

1-1 By: Eiland (Senate Sponsor - Janek) H.B. No. 4010
1-2 (In the Senate - Received from the House May 14, 2007;
1-3 May 15, 2007, read first time and referred to Committee on Natural
1-4 Resources; May 18, 2007, reported favorably by the following vote:
1-5 Yeas 10, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the Cade Ranch Water Control and
1-9 Improvement District No. 1 of Galveston County; providing authority
1-10 to impose a tax and issue bonds; granting the power of eminent
1-11 domain.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle I, Title 6, Special District Local Laws
1-14 Code, is amended by adding Chapter 9024 to read as follows:

1-15 CHAPTER 9024. CADE RANCH WATER CONTROL AND IMPROVEMENT DISTRICT
1-16 NO. 1 OF GALVESTON COUNTY

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 9024.001. DEFINITIONS. In this chapter:

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

1-20 (2) "Director" means a board member.

1-21 (3) "District" means the Cade Ranch Water Control and
1-22 Improvement District No. 1 of Galveston County.

1-23 Sec. 9024.002. NATURE OF DISTRICT. The district is a water
1-24 control and improvement district in Galveston County created under
1-25 and essential to accomplish the purposes of Section 59, Article
1-26 XVI, Texas Constitution.

1-27 Sec. 9024.003. CONFIRMATION ELECTION REQUIRED. If the
1-28 creation of the district is not confirmed at a confirmation
1-29 election held under Section 9024.024 before September 1, 2011:

1-30 (1) the district is dissolved September 1, 2011,
1-31 except that the district shall:

1-32 (A) pay any debts incurred;

1-33 (B) transfer to Galveston County any assets that
1-34 remain after the payment of debts; and

1-35 (C) maintain the organization of the district
1-36 until all debts are paid and remaining assets are transferred; and

1-37 (2) this chapter expires September 1, 2014.

1-38 Sec. 9024.004. INITIAL DISTRICT TERRITORY. (a) The
1-39 district is initially composed of the territory described by
1-40 Section 2 of the Act creating this chapter.

1-41 (b) The boundaries and field notes contained in Section 2 of
1-42 the Act creating this chapter form a closure. A mistake made in the
1-43 field notes or in copying the field notes in the legislative process
1-44 does not affect:

1-45 (1) the organization, existence, or validity of the
1-46 district;

1-47 (2) the right of the district to impose taxes;

1-48 (3) the validity of the district's bonds, notes, or
1-49 indebtedness; or

1-50 (4) the legality or operation of the board.

1-51 [Sections 9024.005-9024.020 reserved for expansion]

1-52 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-53 Sec. 9024.021. TEMPORARY DIRECTORS. (a) On or after
1-54 September 1, 2007, a person who owns land in the district may submit
1-55 a petition to the Texas Commission on Environmental Quality
1-56 requesting that the commission appoint as temporary directors the
1-57 five persons named in the petition.

1-58 (b) The commission shall appoint as temporary directors the
1-59 five persons named in the first petition received by the
1-60 commission.

1-61 (c) If a temporary director fails to qualify for office, the
1-62 commission shall appoint a person to fill the vacancy.

1-63 (d) Temporary directors serve until the earlier of:

1-64 (1) the date directors are elected under Section

2-1 9024.024; or
 2-2 (2) the date this chapter expires under Section
 2-3 9024.003.

2-4 Sec. 9024.022. ORGANIZATIONAL MEETING OF TEMPORARY
 2-5 DIRECTORS. As soon as practicable after all the temporary
 2-6 directors have qualified under Section 49.055, Water Code, the
 2-7 temporary directors shall meet at a location in the district
 2-8 agreeable to a majority of the directors. If a location cannot be
 2-9 agreed upon, the meeting shall be at the Galveston County
 2-10 Courthouse. At the meeting the temporary directors shall elect
 2-11 officers from among the temporary directors and conduct any other
 2-12 district business.

2-13 Sec. 9024.023. CONSENT OF MUNICIPALITY REQUIRED. The
 2-14 temporary directors may not hold an election under Section 9024.024
 2-15 until each municipality in whose corporate limits or
 2-16 extraterritorial jurisdiction the district is located, if any, has
 2-17 adopted a resolution consenting to the creation of the district.

2-18 Sec. 9024.024. CONFIRMATION AND INITIAL DIRECTORS'
 2-19 ELECTION. The temporary directors shall hold an election to
 2-20 confirm the creation of the district and to elect five directors as
 2-21 provided by Section 49.102, Water Code.

2-22 Sec. 9024.025. INITIAL ELECTED DIRECTORS; TERMS. The
 2-23 directors elected under Section 9024.024 shall draw lots to
 2-24 determine which two shall serve until the first regularly scheduled
 2-25 election of directors under Section 9024.052 and which three shall
 2-26 serve until the second regularly scheduled election of directors.

2-27 Sec. 9024.026. EXPIRATION OF SUBCHAPTER. This subchapter
 2-28 expires September 1, 2014.

2-29 [Sections 9024.027-9024.050 reserved for expansion]

2-30 SUBCHAPTER B. BOARD OF DIRECTORS

2-31 Sec. 9024.051. DIRECTORS; TERMS. (a) The district is
 2-32 governed by a board of five directors.

2-33 (b) Directors serve staggered four-year terms.

2-34 Sec. 9024.052. ELECTION OF DIRECTORS. On the uniform
 2-35 election date in May of each even-numbered year, the appropriate
 2-36 number of directors shall be elected.

2-37 [Sections 9024.053-9024.100 reserved for expansion]

2-38 SUBCHAPTER C. POWERS AND DUTIES

2-39 Sec. 9024.101. WATER CONTROL AND IMPROVEMENT DISTRICT
 2-40 POWERS AND DUTIES. The district has the powers and duties provided
 2-41 by the general law of this state, including Chapters 49 and 51,
 2-42 Water Code, applicable to water control and improvement districts
 2-43 created under Section 59, Article XVI, Texas Constitution.

2-44 Sec. 9024.102. ROAD PROJECTS. (a) To the extent authorized
 2-45 by Section 52, Article III, Texas Constitution, the district may
 2-46 construct, acquire, improve, maintain, or operate macadamized,
 2-47 graveled, or paved roads, or improvements in aid of those roads,
 2-48 inside the district.

2-49 (b) A road project must meet or exceed all applicable
 2-50 construction standards, zoning and subdivision requirements, and
 2-51 regulatory ordinances of each municipality in whose corporate
 2-52 limits or extraterritorial jurisdiction the district is located.
 2-53 If the district is located outside the extraterritorial
 2-54 jurisdiction of a municipality, a road project must meet or exceed
 2-55 all applicable construction standards, zoning and subdivision
 2-56 requirements, and regulatory ordinances of each county in which the
 2-57 district is located.

2-58 (c) The district may not undertake a road project unless
 2-59 each municipality in whose corporate limits or extraterritorial
 2-60 jurisdiction the district is located consents by ordinance or
 2-61 resolution. If a district is located outside the extraterritorial
 2-62 jurisdiction of a municipality, the district may not undertake a
 2-63 road project unless each county in which the district is located
 2-64 consents by ordinance or resolution.

2-65 Sec. 9024.103. NAVIGATION POWERS. The district may
 2-66 purchase, construct, acquire, own, operate, maintain, improve, or
 2-67 extend, inside and outside the district, canals, waterways,
 2-68 bulkheads, docks, and any other improvements or facilities
 2-69 necessary or convenient to accomplish the navigation purposes of

3-1 the district under Chapters 60 and 62, Water Code, as authorized by
3-2 Section 59, Article XVI, Texas Constitution.

3-3 Sec. 9024.104. DIVISION OF DISTRICT. (a) The district may
3-4 be divided into two new districts only if the district:

3-5 (1) has no outstanding bonded debt; and

3-6 (2) is not imposing ad valorem taxes.

3-7 (b) The division procedure is prescribed by Sections 53.030
3-8 through 53.041, Water Code. Sections 51.748 through 51.753, Water
3-9 Code, do not apply to the district.

3-10 (c) Any new district created by the division of the district
3-11 has all the powers and duties of the district.

3-12 (d) A new district, at the time it is created by the division
3-13 of the district, may not contain land outside the area described by
3-14 Section 2 of the Act creating this chapter.

3-15 Sec. 9024.105. LIMITATION ON DISTRICT DISSOLUTION.

3-16 (a) Notwithstanding Section 43.0751, Local Government Code, or
3-17 any other general law, before December 31, 2017, the district may
3-18 not be dissolved unless the dissolution is approved by:

3-19 (1) the board; and

3-20 (2) the governing body of each municipality in whose
3-21 corporate limits or extraterritorial jurisdiction the district is
3-22 located.

3-23 (b) This section expires December 31, 2017.

3-24 [Sections 9024.106-9024.150 reserved for expansion]

3-25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-26 Sec. 9024.151. TAX TO REPAY BONDS. The district may impose
3-27 a tax to pay the principal of or interest on bonds issued under
3-28 Section 9024.201.

3-29 [Sections 9024.152-9024.200 reserved for expansion]

3-30 SUBCHAPTER E. BONDS

3-31 Sec. 9024.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-32 OBLIGATIONS. (a) The district may issue bonds or other obligations
3-33 as provided by Chapters 49 and 51, Water Code, and to finance the
3-34 construction, maintenance, or operation of projects under Sections
3-35 9024.101 and 9024.102.

3-36 (b) The district may not issue bonds to finance projects
3-37 authorized by Section 9024.102 unless the issuance is approved by a
3-38 vote of a two-thirds majority of district voters voting at an
3-39 election called for that purpose.

3-40 (c) Bonds or other obligations issued or incurred to finance
3-41 projects authorized by Section 9024.102 may not exceed one-fourth
3-42 of the assessed value of the real property in the district.

3-43 SECTION 2. The Cade Ranch Water Control and Improvement
3-44 District No. 1 of Galveston County initially includes all the
3-45 territory contained in the following area:

3-46 Survey of part of the John Andrews Survey A-23, German Emigration
3-47 Company Survey A-74, German Emigration Company Survey A-73, Frank
3-48 Passano Survey A-166, Frank Passano A-165, Alexander Edgar Survey
3-49 A-61, Elias Stone Survey A-188, Alexander Edgar A-62, and being
3-50 more particularly described my metes and bounds as follows;

3-51 BEGINNING at the Southwest corner of the said Alexander Edgar
3-52 Survey A-61 being in the East line of the Joseph Dunman Survey and
3-53 at the Mean High Water line of the Gulf of Mexico;

3-54 THENCE N 25°53'29"W, along the common Dunman and Edgar lines, at a
3-55 distance of 497.43 feet passing a found 1" I pipe marking the
3-56 Northerly line of State Highway No. 87, for a total distance of
3-57 7115.23 feet to a found 3" I pipe marking the Northwest corner of
3-58 the said Alexander Edgar Survey A-61 and the Southwest corner of the
3-59 B.T. Masterson Survey;

3-60 THENCE N 64°12'43" E, a distance of 1866.10 feet (called 1866.67')
3-61 to a found 1 1/2" i pipe marking the Northeast corner of the said
3-62 Alexander Edgar Survey A-61 and the Northwest corner of the
3-63 Alexander Edgar Survey A-62;

3-64 THENCE S 25°53'34" E, along the common Edgar line, a distance of
3-65 5598.47 feet to a found 2" I pipe marking the Southwest corner of
3-66 the Northwest 240 acres of the said Alexander Edgar Survey A-62;

3-67 THENCE N 64°06'53" E, a distance of 1866.37 feet (Called 1866.67')
3-68 to the West line of the Frank Passano A-166;

3-69 THENCE N 25°52'59" W, along the common Edgar and Passano line, a

4-1 distance of 5592.68 feet to a found 3/4" I rod marking the Northeast
4-2 corner of the Alexander Edgar Survey A-61;
4-3 THENCE S 64°36'30" W, a distance of 699.92 feet to a found 3"
4-4 concrete monument marking the Southeast corner of the said
4-5 Masterson Survey:
4-6 THENCE N 25°52'57" W, along the common Masterson and Passano line, a
4-7 distance of 2308.47 feet to a found 3" concrete monument marking the
4-8 Northwest corner of the said Frank Passano A-166 and the Southwest
4-9 corner of SF 7139;
4-10 THENCE N 58°50'51" E, along the common Passano and SF 7139 line, a
4-11 distance of 920.83 feet:
4-12 THENCE N 30°05'51" E, a distance of 1952.99 feet to the West line of
4-13 the German Emigration Survey A-73;
4-14 THENCE N 25°53'32" W, along the said German Emigration Survey A-73
4-15 West line, a distance of 485.91 feet to its Northwest corner and the
4-16 South corner of the Frank Passano A-165 and a found 1/2" I rod in
4-17 concrete:
4-18 THENCE N 72°08'42" W, along the Passano West line and the East line
4-19 of SF 7139 and USA tract S 105 A-667, a distance of 1116.67 feet;
4-20 THENCE N 02°53'42" W, a distance of 825.0 feet;
4-21 THENCE N 67°06'18" E, along the Passano North line, a distance of
4-22 3111.11 feet;
4-23 THENCE N 77°29'31" E, along the Passano North line, a distance of
4-24 2355.14 feet to the Northwest corner of the Issac Lowrie Survey and
4-25 the Northeast corner of the Passano Survey in the middle of a bayou;
4-26 THENCE crossing said bayou, S 25°53'32" E, a distance of 866.41 feet
4-27 to the Northeast corner of German Emigration Survey A-74 in the said
4-28 bayou:
4-29 THENCE continuing S 25°53'32" E, a distance of 1145.79 feet to the
4-30 Northwest corner of the John Andrews Survey A-23 and the Southwest
4-31 corner of the said Issac Lowie Survey:
4-32 THENCE N 64°33'48" E, along the North line of the John Andrews Survey
4-33 and the Elias Stone Survey and the South line of the said Issac
4-34 Lowie Survey, at a distance of 160 feet crossing a bayou, at a
4-35 distance of 3810 feet crossing a bayou, at a distance of 7735 feet
4-36 crossing a bayou, a total distance of 8231.94 feet to a found 5/8 " I
4-37 rod marking the Northeast corner of the remainder portion of the
4-38 Stone Survey and from which a found "Yount Lee Monument" marking the
4-39 Northeast corner of the Nicholas Fitzsimmons Survey was found N
4-40 64°33'48" E a distance of 4504.42 feet and a 5/8" I rod marking the
4-41 Northwest corner of the Fitzsimmons and the Northeast corner of the
4-42 Stone was found N 64°33'48" E a distance of 1864.08 feet:
4-43 THENCE S 25°53'32" E, at a distance of 3095.57 feet passing the
4-44 interior East corner of the said Stone and the Northwest corner of
4-45 the Wm Hudson Survey, at a distance of 9459.95 passing a found 2" I
4-46 pipe marking the intersection of the common line of the Stone and
4-47 Hudson Survey and the Northerly line of State Highway No. 87, for a
4-48 total distance of 9899.00 feet to the Mean High Water line of the
4-49 Gulf of Mexico:
4-50 THENCE along the said Mean High Water line, the following courses
4-51 (L-1) S 64°02'42" W, a distance of 575.22 feet:
4-52 (L-2) S 63°50'42" W, a distance of 494.89 feet:
4-53 (L-3) S 63°16'31" W, a distance of 499.98 feet:
4-54 (L-4) S 65°12'08" W, a distance of 528.51 feet:
4-55 (L-5) S 63°57'11" W, a distance of 521.49 feet:
4-56 (L-6) S 63°54'27" W, a distance of 548.00 feet:
4-57 (L-7) S 62°45'33" W, a distance of 553.19 feet to the Southwest
4-58 corner of the Stone Survey and the Southeast corner of the George
4-59 Hodge Survey:
4-60 THENCE N 25°56'15" W, along the common Stone and Hodge line, at a
4-61 distance of 371.93 feet passing a found brass rod in concrete in the
4-62 Southerly Right-of-way line of State Highway No. 87, a total
4-63 distance of 6675.46 feet to a found 1/2" I rod in concrete marking the
4-64 Northeast corner of the said Hodge Survey:
4-65 THENCE S 64°33'45" W , along the common Stone and Hodge line, a
4-66 distance of 1866.67 feet to the Northwest corner of the said Hodge
4-67 Survey in the East line of the said Andrew Survey:
4-68 THENCE S 25°56'15" E, along the common Hodge and Andrews line, at a
4-69 distance of 6316.73 feet passing a found 1/2" I rod in the Northerly

5-1 line of State Highway No. 87, a total distance of 6602.64 feet to
5-2 the said Mean High Water line of the Gulf of Mexico:
5-3 THENCE along the said Mean High Water line, the following courses,
5-4 (L-8) S 64°55'34" W, a distance of 226.88 feet:
5-5 (L-9) S 64°08'47" W, a distance of 604.26 feet:
5-6 (L-10) S 64°50'25" W, a distance of 441.59 feet:
5-7 (L-11) S 64°17'20" W, a distance of 1040.26 feet:
5-8 (L-12) S 64°45'52" W, a distance of 513.03 feet:
5-9 (L-13) S 64°46'54" W, a distance of 481.88 feet:
5-10 (L-14) S 64°35'20" W, a distance of 965.94 feet:
5-11 (L-15) S 64°45'05" W, a distance of 549.87 feet:
5-12 (L-16) S 64°40'39" W, a distance of 1022.67 feet:
5-13 (L-17) S 64°36'18" W, a distance of 463.83 feet:
5-14 (L-18) S 64°12'56" W, a distance of 519.57 feet:
5-15 (L-19) S 64°45'11" W, a distance of 1015.97 feet:
5-16 (L-20) S 64°48'38" W, a distance of 446.23 feet:
5-17 (L-21) S 64°19'15" W, a distance of 550.14 feet:
5-18 (L-22) S 63°38'24" W, a distance of 441.93 feet:
5-19 (L-23) S 63°10'08" W, a distance of 549.74 feet:
5-20 (L-24) S 64°45'38" W, a distance of 470.20 feet:
5-21 (L-25) S 62°10'44" W, a distance of 520.78 feet:
5-22 (L-26) S 65°42'19" W, a distance of 471.99 feet:
5-23 (L-27) S 62°29'53" W, a distance of 534.49 feet:
5-24 (L-28) S 64°13'43" W, a distance of 575.28 feet:
5-25 (L-29) S 62°49'50" W, a distance of 345.86 feet:
5-26 (L-30) S 58°29'31" W, a distance of 296.81 feet:
5-27 (L-31) S 67°13'24" W, a distance of 83.09 feet to the POINT OF
5-28 BEGINNING and containing a calculated area of 3,821.03 acres part
5-29 of which is tidal and subject to the rights of the State of Texas,
5-30 and including 46.43 acres within the said State Highway No. 87
5-31 right-of-way.

5-32 SECTION 3. (a) The legal notice of the intention to
5-33 introduce this Act, setting forth the general substance of this
5-34 Act, has been published as provided by law, and the notice and a
5-35 copy of this Act have been furnished to all persons, agencies,
5-36 officials, or entities to which they are required to be furnished
5-37 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-38 Government Code.

5-39 (b) The governor, one of the required recipients, has
5-40 submitted the notice and Act to the Texas Commission on
5-41 Environmental Quality.

5-42 (c) The Texas Commission on Environmental Quality has filed
5-43 its recommendations relating to this Act with the governor, the
5-44 lieutenant governor, and the speaker of the house of
5-45 representatives within the required time.

5-46 (d) All requirements of the constitution and laws of this
5-47 state and the rules and procedures of the legislature with respect
5-48 to the notice, introduction, and passage of this Act are fulfilled
5-49 and accomplished.

5-50 SECTION 4. This Act takes effect September 1, 2007.

5-51 * * * * *