

1-1 By: Jackson S.B. No. 1866
1-2 (In the Senate - Filed April 19, 2005; April 19, 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. 1866 By: Deuell

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

1-10 relating to the creation of the Dickinson Management District No.
1-11 1; providing authority to impose an assessment, impose a tax, and
1-12 issue bonds.

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

1-14 SECTION 1. Subtitle C, Title 4, Special District Local Laws
1-15 Code, is amended by adding Chapter 3853 to read as follows:

1-16 CHAPTER 3853. DICKINSON MANAGEMENT DISTRICT NO. 1

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 3853.001. DEFINITIONS. In this chapter:

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

1-21 (2) "District" means the Dickinson Management
1-22 District No. 1.

1-23 Sec. 3853.002. DICKINSON MANAGEMENT DISTRICT NO. 1. The
1-24 Dickinson Management District No. 1 is a special district created
1-25 under Section 59, Article XVI, Texas Constitution.

1-26 Sec. 3853.003. PURPOSE; DECLARATION OF INTENT. (a) The
1-27 creation of the district is essential to accomplish the purposes of
1-28 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
1-29 Texas Constitution, and other public purposes stated in this
1-30 chapter. By creating the district and in authorizing the City of
1-31 Dickinson, Galveston County, and other political subdivisions to
1-32 contract with the district, the legislature has established a
1-33 program to accomplish the public purposes set out in Section 52-a,
1-34 Article III, Texas Constitution.

1-35 (b) The creation of the district is necessary to promote,
1-36 develop, encourage, and maintain employment, commerce,
1-37 transportation, housing, tourism, recreation, the arts,
1-38 entertainment, economic development, safety, and the public
1-39 welfare in the district.

1-40 (c) This chapter and the creation of the district may not be
1-41 interpreted to relieve Galveston County or the City of Dickinson
1-42 from providing the level of services provided as of the effective
1-43 date of this Act to the area in the district. The district is
1-44 created to supplement and not to supplant the county or city
1-45 services provided in the area in the district.

1-46 Sec. 3853.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-47 (a) The district is created to serve a public use and benefit.

1-48 (b) All land and other property included in the district
1-49 will benefit from the improvements and services to be provided by
1-50 the district under powers conferred by Sections 52 and 52-a,
1-51 Article III, and Section 59, Article XVI, Texas Constitution, and
1-52 other powers granted under this chapter.

1-53 (c) The creation of the district is in the public interest
1-54 and is essential to:

1-55 (1) further the public purposes of developing and
1-56 diversifying the economy of the state;

1-57 (2) eliminate unemployment and underemployment; and

1-58 (3) develop or expand transportation and commerce.

1-59 (d) The district will:

1-60 (1) promote the health, safety, and general welfare of
1-61 residents, employers, potential employees, employees, visitors,
1-62 and consumers in the district, and of the public;

1-63 (2) provide needed funding for the district to

2-1 preserve, maintain, and enhance the economic health and vitality of
2-2 the district territory as a community and business center; and

2-3 (3) promote the health, safety, welfare, and enjoyment
2-4 of the public by providing pedestrian ways and by landscaping and
2-5 developing certain areas in the district, which are necessary for
2-6 the restoration, preservation, and enhancement of scenic beauty.

2-7 (e) Pedestrian ways along or across a street, whether at
2-8 grade or above or below the surface, and street lighting, street
2-9 landscaping, and street art objects are parts of and necessary
2-10 components of a street and are considered to be a street or road
2-11 improvement.

2-12 (f) The district will not act as the agent or
2-13 instrumentality of any private interest even though the district
2-14 will benefit many private interests as well as the public.

2-15 Sec. 3853.005. DISTRICT TERRITORY. (a) The district is
2-16 composed of the territory described by Section 2 of the Act enacting
2-17 this chapter, as that territory may have been modified under:

2-18 (1) Subchapter J, Chapter 49, Water Code;

2-19 (2) Section 3853.108; or

2-20 (3) other law.

2-21 (b) The boundaries and field notes of the district contained
2-22 in Section 2 of the Act enacting this chapter form a closure. A
2-23 mistake in the field notes or in copying the field notes in the
2-24 legislative process does not in any way affect the district's:

2-25 (1) organization, existence, or validity;

2-26 (2) right to issue any type of bond for a purpose for
2-27 which the district is created or to pay the principal of and
2-28 interest on the bond;

2-29 (3) right to impose or collect an assessment or tax; or

2-30 (4) legality or operation.

2-31 Sec. 3853.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
2-32 All or any part of the area of the district is eligible to be
2-33 included in:

2-34 (1) a tax increment reinvestment zone created by a
2-35 municipality under Chapter 311, Tax Code;

2-36 (2) a tax abatement reinvestment zone created by a
2-37 municipality under Chapter 312, Tax Code; or

2-38 (3) an enterprise zone created by a municipality under
2-39 Chapter 2303, Government Code.

2-40 Sec. 3853.007. LIBERAL CONSTRUCTION OF CHAPTER. This
2-41 chapter shall be liberally construed in conformity with the
2-42 findings and purposes stated in this chapter.

2-43 Sec. 3853.008. APPLICABILITY OF MUNICIPAL MANAGEMENT
2-44 DISTRICTS LAW. Except as otherwise provided by this chapter,
2-45 Chapter 375, Local Government Code, applies to the district.

2-46 [Sections 3853.009-3853.050 reserved for expansion]

2-47 SUBCHAPTER B. BOARD OF DIRECTORS

2-48 Sec. 3853.051. BOARD OF DIRECTORS; TERMS. (a) The
2-49 district is governed by a board of five voting directors who serve
2-50 staggered terms of four years, with two or three directors' terms
2-51 expiring June 1 of each odd-numbered year.

2-52 (b) The governing body of the City of Dickinson may change
2-53 the number of voting directors on the board. The board may not
2-54 consist of fewer than five or more than 15 voting directors.

2-55 Sec. 3853.052. APPOINTMENT OF DIRECTORS. (a) The mayor
2-56 and members of the governing body of the City of Dickinson shall
2-57 appoint voting directors from persons recommended by the board. A
2-58 person is appointed if a majority of the members of the governing
2-59 body, including the mayor, vote to appoint that person.

2-60 (b) Section 375.063, Local Government Code, does not apply
2-61 to the district.

2-62 Sec. 3853.053. NONVOTING DIRECTORS. The board may appoint
2-63 nonvoting directors.

2-64 Sec. 3853.054. QUORUM. For purposes of determining the
2-65 requirements for a quorum of the board, the following are not
2-66 counted:

2-67 (1) a board position vacant for any reason, including
2-68 death, resignation, or disqualification;

2-69 (2) a director who is abstaining from participation in

3-1 a vote because of a conflict of interest; or
3-2 (3) a nonvoting director.
3-3 Sec. 3853.055. INITIAL VOTING DIRECTORS. (a) The mayor
3-4 and the members of the governing body of the City of Dickinson shall
3-5 appoint the five initial voting directors by position.
3-6 (b) Of the initial directors, the terms of directors
3-7 appointed for positions 1 through 3 expire June 1, 2007, and the
3-8 terms of directors appointed for positions 4 and 5 expire June 1,
3-9 2009.
3-10 (c) This section expires September 1, 2010.
3-11 [Sections 3853.056-3853.100 reserved for expansion]
3-12 SUBCHAPTER C. POWERS AND DUTIES
3-13 Sec. 3853.101. ADDITIONAL POWERS OF DISTRICT. The district
3-14 may exercise the powers given to:
3-15 (1) a corporation under Section 4B, Development
3-16 Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil
3-17 Statutes), including the power to own, operate, acquire, construct,
3-18 lease, improve, or maintain a project described by that section;
3-19 and
3-20 (2) a housing finance corporation under Chapter 394,
3-21 Local Government Code, to provide housing or residential
3-22 development projects in the district.
3-23 Sec. 3853.102. NONPROFIT CORPORATION. (a) The board by
3-24 resolution may authorize the creation of a nonprofit corporation to
3-25 assist and act for the district in implementing a project or
3-26 providing a service authorized by this chapter.
3-27 (b) The nonprofit corporation:
3-28 (1) has each power of and is considered for purposes of
3-29 this chapter to be a local government corporation created under
3-30 Chapter 431, Transportation Code; and
3-31 (2) may implement any project and provide any service
3-32 authorized by this chapter.
3-33 (c) The board shall appoint the board of directors of the
3-34 nonprofit corporation. The board of directors of the nonprofit
3-35 corporation shall serve in the same manner as the board of directors
3-36 of a local government corporation created under Chapter 431,
3-37 Transportation Code, except that a member of the board of the
3-38 nonprofit corporation is not required to reside in the district.
3-39 Sec. 3853.103. AGREEMENTS; GRANTS. (a) The district may
3-40 make an agreement with or accept a gift, grant, or loan from any
3-41 person.
3-42 (b) The implementation of a project is a governmental
3-43 function or service for the purposes of Chapter 791, Government
3-44 Code.
3-45 Sec. 3853.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.
3-46 To protect the public interest, the district may contract with a
3-47 qualified party, including Galveston County or the City of
3-48 Dickinson, to provide law enforcement services in the district for
3-49 a fee.
3-50 Sec. 3853.105. APPROVAL BY CITY OF DICKINSON. (a) Except
3-51 as provided by Subsection (c), the district must obtain the
3-52 approval of the City of Dickinson's governing body for:
3-53 (1) the issuance of a bond for each improvement
3-54 project;
3-55 (2) the imposition of a sales and use tax;
3-56 (3) the plans and specifications of the improvement
3-57 project financed by the bond; and
3-58 (4) the plans and specifications of any district
3-59 improvement project related to the use of land owned by the City of
3-60 Dickinson, an easement granted by the City of Dickinson, or a
3-61 right-of-way of a street, road, or highway.
3-62 (b) The approval obtained for the issuance of bonds or the
3-63 imposition of a sales and use tax must be a resolution by the City of
3-64 Dickinson. The approval obtained for plans and specifications must
3-65 be a permit issued by the City of Dickinson.
3-66 (c) If the district obtains the approval of the City of
3-67 Dickinson's governing body of a capital improvements budget for a
3-68 period not to exceed five years, the district may finance the
3-69 capital improvements and issue bonds specified in the budget

4-1 without further approval from the City of Dickinson.

4-2 (d) The City of Dickinson and the district may agree on
4-3 conditions for obtaining the approval of the city under this
4-4 section, including an agreement for the approval of a sales and use
4-5 tax that requires the district to abolish or decrease the rate of
4-6 the tax if the rate, when combined with other local sales and use
4-7 taxes, results in a combined tax rate of more than two percent in
4-8 any location in the district.

4-9 Sec. 3853.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
4-10 district may join and pay dues to an organization that:

4-11 (1) enjoys tax-exempt status under Section 501(c)(3),
4-12 (4), or (6), Internal Revenue Code of 1986; and

4-13 (2) performs a service or provides an activity
4-14 consistent with the furtherance of a district purpose.

4-15 Sec. 3853.107. ECONOMIC DEVELOPMENT PROGRAMS AND OTHER
4-16 POWERS RELATED TO PLANNING AND DEVELOPMENT. (a) The district may
4-17 establish and provide for the administration of one or more
4-18 programs to promote state or local economic development and to
4-19 stimulate business and commercial activity in the district,
4-20 including programs to:

4-21 (1) make loans and grants of public money, including
4-22 bond proceeds; and

4-23 (2) provide district personnel and services.

4-24 (b) The district has all of the powers of a municipality
4-25 under Chapter 380, Local Government Code.

4-26 Sec. 3853.108. ANNEXATION. In addition to the authority to
4-27 annex territory under Subchapter J, Chapter 49, Water Code, the
4-28 district may by board resolution annex territory located in the
4-29 City of Dickinson if the city's governing body votes in favor of the
4-30 annexation.

4-31 Sec. 3853.109. NO EMINENT DOMAIN. The district may not
4-32 exercise the power of eminent domain.

4-33 [Sections 3853.110-3853.150 reserved for expansion]

4-34 SUBCHAPTER D. FINANCIAL PROVISIONS

4-35 Sec. 3853.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
4-36 board by resolution shall establish the number of directors'
4-37 signatures and the procedure required for a disbursement or
4-38 transfer of the district's money.

4-39 Sec. 3853.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
4-40 The district may acquire, construct, finance, operate, or maintain
4-41 any improvement or service authorized under this chapter or Chapter
4-42 375, Local Government Code, using any money available to the
4-43 district.

4-44 Sec. 3853.153. PETITION REQUIRED FOR FINANCING SERVICES AND
4-45 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
4-46 service or improvement project with assessments under this chapter
4-47 unless a written petition requesting that service or improvement
4-48 has been filed with the board.

4-49 (b) The petition must be signed by:

4-50 (1) the owners of a majority of the assessed value of
4-51 real property in the district subject to assessment according to
4-52 the most recent certified tax appraisal roll for Galveston County;
4-53 or

4-54 (2) at least 25 persons who own real property in the
4-55 district, if more than 25 persons own real property in the district
4-56 according to the most recent certified tax appraisal roll for
4-57 Galveston County.

4-58 Sec. 3853.154. METHOD OF NOTICE FOR HEARING. The district
4-59 may mail the notice required by Section 375.115(c), Local
4-60 Government Code, by certified United States mail or an equivalent
4-61 service that can provide a record of mailing or other delivery.

4-62 Sec. 3853.155. ASSESSMENTS; LIENS FOR ASSESSMENTS.
4-63 (a) The board by resolution may impose and collect an assessment
4-64 for any purpose authorized by this chapter.

4-65 (b) An assessment, a reassessment, or an assessment
4-66 resulting from an addition to or correction of the assessment roll
4-67 by the district, penalties and interest on an assessment or
4-68 reassessment, an expense of collection, and reasonable attorney's
4-69 fees incurred by the district:

5-1 (1) are a first and prior lien against the property
 5-2 assessed;
 5-3 (2) are superior to any other lien or claim other than
 5-4 a lien or claim for county, school district, or municipal ad valorem
 5-5 taxes; and
 5-6 (3) are the personal liability of and a charge against
 5-7 the owners of the property even if the owners are not named in the
 5-8 assessment proceedings.

5-9 (c) The lien is effective from the date of the board's
 5-10 resolution imposing the assessment until the date the assessment is
 5-11 paid. The board may enforce the lien in the same manner that the
 5-12 board may enforce an ad valorem tax lien against real property.

5-13 (d) The board may make a correction to or deletion from the
 5-14 assessment roll that does not increase the amount of assessment of
 5-15 any parcel of land without providing notice and holding a hearing in
 5-16 the manner required for additional assessments.

5-17 Sec. 3853.156. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
 5-18 ASSESSMENTS. The district may not impose an impact fee or
 5-19 assessment on the property, including the equipment,
 5-20 rights-of-way, facilities, or improvements of:

5-21 (1) an electric utility or a power generation company
 5-22 as defined by Section 31.002, Utilities Code;

5-23 (2) a gas utility as defined by Section 101.003 or
 5-24 121.001, Utilities Code;

5-25 (3) a telecommunications provider as defined by
 5-26 Section 51.002, Utilities Code; or

5-27 (4) a person who provides to the public cable
 5-28 television or advanced telecommunications services.

5-29 Sec. 3853.157. BONDS AND OTHER OBLIGATIONS. (a) The
 5-30 district may issue bonds or other obligations, by competitive bid
 5-31 or negotiated sale, payable wholly or partly from sales and use
 5-32 taxes, assessments, impact fees, revenue, grants, or other money of
 5-33 the district, or any combination of those sources of money, to pay
 5-34 for any authorized purpose of the district.

5-35 (b) The district may issue a bond or other obligation in the
 5-36 form of a bond, note, certificate of participation or other
 5-37 instrument evidencing a proportionate interest in payments to be
 5-38 made by the district, or other type of obligation.

5-39 (c) Section 375.243, Local Government Code, does not apply
 5-40 to the district.

5-41 Sec. 3853.158. CITY NOT REQUIRED TO PAY DISTRICT
 5-42 OBLIGATIONS. Except as provided by Section 375.263, Local
 5-43 Government Code, the City of Dickinson is not required to pay a
 5-44 bond, note, or other obligation of the district.

5-45 Sec. 3853.159. COMPETITIVE BIDDING. Section 375.221, Local
 5-46 Government Code, applies to the district only for a contract that
 5-47 has a value greater than \$25,000.

5-48 Sec. 3853.160. TAX AND ASSESSMENT ABATEMENTS. The district
 5-49 may grant in the manner authorized by Chapter 312, Tax Code, an
 5-50 abatement for a tax or assessment owed to the district.

5-51 [Sections 3853.161-3853.200 reserved for expansion]

5-52 SUBCHAPTER E. SALES AND USE TAX

5-53 Sec. 3853.201. MEANINGS OF WORDS AND PHRASES. Words and
 5-54 phrases used in this subchapter that are defined by Chapters 151 and
 5-55 321, Tax Code, have the meanings assigned by Chapters 151 and 321,
 5-56 Tax Code.

5-57 Sec. 3853.202. APPLICABILITY OF CERTAIN TAX CODE
 5-58 PROVISIONS. (a) Except as otherwise provided by this subchapter,
 5-59 Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code,
 5-60 apply to taxes imposed under this subchapter and to the
 5-61 administration and enforcement of those taxes in the same manner
 5-62 that those laws apply to state taxes.

5-63 (b) The provisions of Subchapters B, C, and D, Chapter 321,
 5-64 Tax Code, relating to municipal sales and use taxes apply to the
 5-65 application, collection, change, and administration of a sales and
 5-66 use tax imposed under this subchapter to the extent consistent with
 5-67 this chapter, as if references in Chapter 321, Tax Code, to a
 5-68 municipality referred to the district and references to a governing
 5-69 body referred to the board.

6-1 (c) Sections 321.401-321.406 and Subchapter F, Chapter 321,
6-2 Tax Code, do not apply to a tax imposed under this subchapter.

6-3 (d) Section 321.203(1), Tax Code, as added by Chapter 1155,
6-4 Acts of the 78th Legislature, Regular Session, 2003, does not apply
6-5 to a tax imposed in the district boundaries.

6-6 Sec. 3853.203. AUTHORIZATION. The district may adopt a
6-7 sales and use tax for the benefit of the district. The board is not
6-8 required to hold an election to adopt the tax.

6-9 Sec. 3853.204. ABOLISHING SALES AND USE TAX. (a) Except
6-10 as provided in Subsection (b), the board, with the consent of the
6-11 governing body of the City of Dickinson, may abolish the sales and
6-12 use tax without an election.

6-13 (b) The board may not abolish the sales and use tax if the
6-14 district has outstanding debt secured by the tax.

6-15 Sec. 3853.205. SALES AND USE TAX RATE. (a) On adoption of
6-16 the tax authorized by this subchapter, there is imposed a tax at the
6-17 rate authorized by the district on the receipts from the sale at
6-18 retail of taxable items within the district, and an excise tax on
6-19 the use, storage, or other consumption within the district of
6-20 taxable items purchased, leased, or rented from a retailer within
6-21 the district during the period that the tax is in effect.

6-22 (b) The rate of the excise tax is the same as the rate of the
6-23 sales tax portion of the tax and is applied to the sales price of the
6-24 taxable item.

6-25 [Sections 3853.206-3853.250 reserved for expansion]

6-26 SUBCHAPTER F. DISSOLUTION

6-27 Sec. 3853.251. DISSOLUTION OF DISTRICT WITH OUTSTANDING
6-28 DEBT. (a) The board may dissolve the district regardless of
6-29 whether the district has debt. Section 375.264, Local Government
6-30 Code, does not apply to the district.

6-31 (b) If the district has debt when it is dissolved, the
6-32 district shall remain in existence solely for the purpose of
6-33 discharging its debts. The dissolution is effective when all debts
6-34 have been discharged.

6-35 SECTION 2. As of the effective date of this Act, the
6-36 Dickinson Management District No. 1 includes all territory
6-37 contained in the following described area:

6-38 BEGINNING at the point of intersection on the West line of Lot 6 of
6-39 the Petty & Austin Lower League, Abstract No. 19, Galveston County,
6-40 Texas, and the centerline of Dickinson Bayou;

6-41 THENCE Northerly along the West line of said Lot 6 to the Northerly
6-42 right-of-way line of State Farm Road 517;

6-43 THENCE Easterly along the Northerly right-of-way line of said State
6-44 Farm 517 to its intersection with the East line of Lot 15-A of said
6-45 Perry & Austin League;

6-46 THENCE Northerly along the East line of said Lot 15-A to the point
6-47 of intersection with the Southwesterly projection of Sunset Drive;
6-48 also being in the Southwesterly projection of the Northwesterly
6-49 line of Block 77 of Dickinson Addition '4D";

6-50 THENCE Easterly and perpendicular to the East line of said Lot 15-A
6-51 to the point of intersection on the Northeasterly line of
6-52 Interstate Highway No. 45;

6-53 THENCE Northwesterly along the Northeasterly line of said
6-54 Interstate Highway No.45 to the point of intersection of said
6-55 Northeasterly line of Interstate Highway No.45 and the East line of
6-56 said Lot 15-A; said point also being in the Southerly corporate
6-57 limits of the City of League City;

6-58 THENCE Northeasterly along the East line of said Lot 15-A to the
6-59 Northwest corner of Block 57 of said Addition "D";

6-60 THENCE Easterly along the North line of Blocks 57-60 of said
6-61 Addition "I)" to the North corner of Block 60 of said Addition "1)";

6-62 THENCE Northwesterly along the Southwesterly line of Blocks 53 and
6-63 42 of said Addition "D" to the West corner of Block 42 of said
6-64 Addition IY';

6-65 THENCE Northeasterly along the Northwesterly line of Blocks 4247 of
6-66 said Addition "D" to the North corner of Block 47 of said Addition
6-67 "D";

6-68 THENCE Southeasterly along the Northeasterly line Block 47 to the -
6-69 of intersection of the Northwesterly line of Block 251 of the Moores

- 7-1 Addition to Dickinson projected Southwesterly;
- 7-2 THENCE Northeasterly along the Northwesterly line of Blocks 251,
- 7-3 221, 191, 161 and 131 to the point of intersection of the Northwest
- 7-4 line of said Block 131 of said Moores Addition to Dickinson and the
- 7-5 Southwesterly right-of-way line of State Highway No.3;
- 7-6 THENCE Southeasterly along the Southwesterly right-of-way line of
- 7-7 said State Highway No. 3 to the point of intersection of the
- 7-8 Southwesterly right-of-way line of said State Highway No.3 with the
- 7-9 projected Northwesterly right-of-way line of Salvato Street
- 7-10 THENCE Northeasterly along the Northwesterly right-of-way line of
- 7-11 said Salvato Street to the Southwesterly right-of-way line of the
- 7-12 Galveston, Houston and Henderson Railway
- 7-13 THENCE Northwesterly along the Southwesterly right-of-way line of
- 7-14 said Galveston. Houston and Henderson Railway to the point of
- 7-15 intersection of the Southerly right-of-way line of Deats Road;
- 7-16 THENCE Northeasterly along the Southerly right-of-way line of said
- 7-17 Deats Road to the North corner of Lot 1 of the Nichol's Addition to
- 7-18 the Town of Dickinson;
- 7-19 THENCE Southeasterly along the East line of said Lot 1 to the East
- 7-20 corner of said Lot 1;
- 7-21 THENCE Southwesterly along the South line of said Lot 1 to the South
- 7-22 corner of said Lot 1; said point being in the Easterly right-of-way
- 7-23 line of Nichols Avenue;
- 7-24 THENCE Southeasterly along the East right-of-way line of said
- 7-25 Nichols Avenue to the West corner of Lot 1 of Youpon Cove
- 7-26 Subdivision
- 7-27 THENCE Northeasterly along the North line of Youpon Cove
- 7-28 Subdivision to the point of intersection of the North line of said
- 7-29 Youpon Cove Subdivision projected Northeasterly to the
- 7-30 intersection of the West right-of-way line of FM 1266 (Dickinson
- 7-31 Avenue);
- 7-32 THENCE Northerly along the West right-of-way line of said KM. 126~
- 7-33 to the point of intersection with the North right-of-way line of
- 7-34 30th Street;
- 7-35 THENCE Easterly along the North right-of-way line of 30th Street to
- 7-36 the point of intersection with the West right-of-way line of Kansas
- 7-37 Avenue;
- 7-38 THENCE Northerly along the West right-of-way line of Kansas Avenue
- 7-39 to the point of intersection with the North right-of-way line of
- 7-40 28th Street;
- 7-41 THENCE Easterly along the North right-of-way line of 28th Street to
- 7-42 the point of intersection with the West right-of-way line of Texas
- 7-43 Avenue;
- 7-44 THENCE Northerly along the West right-of-way line of Texas Avenue
- 7-45 to the point of intersection with the North right-of-way line of
- 7-46 26th Street
- 7-47 THENCE Easterly along the North right-of-way line of 26th Street to
- 7-48 the point of intersection with the projected North right-of-way
- 7-49 line of 26th Street to the West right-of-way line of Owens Street;
- 7-50 THENCE Southerly along the West right-of-way line of Owens Street
- 7-51 to the point of intersection with the projected South line of
- 7-52 Laramie Subdivision;
- 7-53 THENCE Easterly along the South line of Laramie Subdivision to the
- 7-54 point of intersection with the projected South line of said Laramie
- 7-55 Subdivision with the Westerly line of Cheyenne Subdivision;
- 7-56 THENCE Northwesterly along the Westerly line of said Cheyenne
- 7-57 Subdivision to the point of interned ion with the projected West
- 7-58 line of said Cheyenne Subdivision to the Northwesterly right-of-way
- 7-59 line of Caroline Street;
- 7-60 THENCE Northeasterly and Northerly along the Northwesterly and
- 7-61 Westerly right-of-way line of said Caroline Street to the point of
- 7-62 intersection with the projected most Northerly North line of said
- 7-63 Cheyenne subdivision to the West right-of-way line of said Caroline
- 7-64 Street;
- 7-65 THENCE Easterly with the most Northerly line of said Cheyenne
- 7-66 Subdivision to the Northeast corner of said Cheyenne Subdivision;
- 7-67 THENCE Southeasterly along the Northeast line of said Cheyenne
- 7-68 Subdivision to the most Easterly North corner of said Cheyenne
- 7-69 Subdivision;

8-1 THENCE Northerly along the projected East line of said Cheyenne
8-2 Subdivision, the same being the South line of Branding Iron
8-3 Community an approximate distance of 500 feet to the point of
8-4 intersection with the original North line of the 1977 description
8-5 of the Village of Dickinson as recorded at Volume 2879, Page 577 of
8-6 the Deed Records of Galveston County, Texas;
8-7 THENCE East along the projected South line of Blocks 193-200 of said
8-8 Nicholstone Addition to the Town of Dickinson, the same being the
8-9 North line of said 1977
8-10 2
8-11 description of the Village of Dickinson to the point of
8-12 intersection of the East line of the P.G. Merritt Survey, Abstract
8-13 No. 155, Galveston County, Texas, the same being the West line of
8-14 the WE. Banks Survey, Abstract No. 36, Galveston County, Texas;
8-15 THENCE Southerly along the East line of said P.G. Merritt Survey to
8-16 the point of intersection with the North shore of Gum Bayou;
8-17 THENCE Southeasterly and Southerly with the North and East shores
8-18 of said Gum
8-19 Bayou to the point of intersection with the centerline of said
8-20 Dickinson Bayou with the
8-21 East line of the WLK. Wilson Survey Abstract No. 208, Galveston
8-22 County, Texas, said
8-23 point being in the existing Northerly City limit Line of Texas City
8-24 THENCE Southerly along the East line of said WL Wilson Survey, the
8-25 same being the Northerly City Limit Line of said Texas City, to the
8-26 point of intersection with a line representing an Easterly
8-27 extension of the City of Dickinson Southerly City Limit Line as
8-28 established in Ordinance No. 171-91;
8-29 THENCE Westerly along the Southerly City Limit Line of the City of
8-30 Dickinson as established in Ordinance No. 171-91, the same being
8-31 the existing Northerly City Limit Line of said Texas City to the
8-32 point of intersection with the Westerly right-of-way line of said
8-33 Interstate Highway No. 45;
8-34 THENCE Northerly along the Westerly right-of-way line of said
8-35 Interstate Highway No. 45 to the point of intersection of the
8-36 centerline line of said Dickinson Bayou;
8-37 THENCE Southwesterly along the centerline of said Dickinson Bayou
8-38 to the point of intersection of the East line of the Mary Austin
8-39 League, Abstract No. 1, Galveston County, Texas;
8-40 THENCE Southerly along the East line of said Mary Austin League to
8-41 the point of intersection of the projected North right-of-way line
8-42 of Second Street;
8-43 THENCE Westerly along the North right-of-way line of said Second
8-44 Street to the point of intersection of the West line of said Mary
8-45 Austin League;
8-46 THENCE Northerly along the West line of said Mary Austin League to
8-47 the point of intersection of said Dickinson Bayou;
8-48 THENCE Easterly along the centerline of said Dickinson Bayou to the
8-49 PLACE OF BEGINNING; containing within said boundaries a calculated
8-50 area of 6,324 acres of land.

8-51 SECTION 3. The legislature finds that:

8-52 (1) proper and legal notice of the intention to
8-53 introduce this Act, setting forth the general substance of this
8-54 Act, has been published as provided by law, and the notice and a
8-55 copy of this Act have been furnished to all persons, agencies,
8-56 officials, or entities to which they are required to be furnished by
8-57 the constitution and laws of this state, including the governor,
8-58 who has submitted the notice and Act to the Texas Commission on
8-59 Environmental Quality;

8-60 (2) the Texas Commission on Environmental Quality has
8-61 filed its recommendations relating to this Act with the governor,
8-62 lieutenant governor, and speaker of the house of representatives
8-63 within the required time;

8-64 (3) the general law relating to consent by political
8-65 subdivisions to the creation of districts with conservation,
8-66 reclamation, and road powers and the inclusion of land in those
8-67 districts has been complied with; and

8-68 (4) all requirements of the constitution and laws of
8-69 this state and the rules and procedures of the legislature with

9-1 respect to the notice, introduction, and passage of this Act have
9-2 been fulfilled and accomplished.

9-3 SECTION 4. This Act takes effect immediately if it receives
9-4 a vote of two-thirds of all the members elected to each house, as
9-5 provided by Section 39, Article III, Texas Constitution. If this
9-6 Act does not receive the vote necessary for immediate effect, this
9-7 Act takes effect September 1, 2005.

9-8

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