

By: Jackson, Mike

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. ROAD PROJECTS. The district may construct,
25 acquire, improve, maintain, or operate macadamized, graveled, or
26 paved roads or turnpikes, or improvements in aid of those roads or
27 turnpikes, inside or outside the district.

1 Sec. 8131.102. COMPLIANCE WITH MUNICIPAL CONSENT
2 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
3 54.016, Water Code, the district shall comply with all applicable
4 requirements of any ordinance or resolution adopted by the city
5 council of the City of Texas City, including an ordinance or
6 resolution adopted before September 1, 2005, that consents to the
7 creation of the district or to the inclusion of lands within the
8 district.

9 [Sections 8131.103-8131.150 reserved for expansion]

10 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

11 Sec. 8131.151. TAX TO REPAY BONDS FOR ROAD PROJECTS. The
12 district may impose a tax to pay the principal of or interest on
13 bonds issued under Section 8131.201.

14 [Sections 8131.152-8131.200 reserved for expansion]

15 SUBCHAPTER E. BONDS

16 Sec. 8131.201. AUTHORITY TO ISSUE BONDS AND OTHER
17 OBLIGATIONS FOR ROAD PROJECTS. (a) The district may issue bonds or
18 other obligations as provided by Chapters 49 and 54, Water Code, to
19 finance the construction, maintenance, or operation of projects
20 under Section 8131.101.

21 (b) The district may not issue bonds under Subsection (a)
22 unless the issuance is approved by a vote of a two-thirds majority
23 of the voters of the district voting at an election called for that
24 purpose.

25 (c) Bonds or other obligations issued or incurred to finance
26 projects authorized by Section 8131.101 may not exceed one-fourth
27 of the assessed value of the real property in the district.

1 (d) Sections 49.181 and 49.182, Water Code, do not apply to
2 a project undertaken by the district under Section 8131.101 or to
3 bonds issued by the district to finance the project.

4 SECTION 2. The Galveston County Municipal Utility District
5 No. 53 initially includes all the territory contained in the
6 following area:

7 TRACT I:

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

22 BEGINNING at a 5/8-inch iron rod with cap stamped "Weisser
23 Eng. Houston, Tx." set in the Easterly, line of a 51.1-acre tract of
24 land conveyed to Frank Riley as recorded in Volume 1579, Page 114 of
25 the Galveston County Deed Records for the Southwesterly corner of a
26 23.762-acre tract of land described as "Tract IV" as conveyed to
27 League City Investors, Ltd. as recorded under Galveston County

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1 Clerk's File No. 2002045006, for the Northwesterly corner of said.
2 60.0-acre tract and for the Northwesterly corner of this tract;

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

15 THENCE South 03° 04' 21" West, a distance of 3,965.57 feet
16 with the Westerly line of Jones Subdivision as recorded in Volume
17 134, Page 10 of the Galveston County Deed Records to a, 5/8-inch
18 iron rod with cap stamped "Weisser Eng. Houston, Tx." set for a
19 Southeasterly corner of this tract;

20 THENCE South 86° 55' 39" West, a distance of 1,200.00 feet
21 with the Northerly line of Lot 5 of said J.F. Dugat Subdivision to a
22 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set
23 for an interior corner of this tract;

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

1 47" East, a distance of 1.53 feet;

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

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

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

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

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

22 THENCE in a Northwesterly direction with the meanders of the
23 Northeasterly bank of Gum Bayou the following bearings and
24 distances:

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

27 North 34° 56' 52" West, a distance of 62.34 feet to an angle

1 point;
2 North 15° 16' 59" West, a distance of 137.48 feet to an angle
3 point;
4 North 69° 51' 27" West, a distance of 129.69 feet to an angle
5 point;
6 North 51° 21' 01" West, a distance of 112.26 feet to an angle'
7 point;
8 North 28° 39' 42" West, a distance of 165.49 feet to an angle
9 point;
10 North 11° 30' 11" West, a distance of 147.82 feet to an angle
11 point;
12 North 67° 30' 52" West, a distance of 372.50 feet to a angle
13 point;
14 North 52° 59' 20" West, a distance of 167.58 feet to an angle
15 point;
16 North 83° 30' 14" West, a distance of 96.30 feet to an angle
17 point;
18 South 60° 12' 03" West, a distance of 234.97 feet to an angle
19 point;
20 North 50° 49' 04" West, a distance of 164.88 feet to an angle
21 point;
22 North 01° 40' 36" West, a distance of 118.20 feet to an angle
23 point;
24 North 35° 10' 41" West, a distance of 161.56 feet to an angle
25 point;
26 South 76° 07' 56" West, a distance of 214.7 feet to an angle
27 point;

1 North 10° 00' 01" East, a distance of 100.00 feet to an angle
2 point;

3 North 11° 03' 16" West, a distance of 226.60 feet to an angle
4 point;

5 North 41° 23' 18" West, a distance of 146.85 feet to an angle
6 point;

7 North 78° 26' 05" West, a distance of 91.92 feet to an angle
8 point;

9 South 78° 08' 03" West, a distance of 90.99 feet to a 5/8-inch
10 iron rod with cap stamped "Weisser Eng. Houston, Tx." set for the
11 most Westerly Southwesterly corner of this tract;

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

22 TRACT II:

23 BEING a 6.637 acre (289,089 square foot) tract of land out of
24 the J.S. SHERMAN SURVEY, A-181, Galveston County, Texas, being out
25 of Lot L of Jones Subdivision as recorded in Volume 134, Page 10 of
26 the Galveston County Deed Records, being but of a .75 acre tract of
27 land described as "Tract II" conveyed to B.C. Schroeder, Jr. as

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1 recorded under Galveston County Clerk's File No. 8938252 and being
2 more particularly described by metes and bounds as follows with the
3 basis of bearings being the Texas State Plane Coordinate System,
4 South Central Zone:

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

11 THENCE North $02^{\circ} 58' 41''$ West, a distance of 1,050.28 feet
12 with the easterly line of said Sylvia A. Cantu tract and with 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 to a 1-inch iron
16 pipe found for the northwesterly corner of this tract.;

17 THENCE North $86^{\circ} 13' 29''$ East, a distance of 279.22 feet to a 1
18 inch iron pipe found for the northeasterly corner of this tract;

19 THENCE South $03^{\circ} 01' 14''$ East, a distance of 1,013.79 feet to a
20 1 inch iron pipe found in the northerly right-of-way line of said
21 F.M. Road No. 517 for the southeasterly corner of this tract;

22 "THENCE South $77^{\circ} 41' 21''$ West, a distance of 158.70 feet with
23 the northerly right-of-way line of said F.M. Road No. 517 to a 5/8
24 inch iron rod with cap stamped "Weisser Eng. Houston, Tx." Set for a
25 point-of-curvature;

26 THENCE in a westerly direction with the northerly
27 right-of-way line of said F.M. Road No. 517 and with a tangent curve

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1 to the right having a radius of 1,387.39, a central angle 05° 07'
2 52", and a length of 124.25 feet and a chord bearing South 80° 15'
3 17" West, a distance of 124.21 feet to the POINT OF BEGINNING and
4 CONTAINING 6.637 acres

5 TRACT III:

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

10 TRACT IV:

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

20 BEGINNING at a 5/8-inch iron rod with cap found in the
21 Easterly line of the J.F. Dugat Subdivision as recorded in Volume
22 141, Page 37 of the Galveston County Deed Records and in the
23 Easterly line of the remainder of a 249.2069-acre tract of land
24 conveyed to B.C. Schroeder, Jr., Trustee, as recorded in Volume
25 1741, Page 903 of the Galveston County Deed Records for the
26 Southwesterly corner of Lot G of said JONES SUBDIVISION, for the
27 Northwesterly corner of said Lot H and for the Northwesterly corner

1 of this tract;

2 THENCE North 86 deg. 55 min. 39 sec. East, a distance of
3 1,213.09 feet with the Southerly line of said Lot G to a 5/8-inch
4 iron rod with cap stamped "Weisser Eng. Houston, Tx." set in the
5 Westerly right-of-way line of F.M. Road No. 3436 (100 feet wide) for
6 the Northeasterly corner of this tract, from which a 1/2-inch iron
7 rod found bears South 78 deg. 26 min. 26 sec. West, a distance of
8 0.38 feet;

9 THENCE South 03 deg. 04 min. 39 sec. East, a distance of
10 1,705.00 feet with the Westerly right-of-way line of said FM. Road
11 No. 3436 to a 5/8-inch iron rod with cap stamped "Weisser Eng.
12 Houston, Tx." set for the Southeasterly corner of this tract;

13 THENCE South 86 deg. 55 min. 39 sec. West, a distance of
14 1,213.24 feet over and across said Lot J to a 5/8-inch iron rod with
15 cap stamped "Weisser Eng. Houston, TX." set for the Southwesterly
16 corner of this tract;

17 THENCE North 03 deg. 04 min. 21 sec. West, a distance of
18 1,705.00 feet with the Westerly line of said Lots H, I and J and with
19 the Easterly line of said J.F. Dugat Subdivision to the POINT OF
20 BEGINNING and CONTAINING 47.485 acres (2,068,447 square feet) of
21 land.

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

1 Government Code.

2 (b) The governor, one of the required recipients, has
3 submitted the notice and Act to the Texas Commission on
4 Environmental Quality.

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

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

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