

By: Eiland

H.B. No. 4112

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Bolivar Yacht Basin Water Control and Improvement District No. 1 of Galveston County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9027 to read as follows:

CHAPTER 9027. BOLIVAR YACHT BASIN WATER CONTROL AND IMPROVEMENT

DISTRICT NO. 1 OF GALVESTON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9027.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Bolivar Yacht Basin Water Control and Improvement District No. 1 of Galveston County.

Sec. 9027.002. NATURE OF DISTRICT. The district is a water control and improvement district in Galveston County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 9027.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 9027.023 before September 1, 2011:

(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. 9027.004. 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 9027.005-9027.020 reserved for expansion]

22 SUBCHAPTER A-1. TEMPORARY PROVISIONS

23 Sec. 9027.021. 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 9027.023; or

9 (2) the date this chapter expires under Section
10 9027.003.

11 Sec. 9027.022. 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. 9027.023. CONFIRMATION AND INITIAL DIRECTORS'
21 ELECTION. The temporary directors shall hold an election to
22 confirm the creation of the district and to elect five directors as
23 provided by Section 49.102, Water Code.

24 Sec. 9027.024. INITIAL ELECTED DIRECTORS; TERMS. The
25 directors elected under Section 9027.023 shall draw lots to
26 determine which two shall serve until the first regularly scheduled
27 election of directors under Section 9027.052 and which three shall

1 serve until the second regularly scheduled election of directors.

2 Sec. 9027.025. EXPIRATION OF SUBCHAPTER. This subchapter
3 expires September 1, 2014.

4 [Sections 9027.026-9027.050 reserved for expansion]

5 SUBCHAPTER B. BOARD OF DIRECTORS

6 Sec. 9027.051. DIRECTORS; TERMS. (a) The district is
7 governed by a board of five directors.

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

9 Sec. 9027.052. ELECTION OF DIRECTORS. On the uniform
10 election date in May of each even-numbered year, the appropriate
11 number of directors shall be elected.

12 [Sections 9027.053-9027.100 reserved for expansion]

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 9027.101. WATER CONTROL AND IMPROVEMENT DISTRICT
15 POWERS AND DUTIES. The district has the powers and duties provided
16 by the general law of this state, including Chapters 49 and 51,
17 Water Code, applicable to water control and improvement districts
18 created under Section 59, Article XVI, Texas Constitution,
19 including the powers provided by Section 51.331, Water Code.

20 Sec. 9027.102. ROAD PROJECTS. (a) To the extent authorized
21 by Section 52, Article III, Texas Constitution, the district may
22 construct, acquire, improve, maintain, or operate macadamized,
23 graveled, or paved roads, or improvements in aid of those roads,
24 inside the district.

25 (b) A road project must meet or exceed all applicable
26 construction standards, zoning and subdivision requirements, and
27 regulatory ordinances of each municipality in whose corporate

1 limits or extraterritorial jurisdiction the district is located.
2 If the district is located outside the extraterritorial
3 jurisdiction of a municipality, a road project must meet or exceed
4 all applicable construction standards, zoning and subdivision
5 requirements, and regulatory ordinances of each county in which the
6 district is located.

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

14 Sec. 9027.103. NAVIGATION POWERS. The district may
15 purchase, construct, acquire, own, operate, maintain, improve, or
16 extend, inside and outside the district, canals, waterways,
17 bulkheads, docks, and any other improvements or facilities
18 necessary or convenient to accomplish the navigation purposes of
19 the district under Chapters 60 and 62, Water Code, as authorized by
20 Section 59, Article XVI, Texas Constitution.

21 Sec. 9027.104. DIVISION OF DISTRICT. (a) The district may
22 be divided into two or more new districts only if the district:

23 (1) has no outstanding bonded debt; and

24 (2) is not imposing ad valorem taxes.

25 (b) Any new district created by the division of the district
26 has all the powers and duties of the district.

27 (c) Any new district created by the division of the district

1 may not, at the time the new district is created, contain any land
2 outside the area described by Section 2 of the Act creating this
3 chapter.

4 (d) The board, on its own motion or on receipt of a petition
5 signed by the owners of a majority of the assessed value of real
6 property in the district according to the most recent certified
7 appraisal roll for Galveston County, may adopt an order dividing
8 the district.

9 (e) An order dividing the district shall:

- 10 (1) name each new district;
11 (2) include the metes and bounds of each new district;
12 (3) appoint temporary directors for each new district;

13 and

14 (4) provide for the division of assets and liabilities
15 among the new districts.

16 (f) On or before the 30th day after the date of adoption of
17 an order dividing the district, the district shall file the order
18 dividing the district with the Texas Commission on Environmental
19 Quality and record the order in the real property records of
20 Galveston County.

21 (g) Any new district created by the division of the district
22 shall hold a confirmation and directors' election as required by
23 Section 49.102, Water Code.

24 (h) Any new district created by the division of the district
25 must hold an election in the manner provided by Chapters 49 and 51,
26 Water Code, to obtain voter approval before the district may impose
27 a maintenance tax or issue bonds payable wholly or partly from ad

1 valorem taxes.

2 [Sections 9027.105-9027.150 reserved for expansion]

3 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

4 Sec. 9027.151. TAX TO REPAY BONDS. The district may impose
5 a tax to pay the principal of or interest on bonds issued under
6 Section 9027.201.

7 [Sections 9027.152-9027.200 reserved for expansion]

8 SUBCHAPTER E. BONDS

9 Sec. 9027.201. AUTHORITY TO ISSUE BONDS AND OTHER
10 OBLIGATIONS. (a) The district may issue bonds or other obligations
11 as provided by Chapters 49 and 51, Water Code, to finance the
12 construction, maintenance, or operation of projects under Sections
13 9027.101 and 9027.102.

14 (b) The district may not issue bonds to finance projects
15 authorized by Section 9027.102 unless the issuance is approved by a
16 vote of a two-thirds majority of district voters voting at an
17 election called for that purpose.

18 (c) Bonds or other obligations issued or incurred to finance
19 projects authorized by Section 9027.102 may not exceed one-fourth
20 of the assessed value of the real property in the district.

21 SECTION 2. The Bolivar Yacht Basin Water Control and
22 Improvement District No. 1 of Galveston County initially includes
23 all the territory contained in the following area:

24 Being various tracts in the A.Van Nordstrand Survey, Abstract 203,
25 Galveston County, Texas, as conveyed to Bolivar Vanguard under
26 County Clerk File Numbers (CCFN) 2006017606 ,2006017607,
27 2006017608, 2006033871 and 2006021529 of the Galveston County Deed

1 Records (G.C.D.R.), Galveston County, Texas and being 68.616 Acres
2 of the 71.172 Acre Tract Described in Divorce Decree and granted to
3 Shirley Marie Barrow, as recorded in Film Code No. 013-82-0583
4 (GCDR), a 61.185 Acre Tract 1, a 0.996 Acre Tract 2, a 53.487 Acre
5 Tract 3, a 14.186 Acre Tract 4 all previously conveyed to Michael
6 Roy Lange in (CCFN) 2000022957 (GCDR), a 1.767 Acre Tract 1, a 0.316
7 Acre Tract 3 and a 0.217 Acre Tract 4 out of the called 19.40 acre
8 tract previously conveyed to Edward Robin, et al as recorded in
9 Volume 2191, Page 540 (GCDR) and a 11.810 Acre Tract 2 as previously
10 conveyed to V.L. Properties, Inc in CCFN 2000060786 (GCDR), and
11 being more particularly described by metes and bounds as follows;

12 BEGINNING at a 1" I pipe found marking the Southwest corner of the
13 said 68.616 acre Barrow tract the Southeast corner of the said 0.996
14 Acre Tract 2 and the North line of State Highway no. 87;

15 THENCE S 54°15'39"W, at a distance of 542.05 feet passing the
16 Southwest corner of said Tract 2 and the most Southerly Southeast
17 corner of said 61.185 Acre Tract 1, for a total distance of 593.42
18 feet to the Southwest corner of said 61.185 Acre Tract 1, and the
19 Southeast corner of the said 53.487 Acre Tract 3 and a found angle
20 iron;

21 THENCE S 52°24'08"W, continuing along said State Highway No. 87, a
22 distance of 525.56 feet to the Southwest corner of said 53.487 Acre
23 Tract 3;

24 THENCE N31°43'27"W, a distance of 709.45 feet to the Southeast
25 corner of said 14.186 acre Tract 4;

26 THENCE S 58°16'33"W, a distance of 205.00 feet to a found 1" I pipe
27 marking the Southwest corner of said 14.186 Acre tract 4 in the East

1 line of Johnson Road;
2 THENCE N 31°13'57"W, along said Johnson Road and said Tract 4, a
3 distance of 3250.51 feet to a found 1/2" I Rod
4 THENCE N 58°16'33"E, a distance of 175.22 feet to the West line of
5 said 53.487 Acre Tract 3 and a 1/2" I rid
6 THENCE N 31°43'27"W, a distance of 467.25 to the South line of the
7 original 300' Intracoastal Canal Right-of-Way line;
8 THENCE N46°04'43"E, along the said 300 foot right-of-way line, at a
9 distance of 1153.63 feet to the Northeast corner of said 61.185 Acre
10 Tract 1;
11 THENCE S31°35'15"E, a distance of 99.86 fee to the Northwest corner
12 of the said 11.810 acre Tract 2;
13 THENCE N44°49' E, a distance of 168.99 feet to the Northeast corner
14 of said 11.810 acre Tract 2;
15 THENCE S 19°13'42" E, a distance of 114.94 Feet to a point for an
16 angle point;
17 THENCE N77°27'22" E, a distance of 6.76 Feet to a point for an angle
18 point;
19 THENCE S 01°53'55" W, a distance of 60.00 Feet to a point for an
20 angle point;
21 THENCE S 24°46'05" E, a distance of 86.00 Feet to a point for an
22 angle point;
23 THENCE S 63°01'05" E, a distance of 43.50 Feet to the Northwest
24 corner of the said 1.767 acre Tract 1;
25 THENCE N 76°42'55" E, a distance of 239.10 Feet to a point for an
26 angle point;
27 THENCE N 11°00'50" W, a distance of 55.55 Feet to a point for an

1 angle point;
2 THENCE N 83°59'55" E, a distance of 258.52 Feet to a point for the
3 northeast corner of the herein described tract, and being in the
4 West line of Yacht Basin Road West;
5 THENCE S 23°59'13"E, along Yacht Basin Road West, a distance of
6 136.65 feet to the Southeast corner of said 1.767 acre Tract 1 and
7 East line of said 11.810 Acre Tract 2;
8 THENCE S 23°03'06"E, continuing along Yacht Basin Road West, a
9 distance of 32.21 feet to the North corner of said 0.217 Acre Tract
10 4;
11 THENCE S 23°42'50"E, continuing along Yacht Basin Road West, a
12 distance of 46.72 feet to the North interior corner of said 0.217
13 Acre Tract 4;
14 THENCE N 66°13'55"E, along Yacht Basin Road West, a distance of
15 29.95 feet to the Northeast corner of said 0.217 Acre Tract 4 and
16 the Northwest corner of Ocean Resort Properties Tract recorded in
17 Film Code No. 016-49-1939 GCDR;
18 THENCE S 23°46'24"E, a distance of 247.43 feet to the East line of
19 said 11.810 Acre Tract 2;
20 THENCE N 71°21'37"E, a distance of 347.37 feet to the Northeast
21 corner of the said 68.616 Acre Barrow Tract;
22 THENCE S 31°38'37"E, a distance of 3288.83 feet to the Northeast
23 corner of Bolivar Peninsula Special Utility District Tract recorded
24 in 2005076665 GCDR;
25 THENCE S 54°09'06"W, a distance of 150.00 feet;
26 THENCE S 31°38'37"E, a distance of 200.00 feet to the Southwest
27 corner of the said BPSUD Tract and the Southeast corner of the said

1 68.616 acre Barrow Tract and being in the North line of said State
2 highway No. 87;

3 THENCE S 54'08'09"W, along said State Highway no. 87, a distance of
4 766.32 feet to the PLACE OF BEGINNING and containing 212.58 acres
5 part of which are submerged.

6 Bearings are State Plane Grid Bearings, Texas South Central Zone,
7 NAD 83 Adj.

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

15 (b) The governor, one of the required recipients, has
16 submitted the notice and Act to the Texas Commission on
17 Environmental Quality.

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

22 (d) All requirements of the constitution and laws of this
23 state and the rules and procedures of the legislature with respect
24 to the notice, introduction, and passage of this Act are fulfilled
25 and accomplished.

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