

By: Jackson

S.B. No. 1866

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Dickinson Management District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3853 to read as follows:

CHAPTER 3853. DICKINSON MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3853.001. DEFINITIONS. In this chapter:

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

(2) "District" means the Dickinson Management District No. 1.

Sec. 3853.002. DICKINSON MANAGEMENT DISTRICT NO. 1. The Dickinson Management District No. 1 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3853.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the City of Dickinson, Galveston County, and other political subdivisions to contract with the district, the legislature has established a

1 program to accomplish the public purposes set out in Section 52-a,
2 Article III, Texas Constitution.

3 (b) The creation of the district is necessary to promote,
4 develop, encourage, and maintain employment, commerce,
5 transportation, housing, tourism, recreation, the arts,
6 entertainment, economic development, safety, and the public
7 welfare in the district.

8 (c) This chapter and the creation of the district may not be
9 interpreted to relieve Galveston County or the City of Dickinson
10 from providing the level of services provided as of the effective
11 date of this Act to the area in the district. The district is
12 created to supplement and not to supplant the county or city
13 services provided in the area in the district.

14 Sec. 3853.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

15 (a) The district is created to serve a public use and benefit.

16 (b) All land and other property included in the district
17 will benefit from the improvements and services to be provided by
18 the district under powers conferred by Sections 52 and 52-a,
19 Article III, and Section 59, Article XVI, Texas Constitution, and
20 other powers granted under this chapter.

21 (c) The creation of the district is in the public interest
22 and is essential to:

23 (1) further the public purposes of developing and
24 diversifying the economy of the state;

25 (2) eliminate unemployment and underemployment; and

26 (3) develop or expand transportation and commerce.

27 (d) The district will:

1 (1) promote the health, safety, and general welfare of
2 residents, employers, potential employees, employees, visitors,
3 and consumers in the district, and of the public;

4 (2) provide needed funding for the district to
5 preserve, maintain, and enhance the economic health and vitality of
6 the district territory as a community and business center; and

7 (3) promote the health, safety, welfare, and enjoyment
8 of the public by providing pedestrian ways and by landscaping and
9 developing certain areas in the district, which are necessary for
10 the restoration, preservation, and enhancement of scenic beauty.

11 (e) Pedestrian ways along or across a street, whether at
12 grade or above or below the surface, and street lighting, street
13 landscaping, and street art objects are parts of and necessary
14 components of a street and are considered to be a street or road
15 improvement.

16 (f) The district will not act as the agent or
17 instrumentality of any private interest even though the district
18 will benefit many private interests as well as the public.

19 Sec. 3853.005. DISTRICT TERRITORY. (a) The district is
20 composed of the territory described by Section 2 of the Act enacting
21 this chapter, as that territory may have been modified under:

22 (1) Subchapter J, Chapter 49, Water Code;

23 (2) Section 3853.108; or

24 (3) other law.

25 (b) The boundaries and field notes of the district contained
26 in Section 2 of the Act enacting this chapter form a closure. A
27 mistake in the field notes or in copying the field notes in the

1 legislative process does not in any way affect the district's:

2 (1) organization, existence, or validity;

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

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

7 (4) legality or operation.

8 Sec. 3853.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

9 All or any part of the area of the district is eligible to be
10 included in:

11 (1) a tax increment reinvestment zone created by a
12 municipality under Chapter 311, Tax Code;

13 (2) a tax abatement reinvestment zone created by a
14 municipality under Chapter 312, Tax Code; or

15 (3) an enterprise zone created by a municipality under
16 Chapter 2303, Government Code.

17 Sec. 3853.007. LIBERAL CONSTRUCTION OF CHAPTER. This
18 chapter shall be liberally construed in conformity with the
19 findings and purposes stated in this chapter.

20 Sec. 3853.008. APPLICABILITY OF MUNICIPAL MANAGEMENT
21 DISTRICTS LAW. Except as otherwise provided by this chapter,
22 Chapter 375, Local Government Code, applies to the district.

23 [Sections 3853.009-3853.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3853.051. BOARD OF DIRECTORS; TERMS. (a) The
26 district is governed by a board of five voting directors who serve
27 staggered terms of four years, with two or three directors' terms

1 expiring June 1 of each odd-numbered year.

2 (b) The governing body of the City of Dickinson may change
3 the number of voting directors on the board. The board may not
4 consist of fewer than five or more than 15 voting directors.

5 Sec. 3853.052. APPOINTMENT OF DIRECTORS. (a) The mayor
6 and members of the governing body of the City of Dickinson shall
7 appoint voting directors from persons recommended by the board. A
8 person is appointed if a majority of the members of the governing
9 body, including the mayor, vote to appoint that person.

10 (b) Section 375.063, Local Government Code, does not apply
11 to the district.

12 Sec. 3853.053. NONVOTING DIRECTORS. The board may appoint
13 nonvoting directors.

14 Sec. 3853.054. QUORUM. For purposes of determining the
15 requirements for a quorum of the board, the following are not
16 counted:

17 (1) a board position vacant for any reason, including
18 death, resignation, or disqualification;

19 (2) a director who is abstaining from participation in
20 a vote because of a conflict of interest; or

21 (3) a nonvoting director.

22 Sec. 3853.055. INITIAL VOTING DIRECTORS. (a) The mayor
23 and the members of the governing body of the City of Dickinson shall
24 appoint the five initial voting directors by position.

25 (b) Of the initial directors, the terms of directors
26 appointed for positions 1 through 3 expire June 1, 2007, and the
27 terms of directors appointed for positions 4 and 5 expire June 1,

1 2009.

2 (c) This section expires September 1, 2010.

3 [Sections 3853.056-3853.100 reserved for expansion]

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 3853.101. ADDITIONAL POWERS OF DISTRICT. The district
6 may exercise the powers given to:

7 (1) a corporation under Section 4B, Development
8 Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil
9 Statutes), including the power to own, operate, acquire, construct,
10 lease, improve, or maintain a project described by that section;
11 and

12 (2) a housing finance corporation under Chapter 394,
13 Local Government Code, to provide housing or residential
14 development projects in the district.

15 Sec. 3853.102. NONPROFIT CORPORATION. (a) The board by
16 resolution may authorize the creation of a nonprofit corporation to
17 assist and act for the district in implementing a project or
18 providing a service authorized by this chapter.

19 (b) The nonprofit corporation:

20 (1) has each power of and is considered for purposes of
21 this chapter to be a local government corporation created under
22 Chapter 431, Transportation Code; and

23 (2) may implement any project and provide any service
24 authorized by this chapter.

25 (c) The board shall appoint the board of directors of the
26 nonprofit corporation. The board of directors of the nonprofit
27 corporation shall serve in the same manner as the board of directors

1 of a local government corporation created under Chapter 431,
2 Transportation Code, except that a member of the board of the
3 nonprofit corporation is not required to reside in the district.

4 Sec. 3853.103. AGREEMENTS; GRANTS. (a) The district may
5 make an agreement with or accept a gift, grant, or loan from any
6 person.

7 (b) The implementation of a project is a governmental
8 function or service for the purposes of Chapter 791, Government
9 Code.

10 Sec. 3853.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.
11 To protect the public interest, the district may contract with a
12 qualified party, including Galveston County or the City of
13 Dickinson, to provide law enforcement services in the district for
14 a fee.

15 Sec. 3853.105. APPROVAL BY CITY OF DICKINSON. (a) Except
16 as provided by Subsection (c), the district must obtain the
17 approval of the City of Dickinson's governing body for:

18 (1) the issuance of a bond for each improvement
19 project;

20 (2) the imposition of a sales and use tax;

21 (3) the plans and specifications of the improvement
22 project financed by the bond; and

23 (4) the plans and specifications of any district
24 improvement project related to the use of land owned by the City of
25 Dickinson, an easement granted by the City of Dickinson, or a
26 right-of-way of a street, road, or highway.

27 (b) The approval obtained for the issuance of bonds or the

1 imposition of a sales and use tax must be a resolution by the City of
2 Dickinson. The approval obtained for plans and specifications must
3 be a permit issued by the City of Dickinson.

4 (c) If the district obtains the approval of the City of
5 Dickinson's governing body of a capital improvements budget for a
6 period not to exceed five years, the district may finance the
7 capital improvements and issue bonds specified in the budget
8 without further approval from the City of Dickinson.

9 (d) The City of Dickinson and the district may agree on
10 conditions for obtaining the approval of the city under this
11 section, including an agreement for the approval of a sales and use
12 tax that requires the district to abolish or decrease the rate of
13 the tax if the rate, when combined with other local sales and use
14 taxes, results in a combined tax rate of more than two percent in
15 any location in the district.

16 Sec. 3853.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
17 district may join and pay dues to an organization that:

18 (1) enjoys tax-exempt status under Section 501(c)(3),
19 (4), or (6), Internal Revenue Code of 1986; and

20 (2) performs a service or provides an activity
21 consistent with the furtherance of a district purpose.

22 Sec. 3853.107. ECONOMIC DEVELOPMENT PROGRAMS AND OTHER
23 POWERS RELATED TO PLANNING AND DEVELOPMENT. (a) The district may
24 establish and provide for the administration of one or more
25 programs to promote state or local economic development and to
26 stimulate business and commercial activity in the district,
27 including programs to:

1 (1) make loans and grants of public money, including
2 bond proceeds; and

3 (2) provide district personnel and services.

4 (b) The district has all of the powers of a municipality
5 under Chapter 380, Local Government Code.

6 Sec. 3853.108. ANNEXATION. In addition to the authority to
7 annex territory under Subchapter J, Chapter 49, Water Code, the
8 district may by board resolution annex territory located in the
9 City of Dickinson if the city's governing body votes in favor of the
10 annexation.

11 Sec. 3853.109. NO EMINENT DOMAIN. The district may not
12 exercise the power of eminent domain.

13 [Sections 3853.110–3853.150 reserved for expansion]

14 SUBCHAPTER D. FINANCIAL PROVISIONS

15 Sec. 3853.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
16 board by resolution shall establish the number of directors'
17 signatures and the procedure required for a disbursement or
18 transfer of the district's money.

19 Sec. 3853.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
20 The district may acquire, construct, finance, operate, or maintain
21 any improvement or service authorized under this chapter or Chapter
22 375, Local Government Code, using any money available to the
23 district.

24 Sec. 3853.153. PETITION REQUIRED FOR FINANCING SERVICES AND
25 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
26 service or improvement project with assessments under this chapter
27 unless a written petition requesting that service or improvement

1 has been filed with the board.

2 (b) The petition must be signed by:

3 (1) the owners of a majority of the assessed value of
4 real property in the district subject to assessment according to
5 the most recent certified tax appraisal roll for Galveston County;
6 or

7 (2) at least 25 persons who own real property in the
8 district, if more than 25 persons own real property in the district
9 according to the most recent certified tax appraisal roll for
10 Galveston County.

11 Sec. 3853.154. METHOD OF NOTICE FOR HEARING. The district
12 may mail the notice required by Section 375.115(c), Local
13 Government Code, by certified United States mail or an equivalent
14 service that can provide a record of mailing or other delivery.

15 Sec. 3853.155. ASSESSMENTS; LIENS FOR ASSESSMENTS.

16 (a) The board by resolution may impose and collect an assessment
17 for any purpose authorized by this chapter.

18 (b) An assessment, a reassessment, or an assessment
19 resulting from an addition to or correction of the assessment roll
20 by the district, penalties and interest on an assessment or
21 reassessment, an expense of collection, and reasonable attorney's
22 fees incurred by the district:

23 (1) are a first and prior lien against the property
24 assessed;

25 (2) are superior to any other lien or claim other than
26 a lien or claim for county, school district, or municipal ad valorem
27 taxes; and

1 (3) are the personal liability of and a charge against
2 the owners of the property even if the owners are not named in the
3 assessment proceedings.

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

8 (d) The board may make a correction to or deletion from the
9 assessment roll that does not increase the amount of assessment of
10 any parcel of land without providing notice and holding a hearing in
11 the manner required for additional assessments.

12 Sec. 3853.156. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
13 ASSESSMENTS. The district may not impose an impact fee or
14 assessment on the property, including the equipment,
15 rights-of-way, facilities, or improvements of:

16 (1) an electric utility or a power generation company
17 as defined by Section 31.002, Utilities Code;

18 (2) a gas utility as defined by Section 101.003 or
19 121.001, Utilities Code;

20 (3) a telecommunications provider as defined by
21 Section 51.002, Utilities Code; or

22 (4) a person who provides to the public cable
23 television or advanced telecommunications services.

24 Sec. 3853.157. BONDS AND OTHER OBLIGATIONS. (a) The
25 district may issue bonds or other obligations, by competitive bid
26 or negotiated sale, payable wholly or partly from sales and use
27 taxes, assessments, impact fees, revenue, grants, or other money of

1 the district, or any combination of those sources of money, to pay
2 for any authorized purpose of the district.

3 (b) The district may issue a bond or other obligation in the
4 form of a bond, note, certificate of participation or other
5 instrument evidencing a proportionate interest in payments to be
6 made by the district, or other type of obligation.

7 (c) Section 375.243, Local Government Code, does not apply
8 to the district.

9 Sec. 3853.158. CITY NOT REQUIRED TO PAY DISTRICT
10 OBLIGATIONS. Except as provided by Section 375.263, Local
11 Government Code, the City of Dickinson is not required to pay a
12 bond, note, or other obligation of the district.

13 Sec. 3853.159. COMPETITIVE BIDDING. Section 375.221, Local
14 Government Code, applies to the district only for a contract that
15 has a value greater than \$25,000.

16 Sec. 3853.160. TAX AND ASSESSMENT ABATEMENTS. The district
17 may grant in the manner authorized by Chapter 312, Tax Code, an
18 abatement for a tax or assessment owed to the district.

19 [Sections 3853.161-3853.200 reserved for expansion]

20 SUBCHAPTER E. SALES AND USE TAX

21 Sec. 3853.201. MEANINGS OF WORDS AND PHRASES. Words and
22 phrases used in this subchapter that are defined by Chapters 151 and
23 321, Tax Code, have the meanings assigned by Chapters 151 and 321,
24 Tax Code.

25 Sec. 3853.202. APPLICABILITY OF CERTAIN TAX CODE
26 PROVISIONS. (a) Except as otherwise provided by this subchapter,
27 Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code,

1 apply to taxes imposed under this subchapter and to the
2 administration and enforcement of those taxes in the same manner
3 that those laws apply to state taxes.

4 (b) The provisions of Subchapters B, C, and D, Chapter 321,
5 Tax Code, relating to municipal sales and use taxes apply to the
6 application, collection, change, and administration of a sales and
7 use tax imposed under this subchapter to the extent consistent with
8 this chapter, as if references in Chapter 321, Tax Code, to a
9 municipality referred to the district and references to a governing
10 body referred to the board.

11 (c) Sections 321.401-321.406 and Subchapter F, Chapter 321,
12 Tax Code, do not apply to a tax imposed under this subchapter.

13 (d) Section 321.203(1), Tax Code, as added by Chapter 1155,
14 Acts of the 78th Legislature, Regular Session, 2003, does not apply
15 to a tax imposed in the district boundaries.

16 Sec. 3853.203. AUTHORIZATION. The district may adopt a
17 sales and use tax for the benefit of the district. The board is not
18 required to hold an election to adopt the tax.

19 Sec. 3853.204. ABOLISHING SALES AND USE TAX. (a) Except
20 as provided in Subsection (b), the board, with the consent of the
21 governing body of the City of Dickinson, may abolish the sales and
22 use tax without an election.

23 (b) The board may not abolish the sales and use tax if the
24 district has outstanding debt secured by the tax.

25 Sec. 3853.205. SALES AND USE TAX RATE. (a) On adoption of
26 the tax authorized by this subchapter, there is imposed a tax at the
27 rate authorized by the district on the receipts from the sale at

1 retail of taxable items within the district, and an excise tax on
2 the use, storage, or other consumption within the district of
3 taxable items purchased, leased, or rented from a retailer within
4 the district during the period that the tax is in effect.

5 (b) The rate of the excise tax is the same as the rate of the
6 sales tax portion of the tax and is applied to the sales price of the
7 taxable item.

8 [Sections 3853.206-3853.250 reserved for expansion]

9 SUBCHAPTER F. DISSOLUTION

10 Sec. 3853.251. DISSOLUTION OF DISTRICT WITH OUTSTANDING
11 DEBT. (a) The board may dissolve the district regardless of
12 whether the district has debt. Section 375.264, Local Government
13 Code, does not apply to the district.

14 (b) If the district has debt when it is dissolved, the
15 district shall remain in existence solely for the purpose of
16 discharging its debts. The dissolution is effective when all debts
17 have been discharged.

18 SECTION 2. As of the effective date of this Act, the
19 Dickinson Management District No. 1 includes all territory
20 contained in the following described area:

21 BEGINNING at the point of intersection on the West line of Lot 6 of
22 the Petty & Austin Lower League, Abstract No. 19, Galveston County,
23 Texas, and the centerline of Dickinson Bayou;

24 THENCE Northerly along the West line of said Lot 6 to the Northerly
25 right-of-way line of State Farm Road 517;

26 THENCE Easterly along the Northerly right-of-way line of said State
27 Farm 517 to its intersection with the East line of Lot 15-A of said

1 Perry & Austin League;
2 THENCE Northerly along the East line of said Lot 15-A to the point
3 of intersection with the Southwesterly projection of Sunset Drive;
4 also being in the Southwesterly projection of the Northwesterly
5 line of Block 77 of Dickinson Addition '4D";
6 THENCE Easterly and perpendicular to the East line of said Lot 15-A
7 to the point of intersection on the Northeasterly line of
8 Interstate Highway No. 45;
9 THENCE Northwesterly along the Northeasterly line of said
10 Interstate Highway No.45 to the point of intersection of said
11 Northeasterly line of Interstate Highway No.45 and the East line of
12 said Lot 15-A; said point also being in the Southerly corporate
13 limits of the City of League City;
14 THENCE Northeasterly along the East line of said Lot 15-A to the
15 Northwest corner of Block 57 of said Addition "D";
16 THENCE Easterly along the North line of Blocks 57-60 of said
17 Addition "I)" to the North corner of Block 60 of said Addition "1)";
18 THENCE Northwesterly along the Southwesterly line of Blocks 53 and
19 42 of said Addition "D" to the West corner of Block 42 of said
20 Addition IY';
21 THENCE Northeasterly along the Northwesterly line of Blocks 4247 of
22 said Addition "D" to the North corner of Block 47 of said Addition
23 "D";
24 THENCE Southeasterly along the Northeasterly line Block 47 to the -
25 of intersection of the Northwesterly line of Block 251 of the Moores
26 Addition to Dickinson projected Southwesterly;
27 THENCE Northeasterly along the Northwesterly line of Blocks 251,

1 221, 191, 161 and 131 to the point of intersection of the Northwest
2 line of said Block 131 of said Moores Addition to Dickinson and the
3 Southwesterly right-of-way line of State Highway No.3;
4 THENCE Southeasterly along the Southwesterly right-of-way line of
5 said State Highway No. 3 to the point of intersection of the
6 Southwesterly right-of-way line of said State Highway No.3 with the
7 projected Northwesterly right-of-way line of Salvato Street
8 THENCE Northeasterly along the Northwesterly right-of-way line of
9 said Salvato Street to the Southwesterly right-of-way line of the
10 Galveston, Houston and Henderson Railway
11 THENCE Northwesterly along the Southwesterly right-of-way line of
12 said Galveston. Houston and Henderson Railway to the point of
13 intersection of the Southerly right-of- way line of Deats Road;
14 THENCE Northeasterly along the Southerly right-of-way line of said
15 Deats Road to the North corner of Lot 1 of the Nichol's Addition to
16 the Town of Dickinson;
17 THENCE Southeasterly along the East line of said Lot 1 to the East
18 corner of said Lot 1;
19 THENCE Southwesterly along the South line of said Lot 1 to the South
20 corner of said Lot 1; said point being in the Easterly right-of-way
21 line of Nichols Avenue;
22 THENCE Southeasterly along the East right-of-way line of said
23 Nichols Avenue to the West corner of Lot 1 of Youpon Cove
24 Subdivision
25 THENCE Northeasterly along the North line of Youpon Cove
26 Subdivision to the point of intersection of the North line of said
27 Youpon Cove Subdivision projected Northeasterly to the

1 intersection of the West right-of-way line of FM 1266 (Dickinson
2 Avenue);
3 THENCE Northerly along the West right-of-way line of said KM. 1266
4 to the point of intersection with the North right-of-way line of
5 30th Street;
6 THENCE Easterly along the North right-of-way line of 30th Street to
7 the point of intersection with the West right-of-way line of Kansas
8 Avenue;
9 THENCE Northerly along the West right-of-way line of Kansas Avenue
10 to the point of intersection with the North right-of-way line of
11 28th Street;
12 THENCE Easterly along the North right-of-way line of 28th Street to
13 the point of intersection with the West right-of-way line of Texas
14 Avenue;
15 THENCE Northerly along the West right-of-way line of Texas Avenue
16 to the point of intersection with the North right-of-way line of
17 26th Street
18 THENCE Easterly along the North right-of-way line of 26th Street to
19 the point of intersection with the projected North right-of-way
20 line of 26th Street to the West right-of-way line of Owens Street;
21 THENCE Southerly along the West right-of-way line of Owens Street
22 to the point of intersection with the projected South line of
23 Laramie Subdivision;
24 THENCE Easterly along the South line of Laramie Subdivision to the
25 point of intersection with the projected South line of said Laramie
26 Subdivision with the Westerly line of Cheyenne Subdivision;
27 THENCE Northwesterly along the Westerly line of said Cheyenne

1 Subdivision to the point of intersection with the projected West
2 line of said Cheyenne Subdivision to the Northwesterly right-of-way
3 line of Caroline Street;
4 THENCE Northeasterly and Northerly along the Northwesterly and
5 Westerly right-of-way line of said Caroline Street to the point of
6 intersection with the projected most Northerly North line of said
7 Cheyenne subdivision to the West right-of-way line of said Caroline
8 Street;
9 THENCE Easterly with the most Northerly line of said Cheyenne
10 Subdivision to the Northeast corner of said Cheyenne Subdivision;
11 THENCE Southeasterly along the Northeast line of said Cheyenne
12 Subdivision to the most Easterly North corner of said Cheyenne
13 Subdivision;
14 THENCE Northerly along the projected East line of said Cheyenne
15 Subdivision, the same being the South line of Branding Iron
16 Community an approximate distance of 500 feet to the point of
17 intersection with the original North line of the 1977 description
18 of the Village of Dickinson as recorded at Volume 2879, Page 577 of
19 the Deed Records of Galveston County, Texas;
20 THENCE East along the projected South line of Blocks 193-200 of said
21 Nicholstone Addition to the Town of Dickinson, the same being the
22 North line of said 1977
23 2
24 description of the Village of Dickinson to the point of
25 intersection of the East line of the P.G. Merritt Survey, Abstract
26 No. 155, Galveston County, Texas, the same being the West line of
27 the WE. Banks Survey, Abstract No. 36, Galveston County, Texas;

1 THENCE Southerly along the East line of said P.G. Merritt Survey to
2 the point of intersection with the North shore of Gum Bayou;
3 THENCE Southeasterly and Southerly with the North and East shores
4 of said Gum
5 Bayou to the point of intersection with the centerline of said
6 Dickinson Bayou with the
7 East line of the WLK. Wilson Survey Abstract No. 208, Galveston
8 County, Texas, said
9 point being in the existing Northerly City limit Line of Texas City
10 THENCE Southerly along the East line of said WL Wilson Survey, the
11 same being the Northerly City Limit Line of said Texas City, to the
12 point of intersection with a line representing an Easterly
13 extension of the City of Dickinson Southerly City Limit Line as
14 established in Ordinance No. 171-91;
15 THENCE Westerly along the Southerly City Limit Line of the City of
16 Dickinson as established in Ordinance No. 171-91, the same being
17 the existing Northerly City Limit Line of said Texas City to the
18 point of intersection with the Westerly right-of-way line of said
19 Interstate Highway No. 45;
20 THENCE Northerly along the Westerly right-of-way line of said
21 Interstate Highway No. 45 to the point of intersection of the
22 centerline line of said Dickinson Bayou;
23 THENCE Southwesterly along the centerline of said Dickinson Bayou
24 to the point of intersection of the East line of the Mary Austin
25 League, Abstract No. 1, Galveston County, Texas;
26 THENCE Southerly along the East line of said Mary Austin League to
27 the point of intersection of the projected North right-of-way line

1 of Second Street;

2 THENCE Westerly along the North right-of-way line of said Second
3 Street to the point of intersection of the West line of said Mary
4 Austin League;

5 THENCE Northerly along the West line of said Mary Austin League to
6 the point of intersection of said Dickinson Bayou;

7 THENCE Easterly along the centerline of said Dickinson Bayou to the
8 PLACE OF BEGINNING; containing within said boundaries a calculated
9 area of 6,324 acres of land.

10 SECTION 3. The legislature finds that:

11 (1) proper and legal notice of the intention to
12 introduce this Act, setting forth the general substance of this
13 Act, has been published as provided by law, and the notice and a
14 copy of this Act have been furnished to all persons, agencies,
15 officials, or entities to which they are required to be furnished by
16 the constitution and laws of this state, including the governor,
17 who has submitted the notice and Act to the Texas Commission on
18 Environmental Quality;

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

23 (3) the general law relating to consent by political
24 subdivisions to the creation of districts with conservation,
25 reclamation, and road powers and the inclusion of land in those
26 districts has been complied with; and

27 (4) all requirements of the constitution and laws of

1 this state and the rules and procedures of the legislature with
2 respect to the notice, introduction, and passage of this Act have
3 been fulfilled and accomplished.

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