to a point for the
2 northeast corner of said Lot 3, Block 2, of said Subdivision "C";
3 THENCE South, along the east line of said Lots 3 & 4, Block 2, of
4 said Subdivision "C" for a distance of 1,095.00 feet to a point for
5 corner in the north line of said F.M. 1764;
6 THENCE West, along the north line of said F.M. 1764, for a distance
7 of 903.15 feet to the PLACE OF BEGINNING of herein described tract
8 of land and containing within these calls 4,005,070 square feet or
9 91.9438 acres of land.

10 SECTION 3. (a) The legal notice of the intention to
11 introduce this Act, setting forth the general substance of this
12 Act, has been published as provided by law, and the notice and a
13 copy of this Act have been furnished to all persons, agencies,
14 officials, or entities to which they are required to be furnished
15 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
16 Government Code.

17 (b) The governor, one of the required recipients, has
18 submitted the notice and Act to the Texas Commission on
19 Environmental Quality.

20 (c) The Texas Commission on Environmental Quality has filed
21 its recommendations relating to this Act with the governor, the
22 lieutenant governor, and the speaker of the house of
23 representatives within the required time.

24 (d) All requirements of the constitution and laws of this
25 state and the rules and procedures of the legislature with respect
26 to the notice, introduction, and passage of this Act are fulfilled
27 and accomplished.

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