

By: Eiland

H.B. No. 4010

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation of the Cade Ranch Water Control and  
3 Improvement District No. 1 of Galveston County; providing authority  
4 to impose a tax and issue bonds; granting the power of eminent  
5 domain.

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

7 SECTION 1. Subtitle I, Title 6, Special District Local Laws  
8 Code, is amended by adding Chapter 9024 to read as follows:

9 CHAPTER 9024. CADE RANCH WATER CONTROL AND IMPROVEMENT DISTRICT

10 NO. 1 OF GALVESTON COUNTY

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 9024.001. DEFINITIONS. In this chapter:

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

14 (2) "Director" means a board member.

15 (3) "District" means the Cade Ranch Water Control and  
16 Improvement District No. 1 of Galveston County.

17 Sec. 9024.002. NATURE OF DISTRICT. The district is a water  
18 control and improvement district in Galveston County created under  
19 and essential to accomplish the purposes of Section 59, Article  
20 XVI, Texas Constitution.

21 Sec. 9024.003. CONFIRMATION ELECTION REQUIRED. If the  
22 creation of the district is not confirmed at a confirmation  
23 election held under Section 9024.024 before September 1, 2011:

24 (1) the district is dissolved September 1, 2011,

1 except that the district shall:

2 (A) pay any debts incurred;

3 (B) transfer to Galveston County any assets that  
4 remain after the payment of debts; and

5 (C) maintain the organization of the district  
6 until all debts are paid and remaining assets are transferred; and

7 (2) this chapter expires September 1, 2014.

8 Sec. 9024.004. INITIAL DISTRICT TERRITORY. (a) The  
9 district is initially composed of the territory described by  
10 Section 2 of the Act creating this chapter.

11 (b) The boundaries and field notes contained in Section 2 of  
12 the Act creating this chapter form a closure. A mistake made in the  
13 field notes or in copying the field notes in the legislative process  
14 does not affect:

15 (1) the organization, existence, or validity of the  
16 district;

17 (2) the right of the district to impose taxes;

18 (3) the validity of the district's bonds, notes, or  
19 indebtedness; or

20 (4) the legality or operation of the board.

21 [Sections 9024.005-9024.020 reserved for expansion]

22 SUBCHAPTER A-1. TEMPORARY PROVISIONS

23 Sec. 9024.021. TEMPORARY DIRECTORS. (a) On or after  
24 September 1, 2007, a person who owns land in the district may submit  
25 a petition to the Texas Commission on Environmental Quality  
26 requesting that the commission appoint as temporary directors the  
27 five persons named in the petition.

1       (b) The commission shall appoint as temporary directors the  
2 five persons named in the first petition received by the  
3 commission.

4       (c) If a temporary director fails to qualify for office, the  
5 commission shall appoint a person to fill the vacancy.

6       (d) Temporary directors serve until the earlier of:

7           (1) the date directors are elected under Section  
8 9024.024; or

9           (2) the date this chapter expires under Section  
10 9024.003.

11       Sec. 9024.022. ORGANIZATIONAL MEETING OF TEMPORARY  
12 DIRECTORS. As soon as practicable after all the temporary  
13 directors have qualified under Section 49.055, Water Code, the  
14 temporary directors shall meet at a location in the district  
15 agreeable to a majority of the directors. If a location cannot be  
16 agreed upon, the meeting shall be at the Galveston County  
17 Courthouse. At the meeting the temporary directors shall elect  
18 officers from among the temporary directors and conduct any other  
19 district business.

20       Sec. 9024.023. CONSENT OF MUNICIPALITY REQUIRED. The  
21 temporary directors may not hold an election under Section 9024.024  
22 until each municipality in whose corporate limits or  
23 extraterritorial jurisdiction the district is located, if any, has  
24 adopted a resolution consenting to the creation of the district.

25       Sec. 9024.024. CONFIRMATION AND INITIAL DIRECTORS'  
26 ELECTION. The temporary directors shall hold an election to  
27 confirm the creation of the district and to elect five directors as

1 provided by Section 49.102, Water Code.

2 Sec. 9024.025. INITIAL ELECTED DIRECTORS; TERMS. The  
3 directors elected under Section 9024.024 shall draw lots to  
4 determine which two shall serve until the first regularly scheduled  
5 election of directors under Section 9024.052 and which three shall  
6 serve until the second regularly scheduled election of directors.

7 Sec. 9024.026. EXPIRATION OF SUBCHAPTER. This subchapter  
8 expires September 1, 2014.

9 [Sections 9024.027-9024.050 reserved for expansion]

10 SUBCHAPTER B. BOARD OF DIRECTORS

11 Sec. 9024.051. DIRECTORS; TERMS. (a) The district is  
12 governed by a board of five directors.

13 (b) Directors serve staggered four-year terms.

14 Sec. 9024.052. ELECTION OF DIRECTORS. On the uniform  
15 election date in May of each even-numbered year, the appropriate  
16 number of directors shall be elected.

17 [Sections 9024.053-9024.100 reserved for expansion]

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 9024.101. WATER CONTROL AND IMPROVEMENT DISTRICT  
20 POWERS AND DUTIES. The district has the powers and duties provided  
21 by the general law of this state, including Chapters 49 and 51,  
22 Water Code, applicable to water control and improvement districts  
23 created under Section 59, Article XVI, Texas Constitution.

24 Sec. 9024.102. ROAD PROJECTS. (a) To the extent authorized  
25 by Section 52, Article III, Texas Constitution, the district may  
26 construct, acquire, improve, maintain, or operate macadamized,  
27 graveled, or paved roads, or improvements in aid of those roads,

1 inside the district.

2 (b) A road project must meet or exceed all applicable  
3 construction standards, zoning and subdivision requirements, and  
4 regulatory ordinances of each municipality in whose corporate  
5 limits or extraterritorial jurisdiction the district is located.  
6 If the district is located outside the extraterritorial  
7 jurisdiction of a municipality, a road project must meet or exceed  
8 all applicable construction standards, zoning and subdivision  
9 requirements, and regulatory ordinances of each county in which the  
10 district is located.

11 (c) The district may not undertake a road project unless  
12 each municipality in whose corporate limits or extraterritorial  
13 jurisdiction the district is located consents by ordinance or  
14 resolution. If a district is located outside the extraterritorial  
15 jurisdiction of a municipality, the district may not undertake a  
16 road project unless each county in which the district is located  
17 consents by ordinance or resolution.

18 Sec. 9024.103. NAVIGATION POWERS. The district may  
19 purchase, construct, acquire, own, operate, maintain, improve, or  
20 extend, inside and outside the district, canals, waterways,  
21 bulkheads, docks, and any other improvements or facilities  
22 necessary or convenient to accomplish the navigation purposes of  
23 the district under Chapters 60 and 62, Water Code, as authorized by  
24 Section 59, Article XVI, Texas Constitution.

25 Sec. 9024.104. DIVISION OF DISTRICT. (a) The district may  
26 be divided into two new districts only if the district:

27 (1) has no outstanding bonded debt; and

1           (2) is not imposing ad valorem taxes.

2           (b) The division procedure is prescribed by Sections 53.030  
3 through 53.041, Water Code. Sections 51.748 through 51.753, Water  
4 Code, do not apply to the district.

5           (c) Any new district created by the division of the district  
6 has all the powers and duties of the district.

7           (d) A new district, at the time it is created by the division  
8 of the district, may not contain land outside the area described by  
9 Section 2 of the Act creating this chapter.

10           Sec. 9024.105. LIMITATION ON DISTRICT DISSOLUTION.

11 (a) Notwithstanding Section 43.0751, Local Government Code, or  
12 any other general law, before December 31, 2017, the district may  
13 not be dissolved unless the dissolution is approved by:

14           (1) the board; and

15           (2) the governing body of each municipality in whose  
16 corporate limits or extraterritorial jurisdiction the district is  
17 located.

18           (b) This section expires December 31, 2017.

19           [Sections 9024.106-9024.150 reserved for expansion]

20           SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

21           Sec. 9024.151. TAX TO REPAY BONDS. The district may impose  
22 a tax to pay the principal of or interest on bonds issued under  
23 Section 9024.201.

24           [Sections 9024.152-9024.200 reserved for expansion]

25           SUBCHAPTER E. BONDS

26           Sec. 9024.201. AUTHORITY TO ISSUE BONDS AND OTHER  
27 OBLIGATIONS. (a) The district may issue bonds or other obligations

1 as provided by Chapters 49 and 51, Water Code, and to finance the  
2 construction, maintenance, or operation of projects under Sections  
3 9024.101 and 9024.102.

4 (b) The district may not issue bonds to finance projects  
5 authorized by Section 9024.102 unless the issuance is approved by a  
6 vote of a two-thirds majority of district voters voting at an  
7 election called for that purpose.

8 (c) Bonds or other obligations issued or incurred to finance  
9 projects authorized by Section 9024.102 may not exceed one-fourth  
10 of the assessed value of the real property in the district.

11 SECTION 2. The Cade Ranch Water Control and Improvement  
12 District No. 1 of Galveston County initially includes all the  
13 territory contained in the following area:

14 Survey of part of the John Andrews Survey A-23, German Emigration  
15 Company Survey A-74, German Emigration Company Survey A-73, Frank  
16 Passano Survey A-166, Frank Passano A-165, Alexander Edgar Survey  
17 A-61, Elias Stone Survey A-188, Alexander Edgar A-62, and being  
18 more particularly described my metes and bounds as follows;

19 BEGINNING at the Southwest corner of the said Alexander Edgar  
20 Survey A-61 being in the East line of the Joseph Dunman Survey and  
21 at the Mean High Water line of the Gulf of Mexico;

22 THENCE N 25°53'29"W, along the common Dunman and Edgar lines, at a  
23 distance of 497.43 feet passing a found 1" I pipe marking the  
24 Northerly line of State Highway No. 87, for a total distance of  
25 7115.23 feet to a found 3" I pipe marking the Northwest corner of  
26 the said Alexander Edgar Survey A-61 and the Southwest corner of the  
27 B.T. Masterson Survey;

1 THENCE N 64°12'43" E, a distance of 1866.10 feet (called 1866.67')  
2 to a found 1 1/2" i pipe marking the Northeast corner of the said  
3 Alexander Edgar Survey A-61 and the Northwest corner of the  
4 Alexander Edgar Survey A-62;

5 THENCE S 25°53'34" E, along the common Edgar line, a distance of  
6 5598.47 feet to a found 2" I pipe marking the Southwest corner of  
7 the Northwest 240 acres of the said Alexander Edgar Survey A-62;

8 THENCE N 64°06'53" E, a distance of 1866.37 feet (Called 1866.67')  
9 to the West line of the Frank Passano A-166;

10 THENCE N 25°52'59" W, along the common Edgar and Passano line, a  
11 distance of 5592.68 feet to a found 3/4" I rod marking the Northeast  
12 corner of the Alexander Edgar Survey A-61;

13 THENCE S 64°36'30" W, a distance of 699.92 feet to a found 3"  
14 concrete monument marking the Southeast corner of the said  
15 Masterson Survey:

16 THENCE N 25°52'57" W, along the common Masterson and Passano line, a  
17 distance of 2308.47 feet to a found 3" concrete monument marking the  
18 Northwest corner of the said Frank Passano A-166 and the Southwest  
19 corner of SF 7139;

20 THENCE N 58°50'51" E, along the common Passano and SF 7139 line, a  
21 distance of 920.83 feet:

22 THENCE N 30°05'51" E, a distance of 1952.99 feet to the West line of  
23 the German Emigration Survey A-73;

24 THENCE N 25°53'32" W, along the said German Emigration Survey A-73  
25 West line, a distance of 485.91 feet to its Northwest corner and the  
26 South corner of the Frank Passano A-165 and a found 1/2" I rod in  
27 concrete:

1 THENCE N 72°08'42" W, along the Passano West line and the East line  
2 of SF 7139 and USA tract S 105 A-667, a distance of 1116.67 feet;  
3 THENCE N 02°53'42" W, a distance of 825.0 feet;  
4 THENCE N 67°06'18" E, along the Passano North line, a distance of  
5 3111.11 feet;  
6 THENCE N 77°29'31" E, along the Passano North line, a distance of  
7 2355.14 feet to the Northwest corner of the Issac Lowrie Survey and  
8 the Northeast corner of the Passano Survey in the middle of a bayou;  
9 THENCE crossing said bayou, S 25°53'32" E, a distance of 866.41 feet  
10 to the Northeast corner of German Emigration Survey A-74 in the said  
11 bayou:  
12 THENCE continuing S 25°53'32" E, a distance of 1145.79 feet to the  
13 Northwest corner of the John Andrews Survey A-23 and the Southwest  
14 corner of the said Issac Lowie Survey:  
15 THENCE N 64°33'48" E, along the North line of the John Andrews Survey  
16 and the Elias Stone Survey and the South line of the said Issac  
17 Lowie Survey, at a distance of 160 feet crossing a bayou, at a  
18 distance of 3810 feet crossing a bayou, at a distance of 7735 feet  
19 crossing a bayou, a total distance of 8231.94 feet to a found 5/8 " I  
20 rod marking the Northeast corner of the remainder portion of the  
21 Stone Survey and from which a found "Yount Lee Monument" marking the  
22 Northeast corner of the Nicholas Fitzsimmons Survey was found N  
23 64°33'48" E a distance of 4504.42 feet and a 5/8" I rod marking the  
24 Northwest corner of the Fitzsimmons and the Northeast corner of the  
25 Stone was found N 64°33'48" E a distance of 1864.08 feet:  
26 THENCE S 25°53'32" E, at a distance of 3095.57 feet passing the  
27 interior East corner of the said Stone and the Northwest corner of

1 the Wm Hudson Survey, at a distance of 9459.95 passing a found 2" I  
2 pipe marking the intersection of the common line of the Stone and  
3 Hudson Survey and the Northerly line of State Highway No. 87, for a  
4 total distance of 9899.00 feet to the Mean High Water line of the  
5 Gulf of Mexico:

6 THENCE along the said Mean High Water line, the following courses

7 (L-1) S 64°02'42" W, a distance of 575.22 feet:

8 (L-2) S 63°50'42" W, a distance of 494.89 feet:

9 (L-3) S 63°16'31" W, a distance of 499.98 feet:

10 (L-4) S 65°12'08" W, a distance of 528.51 feet:

11 (L-5) S 63°57'11" W, a distance of 521.49 feet:

12 (L-6) S 63°54'27" W, a distance of 548.00 feet:

13 (L-7) S 62°45'33" W, a distance of 553.19 feet to the Southwest  
14 corner of the Stone Survey and the Southeast corner of the George  
15 Hodge Survey:

16 THENCE N 25°56'15" W, along the common Stone and Hodge line, at a  
17 distance of 371.93 feet passing a found brass rod in concrete in the  
18 Southerly Right-of-way line of State Highway No. 87, a total  
19 distance of 6675.46 feet to a found ½" I rod in concrete marking the  
20 Northeast corner of the said Hodge Survey:

21 THENCE S 64°33'45" W , along the common Stone and Hodge line, a  
22 distance of 1866.67 feet to the Northwest corner of the said Hodge  
23 Survey in the East line of the said Andrew Survey:

24 THENCE S 25°56'15" E, along the common Hodge and Andrews line, at a  
25 distance of 6316.73 feet passing a found ½" I rod in the Northerly  
26 line of State Highway No. 87, a total distance of 6602.64 feet to  
27 the said Mean High Water line of the Gulf of Mexico:

1 THENCE along the said Mean High Water line, the following courses,  
2 (L-8) S 64°55'34" W, a distance of 226.88 feet:  
3 (L-9) S 64°08'47" W, a distance of 604.26 feet:  
4 (L-10) S 64°50'25" W, a distance of 441.59 feet:  
5 (L-11) S 64°17'20" W, a distance of 1040.26 feet:  
6 (L-12) S 64°45'52" W, a distance of 513.03 feet:  
7 (L-13) S 64°46'54" W, a distance of 481.88 feet:  
8 (L-14) S 64°35'20" W, a distance of 965.94 feet:  
9 (L-15) S 64°45'05" W, a distance of 549.87 feet:  
10 (L-16) S 64°40'39" W, a distance of 1022.67 feet:  
11 (L-17) S 64°36'18" W, a distance of 463.83 feet:  
12 (L-18) S 64°12'56" W, a distance of 519.57 feet:  
13 (L-19) S 64°45'11" W, a distance of 1015.97 feet:  
14 (L-20) S 64°48'38" W, a distance of 446.23 feet:  
15 (L-21) S 64°19'15" W, a distance of 550.14 feet:  
16 (L-22) S 63°38'24" W, a distance of 441.93 feet:  
17 (L-23) S 63°10'08" W, a distance of 549.74 feet:  
18 (L-24) S 64°45'38" W, a distance of 470.20 feet:  
19 (L-25) S 62°10'44" W, a distance of 520.78 feet:  
20 (L-26) S 65°42'19" W, a distance of 471.99 feet:  
21 (L-27) S 62°29'53" W, a distance of 534.49 feet:  
22 (L-28) S 64°13'43" W, a distance of 575.28 feet:  
23 (L-29) S 62°49'50" W, a distance of 345.86 feet:  
24 (L-30) S 58°29'31" W, a distance of 296.81 feet:  
25 (L-31) S 67°13'24" W, a distance of 83.09 feet to the POINT OF  
26 BEGINNING and containing a calculated area of 3,821.03 acres part  
27 of which is tidal and subject to the rights of the State of Texas,

1 and including 46.43 acres within the said State Highway No. 87  
2 right-of-way.

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

10 (b) The governor, one of the required recipients, has  
11 submitted the notice and Act to the Texas Commission on  
12 Environmental Quality.

13 (c) The Texas Commission on Environmental Quality has filed  
14 its recommendations relating to this Act with the governor, the  
15 lieutenant governor, and the speaker of the house of  
16 representatives within the required time.

17 (d) All requirements of the constitution and laws of this  
18 state and the rules and procedures of the legislature with respect  
19 to the notice, introduction, and passage of this Act are fulfilled  
20 and accomplished.

21 SECTION 4. This Act takes effect September 1, 2007.