

By: Jackson

S.B. No. 1865

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. The district may construct,  
3 acquire, improve, maintain, or operate macadamized, graveled, or  
4 paved roads or turnpikes, or improvements in aid of those roads or  
5 turnpikes, inside or outside the district.

6 Sec. 8131.103. COMPLIANCE WITH MUNICIPAL CONSENT  
7 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section  
8 54.016, Water Code, the district shall comply with all applicable  
9 requirements of any ordinance or resolution adopted by the city  
10 council of the City of Texas City, including an ordinance or  
11 resolution adopted before September 1, 2005, that consents to the  
12 creation of the district or to the inclusion of lands within the  
13 district.

14 [Sections 8131.104-8131.150 reserved for expansion]

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

19 Sec. 8131.152. UTILITY EXEMPTION FROM IMPACT FEES AND  
20 ASSESSMENTS. The district may not impose an impact fee or  
21 assessment on the property, equipment, rights-of-way, facilities,  
22 or improvements of:

23 (1) an electric utility as defined by Section 31.002,  
24 Utilities Code;

25 (2) a gas utility as defined by Section 101.003 or  
26 121.001, Utilities Code;

27 (3) a telecommunications provider as defined by

1 Section 51.002, Utilities Code; or

2 (4) a cable operator as defined by 47 U.S.C. Section  
3 522.

4 [Sections 8131.153-8131.200 reserved for expansion]

5 SUBCHAPTER E. BONDS

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

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

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

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

21 SECTION 2. The Galveston County Municipal Utility District  
22 No. 53 initially includes all the territory contained in the  
23 following area:

24 TRACT I:

25 BEING a 299.300-acre (13,037,520 square foot) tract of land  
26 out of the W.G. BANK SURVEY, A-36, Galveston County, Texas, being  
27 out of Lots 2 through 4 and 6 through 21 of the J.F. DUGAT

1 SUBDIVISION as recorded in Volume 141, Page 37 of the Galveston  
2 County Deed Records, being out of the remainder of a 249.2069-acre  
3 tract of land conveyed to B.C. Schroeder, Jr., Trustee, as recorded  
4 in Volume 1741, Pages 903 and 908 of the Galveston County Deed  
5 Records, being out of a 60.0-acre tract of land conveyed to B.C.  
6 Schroeder, Jr., Trustee, as recorded under Galveston County Clerk's  
7 File No. 8457526, being out of a 10-acre tract of land conveyed to  
8 B.C. Schroeder, Jr., Trustee, as recorded under Galveston County  
9 Clerk's File No. 8440855 and being more particularly described by  
10 metes and bounds as follows with the basis of bearings being the  
11 Texas State Plane Coordinate System, South: Central Zone;

12 BEGINNING at a 5/8-inch iron rod with cap stamped "Weisser  
13 Eng. Houston, Tx." set in the Easterly, line of a 51.1-acre tract of  
14 land conveyed to Frank Riley as recorded in Volume 1579, Page 114 of  
15 the Galveston County Deed Records for the Southwesterly corner of a  
16 23.762-acre tract of land described as "Tract IV" as conveyed to  
17 League City Investors, Ltd. as recorded under Galveston County  
18 Clerk's File No. 2002045006, for the Northwesterly corner of said.  
19 60.0-acre tract and for the Northwesterly corner of this tract;

20 THENCE North 87° 06' 54" East, a distance of 2,630.78 feet  
21 with the Southerly line of said 23.762-acre tract, with the  
22 Southerly line of a 7.396-acre tract of land described as "Tract VI"  
23 as conveyed to League City Investors, Ltd. as recorded under  
24 Galveston County Clerk's File No. 2002045006, with the Southerly  
25 line of a tract of land described as "Tract 3" as conveyed to Dan  
26 Mihailovich and Stephen Wormington as recorded under Galveston  
27 County Clerk's File No. 2000023039 and with the Southerly line of

1 the Wilken's Family Partners, LP 9.036-acre tract as recorded under  
2 Galveston County Clerk's File No. 2002020372 to a 5/8-inch iron rod  
3 with cap stamped "Weisser Eng. Houston Tx." set for the  
4 Northeasterly corner of this tract;

5       THENCE South 03° 04' 21" West, a distance of 3,965.57 feet  
6 with the Westerly line of Jones Subdivision as recorded in Volume  
7 134, Page 10 of the Galveston County Deed Records to a, 5/8-inch  
8 iron rod with cap stamped "Weisser Eng. Houston, Tx." set for a  
9 Southeasterly corner of this tract;

10       THENCE South 86° 55' 39" West, a distance of 1,200.00 feet  
11 with the Northerly line of Lot 5 of said J.F. Dugat Subdivision to a  
12 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set  
13 for an interior corner of this tract;

14       THENCE South 03° 04' 21" East, a distance of 180.00 feet with  
15 the Westerly line of said Lot 5 to a 5/8-inch iron rod with cap  
16 stamped "Weisser Eng. Houston, TX." set for an interior corner of  
17 this tract, from which a 1/2-inch iron pipe found bears North 05° 49'  
18 47" East, a distance of 1.53 feet;

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

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

26       THENCE South 86° 13' 29" West, a distance of 1.88 feet with the  
27 Northerly line of the remainder of a 6.75-acre tract of land

1 described as "Tract II" as conveyed to B.C. Schroeder, Jr. as  
2 recorded under Galveston County Clerk's File No. 8938252 to a  
3 1-inch iron pipe for an interior corner of this tract;

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

7       THENCE South 85° 56' 43" West, a distance of 790.67 feet with  
8 the Northerly line of a tract of land conveyed to Sylvia A. Cantu as  
9 recorded under Galveston County Clerk's File No. 2003019644 to a  
10 1-1/4-inch pipe found in the Northeasterly bank of Gum Bayou for the  
11 most Southwesterly corner of this tract;

12       THENCE in a Northwesterly direction with the meanders of the  
13 Northeasterly bank of Gum Bayou the following bearings and  
14 distances:

15       North 07° 52' 40" West, a distance of 230.73 feet to an angle  
16 point;

17       North 34° 56' 52" West, a distance of 62.34 feet to an angle  
18 point;

19       North 15° 16' 59" West, a distance of 137.48 feet to an angle  
20 point;

21       North 69° 51' 27" West, a distance of 129.69 feet to an angle  
22 point;

23       North 51° 21' 01" West, a distance of 112.26 feet to an angle  
24 point;

25       North 28° 39' 42" West, a distance of 165.49 feet to an angle  
26 point;

27       North 11° 30' 11" West, a distance of 147.82 feet to an angle

1 point;  
2 North 67° 30' 52" West, a distance of 372.50 feet to a angle  
3 point;  
4 North 52° 59' 20" West, a distance of 167.58 feet to an angle  
5 point;  
6 North 83° 30' 14" West, a distance of 96.30 feet to an angle  
7 point;  
8 South 60° 12' 03" West, a distance of 234.97 feet to an angle  
9 point;  
10 North 50° 49' 04" West, a distance of 164.88 feet to an angle  
11 point;  
12 North 01° 40' 36" West, a distance of 118.20 feet to an angle  
13 point;  
14 North 35° 10' 41" West, a distance of 161.56 feet to an angle  
15 point;  
16 South 76° 07' 56" West, a distance of 214.7 feet to an angle  
17 point;  
18 North 10° 00' 01" East, a distance of 100.00 feet to an angle  
19 point;  
20 North 11° 03' 16" West, a distance of 226.60 feet to an angle  
21 point;  
22 North 41° 23' 18" West, a distance of 146.85 feet to an angle  
23 point;  
24 North 78° 26' 05" West, a distance of 91.92 feet to an angle  
25 point;  
26 South 78° 08' 03" West, a distance of 90.99 feet to a 5/8-inch  
27 iron rod with cap stamped "Weisser Eng. Houston, Tx." set for the

1 most Westerly Southwesterly corner of this tract;

2       THENCE North 03° 01' 00" West, a distance of 4,000.08 feet  
3 with the Easterly line of an 81.99-acre tract of land conveyed to  
4 NationsBank of Texas, N.A. as recorded under Galveston County  
5 Clerk's File No. 9746910, with the Easterly line of a 20.387-acre  
6 tract of land conveyed to Seymour B. Shwiff and Joseph J. Tramonte  
7 as recorded under Galveston County Clerk's File No. 9928141, with  
8 the Easterly line of a tract of land conveyed to Tracy D. High as  
9 recorded under Galveston County Clerk's File No. 9921239 and with  
10 the Easterly line of said 51.1-acre tract TO THE POINT OF BEGINNING  
11 and CONTAINING 299.300 acres (13,037,520 square feet) of land.

12       TRACT II:

13       BEING a 6.637 acre (289,089 square foot) tract of land out of  
14 the J.S. SHERMAN SURVEY, A-181, Galveston County, Texas, being out  
15 of Lot L of Jones Subdivision as recorded in Volume 134, Page 10 of  
16 the Galveston County Deed Records, being but of a .75 acre tract of  
17 land described as "Tract II" conveyed to B.C. Schroeder, Jr. as  
18 recorded under Galveston County Clerk's File No. 8938252 and being  
19 more particularly described by metes and bounds as follows with the  
20 basis of bearings being the Texas State Plane Coordinate System,  
21 South Central Zone:

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

1           THENCE North 02° 58' 41" West, a distance of 1,050.28 feet  
2 with the easterly line of said Sylvia A. Cantu tract and with the  
3 easterly line of the remainder of a 249.2069 acre tract of land  
4 conveyed to B.C. Schroeder, Jr., Trustee, as recorded in Volume  
5 1741, Page 903 of the Galveston County Deed Records to a 1-inch iron  
6 pipe found for the northwesterly corner of this tract.;

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

9           THENCE South 03° 01' 14" East, a distance of 1,013.79 feet to a  
10 1 inch iron pipe found in the northerly right-of-way line of said  
11 F.M. Road No. 517 for the southeasterly corner of this tract;

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

16           THENCE in a westerly direction with the northerly  
17 right-of-way line of said F.M. Road No. 517 and with a tangent curve  
18 to the right having a radius of 1,387.39, a central angle 05° 07'  
19 52", and a length of 124.25 feet and a chord bearing South 80° 15'  
20 17" West, a distance of 124.21 feet to the POINT OF BEGINNING and  
21 CONTAINING 6.637 acres

22 TRACT III:

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

27 TRACT IV:

1 BEING a 47.485-acre (2,068.447 square foot) tract of land out  
2 of the J. S. SHERMAN SURVEY, A-181, Galveston County, Texas, being  
3 out of Lots H, I and J of the JONES SUBDIVISION as recorded in Volume  
4 134, Page 10 of the Galveston County Deed Records, said Lots H, I  
5 and J being conveyed to Johnny H. Huynh and Tham T. Nguyen as  
6 recorded under Galveston County Clerk's File No. 2001045439  
7 and-being more particularly described by metes and bounds as  
8 follows with the basis of bearing being the Texas State Plane  
9 Coordinate System, South Central Zone:

10 BEGINNING at a 5/8-inch iron rod with cap found in the  
11 Easterly line of the J.F. Dugat Subdivision as recorded in Volume  
12 141, Page 37 of the Galveston County Deed Records and in the  
13 Easterly line of the remainder of a 249.2069-acre tract of land  
14 conveyed to B.C. Schroeder, Jr., Trustee, as recorded in Volume  
15 1741, Page 903 of the Galveston County Deed Records for the  
16 Southwesterly corner of Lot G of said JONES SUBDIVISION, for the  
17 Northwesterly corner of said Lot H and for the Northwesterly corner  
18 of this tract;

19 THENCE North 86 deg. 55 min. 39 sec. East, a distance of  
20 1,213.09 feet with the Southerly line of said Lot G to a 5/8-inch  
21 iron rod with cap stamped "Weisser Eng. Houston, Tx." set in the  
22 Westerly right-of-way line of F.M. Road No. 3436 (100 feet wide) for  
23 the Northeasterly corner of this tract, from which a 1/2-inch iron  
24 rod found bears South 78 deg. 26 min. 26 sec. West, a distance of  
25 0.38 feet;

26 THENCE South 03 deg. 04 min. 39 sec. East, a distance of  
27 1,705.00 feet with the Westerly right-of-way line of said FM. Road

1 No. 3436 to a 5/8-inch iron rod with cap stamped "Weisser Eng.  
2 Houston, Tx." set for the Southeasterly corner of this tract;

3 THENCE South 86 deg. 55 min. 39 sec. West, a distance of  
4 1,213.24 feet over and across said Lot J to a 5/8-inch iron rod with  
5 cap stamped "Weisser Eng. Houston, TX." set for the Southwesterly  
6 corner of this tract;

7 THENCE North 03 deg. 04 min. 21 sec. West, a distance of  
8 1,705.00 feet with the Westerly line of said Lots H, I and J and with  
9 the Easterly line of said J.F. Dugat Subdivision to the POINT OF  
10 BEGINNING and CONTAINING 47.485 acres (2,068,447 square feet) of  
11 land.

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

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

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

26 (d) All requirements of the constitution and laws of this  
27 state and the rules and procedures of the legislature with respect

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1 to the notice, introduction, and passage of this Act are fulfilled  
2 and accomplished.

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