

By: Davis of Harris

H.B. No. 4066

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of the NASA Area Management District;
3 providing authority to impose an assessment, impose a sales and use
4 tax, and issue bonds.

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

6 SECTION 1. LEGISLATIVE FINDINGS. (a) The legislature
7 finds that the development or redevelopment in the area in the
8 proposed NASA Area Management District would not occur solely
9 through private investment in the reasonably foreseeable future.

10 (b) The legislature further finds that the conditions in the
11 area of the proposed NASA Area Management District substantially
12 arrest or impair the sound growth of the City of Nassau Bay, are an
13 economic or social liability, and present a menace to the public
14 health, safety, morals, or welfare because of the presence of:

15 (1) a substantial number of substandard, slum,
16 deteriorated, or deteriorating structures;

17 (2) the predominance of defective or inadequate
18 sidewalk or street layout;

19 (3) faulty lot layout in relation to size, adequacy,
20 accessibility, or usefulness;

21 (4) unsanitary or unsafe conditions;

22 (5) the deterioration of improvements;

23 (6) tax or special assessment delinquency exceeding
24 the fair value of the land;

- 1 (7) defective or unusual conditions of title; and
2 (8) conditions that endanger life or property by fire
3 or other cause.

4 SECTION 2. NASA AREA MANAGEMENT DISTRICT. Subtitle C,
5 Title 4, Special District Local Laws Code, is amended by adding
6 Chapter 3842 to read as follows:

7 CHAPTER 3842. NASA AREA MANAGEMENT DISTRICT

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 3842.001. DEFINITIONS. In this chapter:

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

12 (2) "District" means the NASA Area Management
13 District.

14 Sec. 3842.002. NASA AREA MANAGEMENT DISTRICT. The district
15 is a special district created under Section 59, Article XVI, Texas
16 Constitution.

17 Sec. 3842.003. PURPOSE; DECLARATION OF INTENT. (a) The
18 creation of the district is essential to accomplish the purposes of
19 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
20 Texas Constitution, and other public purposes stated in this
21 chapter. By creating the district and in authorizing the City of
22 Nassau Bay, Harris County, and other political subdivisions to
23 contract with the district, the legislature has established a
24 program to accomplish the public purposes set out in Section 52-a,
25 Article III, Texas Constitution.

26 (b) The creation of the district is necessary to promote,
27 develop, encourage, and maintain employment, commerce,

1 transportation, housing, tourism, recreation, the arts,
2 entertainment, economic development, safety, and the public
3 welfare in the district territory.

4 (c) This chapter and the creation of the district may not be
5 interpreted to relieve Harris County or the City of Nassau Bay from
6 providing the level of services provided, as of the effective date
7 of the Act enacting this chapter, to the area in the district. The
8 district is created to supplement and not to supplant the county or
9 city services provided in the area in the district.

10 Sec. 3842.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
11 The district is created to serve a public use and benefit.

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

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

19 (1) further the public purposes of developing and
20 diversifying the economy of the state;

21 (2) eliminate unemployment and underemployment; and

22 (3) develop or expand transportation and commerce.

23 (d) The district will:

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

27 (2) provide needed funding for the district to

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

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

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

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

15 Sec. 3842.005. DISTRICT TERRITORY. (a) The district is
16 composed of the territory described by Section 3 of the Act enacting
17 this chapter, as that territory may have been modified under:

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

19 (2) Section 3842.108; or

20 (3) other law.

21 (b) The boundaries and field notes of the district contained
22 in Section 3 of the Act enacting this chapter form a closure. A
23 mistake in the field notes or in copying the field notes in the
24 legislative process does not in any way affect the district's:

25 (1) organization, existence, or validity;

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

1 interest on the bond;

2 (3) right to impose or collect an assessment or a sales
3 and use tax; or

4 (4) legality or operation.

5 Sec. 3842.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

6 All or any part of the area of the district is eligible, regardless
7 of other statutory criteria, to be included in:

8 (1) a tax increment reinvestment zone created by the
9 City of Nassau Bay or another governmental entity under Chapter
10 311, Tax Code;

11 (2) a tax abatement reinvestment zone created by the
12 City of Nassau Bay or another governmental entity under Chapter
13 312, Tax Code; or

14 (3) an enterprise zone created by the City of Nassau
15 Bay or another governmental entity under Chapter 2303, Government
16 Code.

17 Sec. 3842.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
18 DISTRICTS LAW. Except as otherwise provided by this chapter,
19 Chapter 375, Local Government Code, applies to the district.

20 Sec. 3842.008. LIBERAL CONSTRUCTION OF CHAPTER. This
21 chapter shall be liberally construed in conformity with the
22 findings and purposes stated in this chapter.

23 [Sections 3842.009-3842.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3842.051. COMPOSITION; TERMS. (a) The district is
26 governed by a board of seven voting directors who serve staggered
27 terms of four years, with three or four directors' terms expiring

1 June 1 of each odd-numbered year.

2 (b) The governing body of the City of Nassau Bay 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. 3842.052. APPOINTMENT OF DIRECTORS. (a) The mayor and
6 members of the governing body of the City of Nassau Bay shall
7 appoint voting directors. A person is appointed if a majority of
8 the members of the governing body, including the mayor, vote to
9 appoint that person.

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

12 Sec. 3842.053. NONVOTING DIRECTORS. (a) The following
13 persons serve as nonvoting directors:

14 (1) the presiding officer of the City of Nassau Bay's
15 planning and zoning commission;

16 (2) the City of Nassau Bay's director of public works;
17 and

18 (3) the City of Nassau Bay's chief of police.

19 (b) If a department described by Subsection (a) is
20 consolidated, renamed, or changed, the board may appoint a director
21 of the consolidated, renamed, or changed department as a nonvoting
22 director. If a department described by Subsection (a) is
23 abolished, the board may appoint a representative of another
24 department that performs duties comparable to those performed by
25 the abolished department.

26 (c) The board may appoint other nonvoting directors to serve
27 at the pleasure of the voting directors.

1 Sec. 3842.054. QUORUM. For purposes of determining whether
2 a quorum of the board is present, the following are not counted:

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

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

7 (3) a nonvoting director.

8 Sec. 3842.055. INITIAL VOTING DIRECTORS. (a) The mayor and
9 members of the governing body of the City of Nassau Bay shall
10 appoint the initial seven voting directors by position.

11 (b) Of the initial voting directors, the terms of directors
12 appointed for positions 1 through 4 expire June 1, 2009, and the
13 terms of directors appointed for positions 5 through 7 expire June
14 1, 2011.

15 (c) This section expires September 1, 2012.

16 [Sections 3842.056-3842.100 reserved for expansion]

17 SUBCHAPTER C. POWERS AND DUTIES

18 Sec. 3842.101. ADDITIONAL POWERS OF DISTRICT. The district
19 may exercise the powers given to:

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

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

1 Sec. 3842.102. NONPROFIT CORPORATION. (a) The board by
2 resolution may authorize the creation of a nonprofit corporation to
3 assist and act for the district in implementing a project or
4 providing a service authorized by this chapter.

5 (b) The nonprofit corporation:

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

9 (2) may implement any project and provide any service
10 authorized by this chapter.

11 (c) The board shall appoint the board of directors of the
12 nonprofit corporation. A director of the corporation is not
13 required to reside in the district.

14 (d) The board of directors of the nonprofit corporation
15 shall serve in the same manner as the board of directors of a local
16 government corporation created under Chapter 431, Transportation
17 Code.

18 Sec. 3842.103. AGREEMENTS; GRANTS. (a) The district may
19 make an agreement with or accept a gift, grant, or loan from any
20 person.

21 (b) The implementation of a project is a governmental
22 function or service for the purposes of Chapter 791, Government
23 Code.

24 Sec. 3842.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.
25 To protect the public interest, the district may contract with a
26 qualified provider, including Harris County or the City of Nassau
27 Bay, to provide law enforcement services in the district for a fee.

1 Sec. 3842.105. APPROVAL BY CITY OF NASSAU BAY. (a) Except
2 as provided by Subsection (c), the district must obtain the
3 approval of the City of Nassau Bay for:

4 (1) the issuance of bonds for an improvement project;
5 (2) the imposition of a sales and use tax;
6 (3) the plans and specifications of an improvement
7 project financed by the bonds; and

8 (4) the plans and specifications of an improvement
9 project related to the use of land owned by the City of Nassau Bay,
10 an easement granted by the City of Nassau Bay, or a right-of-way of
11 a street, road, or highway.

12 (b) The approval obtained under Subsection (a)(1) or (2)
13 must be a resolution or ordinance of the governing body of the City
14 of Nassau Bay. The approval obtained under Subsection (a)(3) or (4)
15 may be by an administrative process that does not involve the city's
16 governing body.

17 (c) If the district obtains the approval of the City of
18 Nassau Bay's governing body of a capital improvements budget for a
19 period not to exceed five years, the district may finance the
20 capital improvements and issue bonds specified in the budget
21 without further approval from the City of Nassau Bay.

22 (d) The City of Nassau Bay and the district may agree on
23 conditions for obtaining the approval of the city under this
24 section, including an agreement for the approval of a sales and use
25 tax that requires the district to abolish or decrease the rate of
26 the tax if the rate, when combined with other local sales and use
27 taxes, results in a combined tax rate that exceeds the maximum rate

1 under Section 321.101(f), Tax Code, at any location in the
2 district.

3 Sec. 3842.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
4 district may join and pay dues to an organization that:

5 (1) is exempt from the payment of federal income taxes
6 under Section 501(a), Internal Revenue Code of 1986, by being
7 listed as an exempt organization under Section 501(c)(3), (4), or
8 (6), Internal Revenue Code of 1986; and

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

11 Sec. 3842.107. ECONOMIC DEVELOPMENT PROGRAMS AND OTHER
12 POWERS RELATED TO PLANNING AND DEVELOPMENT. (a) The district may
13 establish and provide for the administration of one or more
14 programs to promote state or local economic development and to
15 stimulate business and commercial activity in the district,
16 including programs to:

17 (1) make loans and grants of public money; and

18 (2) provide district personnel and services.

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

21 Sec. 3842.108. ANNEXATION. In addition to the authority to
22 annex territory under Subchapter J, Chapter 49, Water Code, the
23 district may by board resolution annex territory located in the
24 City of Nassau Bay if the city's governing body by ordinance or
25 resolution consents to the annexation.

26 Sec. 3842.109. NO EMINENT DOMAIN. The district may not
27 exercise the power of eminent domain.

1 [Sections 3842.110-3842.150 reserved for expansion]

2 SUBCHAPTER D. FINANCIAL PROVISIONS

3 Sec. 3842.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
4 board by resolution shall establish the number of directors'
5 signatures and the procedure required for a disbursement or
6 transfer of the district's money.

7 Sec. 3842.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
8 The district may acquire, construct, finance, operate, or maintain
9 any improvement or service authorized under this chapter or Chapter
10 375, Local Government Code, using any money available to the
11 district.

12 Sec. 3842.153. PETITION REQUIRED FOR FINANCING SERVICES AND
13 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
14 service or improvement project with assessments under this chapter
15 unless a written petition requesting that service or improvement
16 has been filed with the board.

17 (b) A petition filed under Subsection (a) must be signed by:

18 (1) the owners of a majority of the assessed value of
19 real property in the district subject to assessment according to
20 the most recent certified tax appraisal roll for Harris County;

21 (2) at least 25 persons who own real property in the
22 district, if more than 25 persons own real property in the district
23 according to the most recent certified tax appraisal roll for
24 Harris County;

25 (3) the owners of a majority of the surface area of
26 real property in the district subject to assessment as determined
27 by the board; or

1 (4) the owners of a majority of the number of platted
2 lots of real property subject to assessment as determined by the
3 board.

4 Sec. 3842.154. METHOD OF NOTICE FOR HEARING. The district
5 may mail the notice required by Section 375.115(c), Local
6 Government Code, by certified United States mail or an equivalent
7 service that can provide a record of mailing or other delivery.

8 Sec. 3842.155. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
9 The board by resolution may impose and collect an assessment for any
10 purpose authorized by this chapter in all or any part of the
11 district.

12 (b) An assessment, a reassessment, or an assessment
13 resulting from an addition to or correction of the assessment roll
14 by the district, penalties and interest on an assessment or
15 reassessment, an expense of collection, and reasonable attorney's
16 fees incurred by the district:

17 (1) are a first and prior lien against the property
18 assessed;

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

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

25 (c) The lien is effective from the date of the board's
26 resolution imposing the assessment until the date the assessment is
27 paid. The board may enforce the lien in the same manner that an ad

1 valorem tax lien against real property is enforced.

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

6 Sec. 3842.156. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
7 ASSESSMENTS. The district may not impose an impact fee or
8 assessment on the property, including the equipment,
9 rights-of-way, facilities, or improvements, of:

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

12 (2) a gas utility as defined by Section 101.003 or
13 121.001, Utilities Code;

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

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

18 Sec. 3842.157. BONDS AND OTHER OBLIGATIONS. (a) The
19 district may issue by competitive bid or negotiated sale bonds or
20 other obligations payable wholly or partly from taxes, assessments,
21 impact fees, revenue, grants, or other money of the district, or any
22 combination of those sources of money, to pay for any authorized
23 purpose of the district.

24 (b) Section 375.243, Local Government Code, does not apply
25 to the district.

26 (c) The limitation on the outstanding principal amount of
27 bonds, notes, and other obligations provided by Section 49.4645(a),

1 Water Code, does not apply to the district.

2 Sec. 3842.158. CITY NOT REQUIRED TO PAY DISTRICT
3 OBLIGATIONS. Except as provided by Section 375.263, Local
4 Government Code, the City of Nassau Bay is not required to pay a
5 bond, note, or other obligation of the district.

6 Sec. 3842.159. COMPETITIVE BIDDING. Section 375.221, Local
7 Government Code, applies to the district only for a contract that
8 has a value greater than \$50,000.

9 Sec. 3842.160. TAX AND ASSESSMENT ABATEMENTS. The district
10 may grant in the manner authorized by Chapter 312, Tax Code, an
11 abatement for a tax or assessment owed to the district.

12 Sec. 3842.161. TAX INCREMENT FINANCING POWERS. (a) The
13 district may designate all or any part of the district as a tax
14 increment reinvestment zone, and the district may use tax increment
15 financing under Chapter 311, Tax Code, in the manner provided by
16 that chapter for a municipality, except as modified by this
17 section.

18 (b) The district has all powers provided under Chapter 311,
19 Tax Code.

20 (c) The district and an overlapping taxing unit may enter
21 into an interlocal agreement for the payment of all or a portion of
22 the tax increment of the unit to the district.

23 (d) For the purpose of tax increment financing under this
24 section, the board functions as the board of directors of the
25 reinvestment zone. Section 311.009, Tax Code, does not apply to the
26 district.

27 [Sections 3842.162-3842.200 reserved for expansion]

1 SUBCHAPTER E. SALES AND USE TAX

2 Sec. 3842.201. MEANINGS OF WORDS AND PHRASES. Words and
3 phrases used in this subchapter that are defined by Chapters 151 and
4 321, Tax Code, have the meanings assigned by Chapters 151 and 321,
5 Tax Code.

6 Sec. 3842.202. APPLICABILITY OF CERTAIN TAX CODE
7 PROVISIONS. (a) Except as otherwise provided by this subchapter,
8 Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code,
9 apply to taxes imposed under this subchapter and to the
10 administration and enforcement of those taxes in the same manner
11 that those laws apply to state taxes.

12 (b) The provisions of Subchapters B, C, and D, Chapter 321,
13 Tax Code, relating to municipal sales and use taxes apply to the
14 application, collection, change, and administration of a sales and
15 use tax imposed under this subchapter to the extent consistent with
16 this chapter, as if references in Chapter 321, Tax Code, to a
17 municipality referred to the district and references to a governing
18 body referred to the board.

19 (c) Sections 321.401-321.406 and 321.506-321.508, Tax Code,
20 do not apply to a tax imposed under this subchapter.

21 Sec. 3842.203. AUTHORIZATION. The district may adopt a
22 sales and use tax for the benefit of the district. The board is not
23 required to call an election to adopt the tax.

24 Sec. 3842.204. ABOLISHING SALES AND USE TAX. (a) Except as
25 provided in Subsection (b), the board, with the consent of the
26 governing body of the City of Nassau Bay, may abolish the sales and
27 use tax without an election.

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

3 Sec. 3842.205. SALES AND USE TAX RATE. (a) On adoption of
4 the tax authorized by this subchapter, there is imposed a tax at the
5 rate authorized by the district on the receipts from the sale at
6 retail of taxable items within the district, and an excise tax on
7 the use, storage, or other consumption within the district of
8 taxable items purchased, leased, or rented from a retailer within
9 the district during the period that the tax is in effect.

10 (b) The board shall determine the tax rate. The rate may not
11 exceed the rate authorized by the governing body of the City of
12 Nassau Bay.

13 (c) With the consent of the governing body of the City of
14 Nassau Bay, the board may reduce the tax rate to the extent the
15 reduction does not impair any outstanding debt or other obligations
16 payable from the tax.

17 (d) The rate of the excise tax is the same as the rate of the
18 sales tax portion of the tax and is applied to the sales price of the
19 taxable item.

20 [Sections 3842.206-3842.250 reserved for expansion]

21 SUBCHAPTER F. DISSOLUTION

22 Sec. 3842.251. DISSOLUTION OF DISTRICT WITH OUTSTANDING
23 DEBT. (a) The board may dissolve the district regardless of
24 whether the district has debt. Section 375.264, Local Government
25 Code, does not apply to the district.

26 (b) If the district has debt when it is dissolved, the
27 district shall remain in existence solely for the purpose of

1 discharging its debts. The dissolution is effective when all debts
2 have been discharged.

3 SECTION 3. BOUNDARIES. As of the effective date of this
4 Act, the NASA Area Management District includes all territory
5 contained in the following described area:

6 BEGINNING AT A POINT located at the intersection of the south
7 right-of-way line of NASA Parkway and the city limit of the City of
8 Nassau Bay, located in the City of Nassau Bay, Harris County, Texas;
9 THENCE, in a southeasterly direction approximately 3400 feet
10 following the city limit line between the City of Nassau Bay and the
11 City of Webster to the southwest corner of the Nassau Bay Homeowners
12 Association marina and yacht club property;

13 THENCE, in a northeasterly direction approximately 365 feet
14 following the southern property line of the Nassau Bay Homeowners
15 Association marina and yacht club to the eastern property line;

16 THENCE, in a northwesterly direction approximately 590 feet
17 following the eastern property line of the Nassau Bay Homeowners
18 Association marina and yacht club to the northern property line;

19 THENCE, in a westerly direction approximately 160 feet following
20 the northern property line of the Nassau Bay Homeowners Association
21 marina and yacht club to the western property line;

22 THENCE, in a generally southwesterly direction approximately 420
23 feet following the western property line of the Nassau Bay
24 Homeowners Association marina and yacht club to the city limit line
25 of the City of Nassau Bay;

26 THENCE, in a northwesterly direction for approximately 1550 feet to
27 the northwest corner of the Saxony Place Townhomes;

1 THENCE, in a northeasterly direction approximately 460 feet
2 following the northern property lines of the Saxony Place Townhomes
3 to the eastern right-of-way line of Nassau Bay Drive;
4 THENCE, in a northerly direction approximately 25 feet following
5 the eastern right-of-way line of Nassau Bay Drive to the southwest
6 corner of the Nassau Bay Baptist Church property;
7 THENCE, in an easterly direction approximately 410 feet following
8 the southern property line of the Nassau Bay Baptist Church to the
9 southeast corner of the property;
10 THENCE, in a northwesterly direction 500 feet along the eastern
11 property line of the Nassau Bay Baptist Church to the northwest
12 corner of Nassau Bay Section One;
13 THENCE, in a northeasterly direction approximately 765 feet
14 following the northern subdivision line of Nassau Bay Section One
15 to a point;
16 THENCE, in a southeasterly direction approximately 207 feet
17 following the subdivision line of Nassau Bay Section One to a point;
18 THENCE, in a northeasterly direction approximately 440 feet
19 following the subdivision line of Nassau Bay Section One to a point;
20 THENCE, in a northwesterly direction approximately 105 feet
21 following the subdivision line of Nassau Bay Section One to a point;
22 THENCE in a northeasterly direction approximately 440 feet
23 following the subdivision line of Nassau Bay Section One to the
24 western right-of-way of Point Lookout Drive;
25 THENCE, in a southeasterly direction approximately 1100 feet
26 following the western right-of-way of Point Lookout Drive to a
27 point;

1 THENCE, in a northeasterly direction approximately 60 feet to the
2 southwest corner of the St. Paul Catholic Church property;
3 THENCE, in a northeasterly direction approximately 385 feet
4 following the southern property line of the St. Paul Catholic
5 Church;
6 THENCE, in a northwesterly direction approximately 700 feet
7 following the eastern property line of the St. Paul Catholic
8 Church;
9 THENCE, in a southwesterly direction approximately 340 feet
10 following the northern property line of the St. Paul Catholic
11 Church to the eastern right-of-way of Point Lookout Drive;
12 THENCE, in a northwesterly direction approximately 335 feet to a
13 point;
14 THENCE, in a northeasterly direction approximately 985 feet
15 following the northern property lines of the Queens Court Townhomes
16 to the northeast corner of that subdivision;
17 THENCE, in a southeasterly direction approximately 320 feet
18 following the western property line of the Queens Court Townhomes
19 to the southeast corner of that subdivision;
20 THENCE, in a southwesterly direction approximately 350 feet
21 following the southern property line of the Queens Court Townhomes
22 to a point;
23 THENCE, in a southeasterly direction approximately 10 feet
24 following the property line of the Queens Court Townhomes to a
25 point;
26 THENCE, in a southwesterly direction approximately 165 feet
27 following the southern property line of the Queens Court Townhomes

1 to the western right-of-way line of Vinland Drive;
2 THENCE, in a southeasterly direction approximately 690 feet
3 following the east right-of-way line of Vinland Drive to the
4 southern right-of-way line of San Sebastian Lane;
5 THENCE, in a northeasterly direction approximately 330 feet
6 following the southern right-of-way line of San Sebastian Lane to
7 the western right-of-way line of Vinland Drive;
8 THENCE, in a southeasterly direction approximately 940 feet
9 following the western right-of-way line of Vinland Drive to the
10 southern right-of-way line of Martinique Drive;
11 THENCE, in a northeasterly direction approximately 500 feet along
12 the southern right-of-way line of Martinique Drive to the western
13 right-of-way line of Upper Bay Drive;
14 THENCE, in a southerly direction approximately 760 feet along the
15 western right-of-way line of Upper Bay Road to the northern
16 right-of-way line of Prince William Lane;
17 THENCE, in an easterly direction approximately 70 feet to the
18 easterly right-of-way line of Upper Bay Road;
19 THENCE, in a generally southerly and easterly direction
20 approximately 3350 feet following the property lines along the
21 western and southern shore of Nassau Bay to the City of Nassau Bay
22 property generally known as "the peninsula";
23 THENCE, in a southerly direction approximately 440 feet to the city
24 limit line of the City of Nassau Bay in the Clear Creek channel;
25 THENCE, in a northeasterly direction approximately 5300 feet
26 following the Clear Creek channel along the city limit line of the
27 City of Nassau Bay to a point in Clear Lake;

1 THENCE, in northwesterly direction approximately 2000 feet to the
2 southwestern corner of the Swan Lagoon subdivision along the
3 northern shoreline of Clear Lake;
4 THENCE, in a northwesterly direction approximately 230 feet along
5 the western boundary of the Swan Lagoon subdivision to the southern
6 right-of-way line of Surf Court;
7 THENCE, in a northwesterly direction approximately 1115 feet
8 following the southern and then eastern boundary line of Surf Court
9 to the northern property line of the Clippers Square subdivision;
10 THENCE in a northeasterly direction approximately 750 feet
11 following the northern property line of the Clipper's Square
12 subdivision to the eastern right-of-way line of Lagoon Drive;
13 THENCE, in a northerly direction approximately 485 feet along the
14 eastern right-of-way line of Lagoon Drive to the south right-of-way
15 line of NASA Parkway;
16 THENCE, in a northeasterly direction approximately 2230 feet
17 following the southern right-of-way line of NASA Parkway to the
18 western right-of-way line of Lakeside Lane;
19 THENCE, in a southeasterly direction approximately 400 feet along
20 the western right-of-way line of Lakeside Lane to a point;
21 THENCE, in a northeasterly direction approximately 405 feet along
22 the southern property line of the Hilton Hotel to the eastern
23 property boundary;
24 THENCE, in a generally northeasterly direction approximately 1150
25 feet following the property lines along the western shoreline of
26 Clear Lake to the city limits of the City of Nassau Bay;
27 THENCE, in a northwesterly direction approximately 330 feet

1 following the city limit line of the City of Nassau Bay to the
2 northern right-of-way line of NASA Parkway;
3 THENCE in a southwesterly direction approximately 9500 feet
4 following the northern right-of-way line of NASA Parkway to the
5 city limits of the City of Webster;
6 THENCE, in a southeasterly direction approximately 180 feet
7 following the city limits of the City of Webster to the southern
8 right-of-way line of NASA Parkway;
9 THENCE in a southwesterly direction approximately 750 feet
10 following the southern right-of-way line of NASA Parkway to the
11 POINT OF BEGINNING.

12 SECTION 4. ADDITIONAL LEGISLATIVE FINDINGS. The
13 legislature finds that:

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

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

26 (3) the general law relating to consent by political
27 subdivisions to the creation of districts with conservation,

1 reclamation, and road powers and the inclusion of land in those
2 districts has been complied with; and

3 (4) all requirements of the constitution and laws of
4 this state and the rules and procedures of the legislature with
5 respect to the notice, introduction, and passage of this Act have
6 been fulfilled and accomplished.

7 SECTION 5. EFFECTIVE DATE. This Act takes effect
8 immediately if it receives a vote of two-thirds of all the members
9 elected to each house, as provided by Section 39, Article III, Texas
10 Constitution. If this Act does not receive the vote necessary for
11 immediate effect, this Act takes effect September 1, 2007.