

1-1 By: Jackson S.B. No. 1808
1-2 (In the Senate - Filed March 22, 2005; March 30, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; May 2, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 2, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1808 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the Galveston County Municipal Utility
1-11 District No. 54; providing authority to impose taxes and
1-12 assessments and issue bonds; granting the power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-15 Code, is amended by adding Chapter 8147 to read as follows:

1-16 CHAPTER 8147. GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 54
1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8147.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the board of directors of the
1-20 district.

1-21 (2) "City" means the City of Texas City, Texas.

1-22 (3) "Director" means a member of the board.

1-23 (4) "District" means the Galveston County Municipal
1-24 Utility District No. 54.

1-25 Sec. 8147.002. NATURE OF DISTRICT. The district is a
1-26 municipal utility district in Galveston County created under and
1-27 essential to accomplish the purposes of Sections 52 and 52-a,
1-28 Article III, Section 1-g, Article VIII, and Section 59, Article
1-29 XVI, Texas Constitution.

1-30 Sec. 8147.003. CONFIRMATION ELECTION REQUIRED. The board
1-31 shall hold an election to confirm the creation of the district as
1-32 provided by Section 49.102, Water Code.

1-33 Sec. 8147.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-34 (a) All land and other property included in the district will
1-35 benefit from the improvements and services to be provided by the
1-36 district under powers conferred by Sections 52 and 52-a, Article
1-37 III, Section 1-g, Article VIII, and Section 59, Article XVI, Texas
1-38 Constitution.

1-39 (b) The district is created for the same purposes as:

1-40 (1) a municipal utility district as provided by
1-41 Section 54.012, Water Code;

1-42 (2) a road utility district created under Section 52,
1-43 Article III, Texas Constitution, and operating under Chapter 441,
1-44 Transportation Code, including the purpose of constructing,
1-45 acquiring, improving, maintaining, and operating roads and road
1-46 facilities;

1-47 (3) a municipal management district operating under
1-48 Chapter 375, Local Government Code; and

1-49 (4) the purchase, construction, acquisition,
1-50 ownership, improvement, maintenance, and operation of the public
1-51 works and public improvements authorized for a tax increment
1-52 reinvestment zone operating under Chapter 311, Tax Code.

1-53 Sec. 8147.005. INITIAL DISTRICT TERRITORY. (a) The
1-54 district is initially composed of the territory described by
1-55 Section 2 of the Act creating this chapter.

1-56 (b) The boundaries and field notes contained in Section 2 of
1-57 the Act creating this chapter form a closure. A mistake made in the
1-58 field notes or in copying the field notes in the legislative process
1-59 does not affect the district's:

1-60 (1) organization, existence, or validity;

1-61 (2) right to issue any type of bond for the purposes
1-62 for which the district is created or to pay the principal of and
1-63 interest on a bond;

2-1 (3) right to impose or collect an assessment or tax; or
2-2 (4) legality or operation.

2-3 Sec. 8147.006. CONSTRUCTION OF CHAPTER. This chapter shall
2-4 be liberally construed in conformity with the findings and purposes
2-5 set forth in this chapter.

2-6 [Sections 8147.007-8147.050 reserved for expansion]

2-7 SUBCHAPTER B. BOARD OF DIRECTORS

2-8 Sec. 8147.051. DIRECTORS; TERMS. (a) The district is
2-9 governed by a board of five directors.

2-10 (b) Except as provided by Section 8147.053, directors serve
2-11 staggered four-year terms.

2-12 Sec. 8147.052. ELECTION OF DIRECTORS. On the uniform
2-13 election date in May of each even-numbered year, the appropriate
2-14 number of directors shall be elected.

2-15 Sec. 8147.053. INITIAL DIRECTORS. (a) The initial board
2-16 consists of:

- 2-17 (1) Shirley McLennan;
- 2-18 (2) Greg Ordeneaux;
- 2-19 (3) Amy Zapletal;
- 2-20 (4) Terri Schoener; and
- 2-21 (5) Scott Bean.

2-22 (b) The terms of the first three directors named in
2-23 Subsection (a) expire on the uniform election date in May of 2006,
2-24 and the terms of the last two directors named in Subsection (a)
2-25 expire on the uniform election date in May of 2008.

2-26 (c) This section expires September 1, 2009.

2-27 [Sections 8147.054-8147.100 reserved for expansion]

2-28 SUBCHAPTER C. GENERAL POWERS AND DUTIES

2-29 Sec. 8147.101. GENERAL POWERS AND DUTIES. The district has
2-30 the powers and duties necessary to accomplish the purposes for
2-31 which the district is created.

2-32 Sec. 8147.102. MUNICIPAL UTILITY DISTRICT POWERS AND
2-33 DUTIES. The district has the powers and duties provided by the
2-34 general law of this state, including Chapters 49 and 54, Water Code,
2-35 applicable to municipal utility districts created under Section 59,
2-36 Article XVI, Texas Constitution.

2-37 Sec. 8147.103. MUNICIPAL MANAGEMENT DISTRICT POWERS. The
2-38 district has the powers and duties provided by the general law of
2-39 this state, including Chapter 375, Local Government Code,
2-40 applicable to municipal management districts created under Section
2-41 59, Article XVI, Texas Constitution.

2-42 Sec. 8147.104. TAX INCREMENT REINVESTMENT ZONE. (a) All
2-43 or any part of the area of the district is eligible to be included in
2-44 a tax increment reinvestment zone created under Chapter 311, Tax
2-45 Code.

2-46 (b) The district may enter into a contract with the board of
2-47 directors of a reinvestment zone and the governing body of the city
2-48 that provides for the district to manage or assist in managing the
2-49 reinvestment zone or to implement or assist in implementing the
2-50 reinvestment zone's project plan and reinvestment zone financing
2-51 plan. The contract may require the district to issue bonds or other
2-52 obligations and pledge the contract revenues to the payment of the
2-53 bonds or other obligations.

2-54 Sec. 8147.105. EMINENT DOMAIN. (a) Except as provided by
2-55 Subsection (b), the district may exercise the power of eminent
2-56 domain as provided by Section 49.222, Water Code.

2-57 (b) The district must obtain the written consent of the city
2-58 before exercising the power of eminent domain.

2-59 [Sections 8147.106-8147.150 reserved for expansion]

2-60 SUBCHAPTER D. ADDITIONAL ROAD POWERS

2-61 Sec. 8147.151. ROAD PROJECTS. (a) As authorized by
2-62 Section 52, Article III, Texas Constitution, the district may
2-63 construct, acquire, improve, maintain, or operate, inside and
2-64 outside the district, roads and road facilities as defined by
2-65 Chapter 441, Transportation Code.

2-66 (b) The roads and road facilities authorized by Subsection
2-67 (a) may include drainage, landscaping, pedestrian improvements,
2-68 lights, signs, or signals that are incidental to the roads and their
2-69 construction, maintenance, or operation.

3-1 (c) The roads and road facilities authorized by this section
3-2 must meet all applicable construction standards, zoning and
3-3 subdivision requirements, and regulatory ordinances of the city.

3-4 (d) On completion of a road or road facility authorized by
3-5 this section, the district, with the consent of the city, may convey
3-6 the road or road facility to the city if the conveyance is free of
3-7 all indebtedness of the district. If the city becomes the owner of
3-8 a road or road facility, the city is responsible for all future
3-9 maintenance and upkeep and the district has no further
3-10 responsibility for the road or road facility or its maintenance or
3-11 upkeep, unless otherwise agreed to by the district and the city.

3-12 Sec. 8147.152. JOINT ROAD PROJECTS. (a) A district may
3-13 contract with a state agency, political subdivision, or corporation
3-14 created under Chapter 431, Transportation Code, for a joint road
3-15 project.

3-16 (b) The contract may:
3-17 (1) provide for joint payment of project costs; and
3-18 (2) require the state agency, political subdivision,
3-19 or corporation to design, construct, or improve a project as
3-20 provided by the contract.

3-21 (c) A contract may be a contract under Section 49.108, Water
3-22 Code.

3-23 Sec. 8147.153. REIMBURSEMENT FOR ROAD PROJECT. (a) The
3-24 district may:

3-25 (1) reimburse a private person for money spent to
3-26 construct a road or road facility that is dedicated or otherwise
3-27 transferred to public use; or

3-28 (2) purchase a road or road facility constructed by a
3-29 private person.

3-30 (b) The amount paid for the reimbursement or for the
3-31 purchase of a road or road facility under Subsection (a) may:

3-32 (1) include all construction costs, including
3-33 engineering, legal, financing, and other expenses incident to the
3-34 construction; or

3-35 (2) be at a price not to exceed the replacement cost of
3-36 the road or road facility as determined by the board.

3-37 (c) The reimbursement or purchase of a road or road facility
3-38 may be paid for with proceeds from the sale of the district's bonds
3-39 or from any other money available to the district.

3-40 (d) The district may enter into an agreement to use the
3-41 proceeds of a subsequent bond sale to reimburse a private person
3-42 under this section. The agreement may provide the terms and
3-43 conditions under which the road or road facility is to be dedicated
3-44 or transferred for the benefit of the public.

3-45 [Sections 8147.154-8147.200 reserved for expansion]

3-46 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

3-47 Sec. 8147.201. ELECTIONS REGARDING TAXES OR BONDS.

3-48 (a) The district may issue, without an election, bonds and other
3-49 obligations secured by revenue or contract payments from any lawful
3-50 source other than ad valorem taxation.

3-51 (b) The district must hold an election in the manner
3-52 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-53 before the district may impose a maintenance tax or issue bonds
3-54 payable from ad valorem taxes.

3-55 (c) The board may include more than one purpose in a single
3-56 proposition at an election.

3-57 (d) The district may issue bonds or other obligations to
3-58 finance road projects under Section 52(b)(3), Article III, Texas
3-59 Constitution, secured wholly or partly by ad valorem taxation,
3-60 impose ad valorem taxes to pay the principal of and interest on the
3-61 obligations, and provide a sinking fund for the redemption of the
3-62 obligations only if the issuance is approved by a two-thirds
3-63 majority of the voters of the district voting at an election called
3-64 and held for that purpose. The total amount of bonds issued under
3-65 this subsection may not exceed one-fourth of the assessed market
3-66 value of real property of the district as determined by the chief
3-67 appraiser of the appraisal district that appraises property for the
3-68 district.

3-69 Sec. 8147.202. AD VALOREM TAX. (a) If authorized at an

4-1 election held under Section 8147.201, the district may impose an
 4-2 annual ad valorem tax on taxable property in the district for the
 4-3 provision of services or for the maintenance and operation of the
 4-4 district, including the construction, acquisition, maintenance,
 4-5 and operation of improvements.

4-6 (b) The board shall determine the tax rate. The rate may not
 4-7 exceed the rate approved at the election.

4-8 Sec. 8147.203. MONEY USED FOR IMPROVEMENTS OR SERVICES.
 4-9 The district may acquire, construct, finance, operate, or maintain
 4-10 any improvement or service authorized under this chapter using any
 4-11 money available to the district.

4-12 Sec. 8147.204. PETITION REQUIRED FOR FINANCING SERVICES AND
 4-13 IMPROVEMENTS. (a) The board may not finance a service or
 4-14 improvement project with assessments under this chapter unless a
 4-15 written petition requesting that service or improvement has been
 4-16 filed with the board.

4-17 (b) A petition requesting a project financed by assessment
 4-18 must be signed by:

4-19 (1) the owners of a majority of the assessed value of
 4-20 real property in the district subject to assessment according to
 4-21 the most recent certified tax appraisal roll for the county; or

4-22 (2) at least 50 owners of real property in the district
 4-23 that will be subject to the assessment, if more than 50 persons own
 4-24 real property subject to the assessment in the district according
 4-25 to the most recent certified tax appraisal roll for the county.

4-26 Sec. 8147.205. METHOD OF NOTICE FOR HEARING. The district
 4-27 may mail notice of public hearings to property owners subject to
 4-28 assessment by certified United States mail or an equivalent service
 4-29 that can provide a record of mailing or other delivery.

4-30 Sec. 8147.206. ASSESSMENTS; LIENS FOR ASSESSMENTS.
 4-31 (a) The board by resolution may impose and collect an assessment
 4-32 for any purpose authorized by this chapter in all or any part of the
 4-33 district.

4-34 (b) An assessment, a reassessment, or an assessment
 4-35 resulting from an addition to or correction of the assessment roll
 4-36 by the district, penalties and interest on an assessment or
 4-37 reassessment, an expense of collection, and reasonable attorney's
 4-38 fees incurred by the district:

4-39 (1) are a first and prior lien against the property
 4-40 assessed;

4-41 (2) are superior to any other lien or claim other than
 4-42 a lien or claim for county, school district, or municipal ad valorem
 4-43 taxes; and

4-44 (3) are the personal liability of and a charge against
 4-45 the owners of the property even if the owners are not named in the
 4-46 assessment proceedings.

4-47 (c) The lien is effective from the date of the board's
 4-48 resolution imposing the assessment until the date the assessment is
 4-49 paid. The board may enforce the lien in the same manner that the
 4-50 board may enforce an ad valorem tax lien against real property.

4-51 (d) The board may make a correction to or deletion from the
 4-52 assessment roll that does not increase the amount of assessment of
 4-53 any parcel of land without providing notice and holding a hearing in
 4-54 the manner required for additional assessments.

4-55 (e) Except as provided by this chapter, Subchapter F,
 4-56 Chapter 375, Local Government Code, applies to assessments imposed
 4-57 by the district.

4-58 Sec. 8147.207. UTILITIES. The district may not impose an
 4-59 impact fee or assessment on the property, equipment, rights-of-way,
 4-60 facilities, or improvements of:

4-61 (1) an electric utility as defined by Section 31.002,
 4-62 Utilities Code;

4-63 (2) a gas utility as defined by Section 101.003 or
 4-64 121.001, Utilities Code;

4-65 (3) a telecommunications provider as defined by
 4-66 Section 51.002, Utilities Code; or

4-67 (4) a cable operator as defined by 47 U.S.C. Section
 4-68 522, as amended.

4-69 [Sections 8147.208-8147.250 reserved for expansion]

SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

5-1 Sec. 8147.251. AUTHORITY TO ISSUE BONDS AND OTHER
 5-2 OBLIGATIONS. (a) The district may issue bonds or other
 5-3 obligations payable wholly or partly from ad valorem taxes, impact
 5-4 fees, revenue, grants, or other district money, or any combination
 5-5 of those sources, to pay for any authorized district purpose.

5-6 (b) In exercising the district's borrowing power, the
 5-7 district may issue a bond or other obligation in the form of a bond,
 5-8 note, certificate of participation, or other instrument evidencing
 5-9 a proportionate interest in payments to be made by the district, or
 5-10 other type of obligation.

5-11 Sec. 8147.252. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
 5-12 the time bonds or other obligations payable wholly or partly from ad
 5-13 valorem taxes are issued:

5-14 (1) the board shall impose a continuing direct annual
 5-15 ad valorem tax, without limit as to rate or amount, for each year
 5-16 that all or part of the bonds are outstanding; and

5-17 (2) the district annually shall impose an ad valorem
 5-18 tax on all taxable property in the district in an amount sufficient
 5-19 to:

5-20 (A) pay the interest on the bonds or other
 5-21 obligations as the interest becomes due;

5-22 (B) create a sinking fund for the payment of the
 5-23 principal of the bonds or other obligations when due or the
 5-24 redemption price at any earlier required redemption date; and

5-25 (C) pay the expenses of imposing the taxes.

5-26 Sec. 8147.253. BONDS FOR CONTRACT COSTS. If the district
 5-27 enters into a contract under Section 8147.152, the district may
 5-28 issue bonds to pay all or part of the costs of the joint road project
 5-29 and any other payments required under the contract.

5-30 Sec. 8147.254. BONDS PAYABLE FROM REVENUE FROM CERTAIN
 5-31 CONTRACTS. The district may issue bonds payable wholly or partly
 5-32 from the revenue of a contract authorized by Section 8147.104(b) to
 5-33 pay for the implementation of the reinvestment zone's project plan
 5-34 or reinvestment zone financing plan.

5-35 Sec. 8147.255. AUTHORITY OF TEXAS COMMISSION ON
 5-36 ENVIRONMENTAL QUALITY OVER ISSUANCE OF DISTRICT BONDS.

5-37 (a) Sections 49.181 and 49.182, Water Code, apply to all water,
 5-38 wastewater, drainage, and recreational facility projects of the
 5-39 district and bonds issued for those purposes.

5-40 (b) Section 49.181, Water Code, applies to all road and road
 5-41 facility projects and bonds issued for those purposes, but the
 5-42 review of the Texas Commission on Environmental Quality of the
 5-43 projects is limited to the financial feasibility of the projects
 5-44 and bonds, and does not include the review or approval of the design
 5-45 and construction of the projects or the engineering feasibility of
 5-46 the projects. The commission shall adjust the requirements of
 5-47 written applications for investigation of feasibility in
 5-48 accordance with this subsection.

5-49 (c) Section 49.182, Water Code, does not apply to road and
 5-50 road facility projects or bonds issued for those purposes.

5-51 (d) To the extent that the district issues bonds secured
 5-52 solely by revenues provided under a contract described in Section
 5-53 8147.104(b), Sections 49.181, 49.182, and 49.4645, Water Code, do
 5-54 not apply to the issuance of the bonds and do not restrict the types
 5-55 of facilities or improvements that may be financed with the bonds.

5-56 (e) Projects and bonds of the district are not subject to
 5-57 the review and approval of the Texas Transportation Commission or
 5-58 the rules adopted by the Texas Transportation Commission.

5-59 Sec. 8147.256. APPLICABILITY OF OTHER BOND LAW. Chapter
 5-60 1471, Government Code, does not apply to the district.

5-61 SECTION 2. The Galveston County Municipal Utility District
 5-62 No. 54 initially includes all the territory contained in the
 5-63 following area:

5-64 BEING 212.06 acres of land situated in the Alexander Farmer League,
 5-65 Abstract No. 11, Galveston County, Texas, being out of a called
 5-66 2,052.761 acre tract of land recorded under Galveston County
 5-67 Clerk's File Number 2000027987 and a portion of Holland Road
 5-68 recorded under Volume 1199, Page 407 of the Galveston County Deed
 5-69

6-1 Records, said 212.06 acre tract being more particularly described
 6-2 by metes and bounds as follows with the basis of bearings being the
 6-3 Texas State Plane Coordinate System, South Central Zone:
 6-4 BEGINNING at a 5/8-inch iron rod with cap stamped "Hovis Surveying"
 6-5 found for the most northerly corner of said called 2,052.761 acre
 6-6 tract, being in the east line of Interurban Gardens, a subdivision
 6-7 recorded in Volume 223, Page 207 of the Galveston County Map Records
 6-8 and in the south right-of-way line of Interstate Highway 45 (Width
 6-9 Varies), from which a found disturbed 5/8-inch iron rod bears S 40°
 6-10 53' E, 1.22 feet and a found 5/8-inch iron rod bears S 02° 01' E, 6.82
 6-11 feet;
 6-12 THENCE with the southwesterly right-of-way line of Interstate
 6-13 Highway 45 (Width Varies) as follows:
 6-14 S 42° 38' 35" E, a distance of 1,594.72 feet to a point for corner and
 6-15 point of curve;
 6-16 In a southerly direction, 558.46 feet, with the arc of a curve to
 6-17 the right, having a radius of 533.69 feet, a central angle of 59° 57'
 6-18 19" and chord which bears S 12° 26' 02" E, 533.33 feet to a broken
 6-19 TxDOT monument found for corner;
 6-20 S 17° 32' 12" W, a distance of 51.06 feet to a TxDOT monument found
 6-21 for corner and point of curve, from which a found 5/8-inch iron rod
 6-22 bears S 73° 23' W, 2.05 feet;
 6-23 In a southerly direction, 185.89 feet, with the arc of a curve to
 6-24 the left, having a radius of 423.06 feet, a central angle of 25° 10'
 6-25 32" and chord which bears S 04° 30' 42" W, 184.40 feet to a TxDOT
 6-26 monument found for corner, from which a found 5/8-inch iron rod
 6-27 bears S 89° 02' W, 0.98 feet;
 6-28 S 07° 34' 27" E, a distance of 35.11 feet to a broken TxDOT monument
 6-29 found for corner;
 6-30 S 46° 19' 11" W, a distance of 49.82 feet to a broken TxDOT monument
 6-31 found for corner from which a found 5/8-inch iron rod bears N 66° 13'
 6-32 W, 0.70 feet;
 6-33 S 01° 26' 48" E, a distance of 80.39 feet to a to a TxDOT monument
 6-34 found for corner;
 6-35 S 59° 51' 01" E, a distance of 99.95 feet to a TxDOT monument found
 6-36 for corner;
 6-37 S 29° 02' 56" E, a distance of 38.17 feet to a TxDOT monument found
 6-38 for corner and point of curve from which a found 5/8-inch iron rod
 6-39 bears S 09°48' E, 5.28 feet;
 6-40 In a southeasterly direction, 480.47 feet, with the arc of a curve
 6-41 to the left, having a radius of 423.06 feet, a central angle of 65°
 6-42 04' 17" and chord which bears S 60° 14' 11" E, 455.06 feet to a TxDOT
 6-43 monument found for a corner, from which a 5/8-inch iron rod bears N
 6-44 16° 14' W, 3.45 feet;
 6-45 N 87° 26' 16" E, a distance of 291.31 feet to a broken TxDOT monument
 6-46 found for corner and point of curve;
 6-47 In a southeasterly direction, 464.90 feet, with the arc of a curve
 6-48 to the right, having a radius of 533.69 feet, a central angle of 49°
 6-49 54' 39" and chord which bears S 67° 36' 31" E, 450.34 feet to a
 6-50 disturbed TxDOT monument found at the end of curve from which a
 6-51 found 5/8-inch iron rod bears N 08° 38' E, 2.55 feet;
 6-52 S 42° 40' 24" E, a distance of 4811.23 feet to a TxDOT monument, and a
 6-53 5/8-inch iron rod with cap stamped "Hovis Surveying" found for
 6-54 corner;
 6-55 N 47° 19' 36" E, a distance of 40.00 feet to a 5/8-inch iron rod with
 6-56 cap stamped "Hovis Surveying" found for corner from which a found
 6-57 broken TxDOT monument which bears N 53° 47' W, 0.78 feet, and from
 6-58 which a found broken TxDOT monument bears N 44° 02' W, 5.46 feet;
 6-59 S 42° 40' 24" E, a distance of 70.00 feet to a 5/8-inch iron rod with
 6-60 cap stamped "Hovis Surveying" found for corner;
 6-61 S 47° 19' 36" W, a distance of 40.00 feet to a 5/8-inch iron rod with
 6-62 cap stamped "Hovis Surveying" found for corner from which a found
 6-63 TxDOT monument bears N 41° 18' W, 7.38 feet;
 6-64 S 42° 40' 24" E, a distance of 1,605.85 feet to a point for a corner;
 6-65 THENCE over and across the said called 2,052.761 acre tract as
 6-66 follows:
 6-67 S 47° 19' 36" W, a distance of 1000.00 feet to a point for a
 6-68 corner;
 6-69 N 42° 40' 24" W, a distance of 1,804.37 feet to a point in the

7-1 southeasterly line of a varied width Galveston County Water Company
7-2 Canal as recorded in Volume 821, Page 490 of the Galveston County
7-3 Deed Records;
7-4 THENCE along the southeasterly line of the said varied width
7-5 Galveston County Water Company Canal as follows:
7-6 N 66° 22' 36" E, a distance of 459.14 feet to a point for a corner;
7-7 S 33° 12' 24" E, a distance of 8.80 feet to a point for a corner;
7-8 N 56° 47' 36" E, a distance of 549.94 feet to a point for a corner;
7-9 THENCE N 42° 40' 24" W over and across the said varied width
7-10 Galveston County Water Company Canal and the said called 2,052.761
7-11 acre tract, a distance of 1,710.86 feet to a point for a corner;
7-12 THENCE over and across the said called 2,052.761 acre tract as
7-13 follows:
7-14 S 47° 19' 36" W, a distance of 975.00 feet to a point for a corner;
7-15 N 42° 40' 24" W, a distance of 2,700.00 feet to a point for a corner;
7-16 S 88° 01' 49" W, a distance of 1836.03 feet to a point in the east
7-17 line of the said Interurban Gardens Subdivision;
7-18 THENCE N 01° 58' 11" W, along the east lines of the said Interurban
7-19 Gardens Subdivision and Holland Road Estates, Section Two as
7-20 recorded under Volume 18, Page 442, of the Galveston County Map
7-21 Records, a distance of 3,670.00 feet to the POINT OF BEGINNING and
7-22 containing 212.06 acres of land.

7-23 SECTION 3. (a) The legal notice of the intention to
7-24 introduce this Act, setting forth the general substance of this
7-25 Act, has been published as provided by law, and the notice and a
7-26 copy of this Act have been furnished to all persons, agencies,
7-27 officials, or entities to which they are required to be furnished
7-28 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
7-29 Government Code.

7-30 (b) The governor, one of the required recipients, has
7-31 submitted the notice and Act to the Texas Commission on
7-32 Environmental Quality.

7-33 (c) The Texas Commission on Environmental Quality has filed
7-34 its recommendations relating to this Act with the governor, the
7-35 lieutenant governor, and the speaker of the house of
7-36 representatives within the required time.

7-37 (d) All requirements of the constitution and laws of this
7-38 state and the rules and procedures of the legislature with respect
7-39 to the notice, introduction, and passage of this Act are fulfilled
7-40 and accomplished.

7-41 SECTION 4. This Act takes effect immediately if it receives
7-42 a vote of two-thirds of all the members elected to each house, as
7-43 provided by Section 39, Article III, Texas Constitution. If this
7-44 Act does not receive the vote necessary for immediate effect, this
7-45 Act takes effect September 1, 2005.

7-46 * * * * *