

1-1 By: Eiland (Senate Sponsor - Hegar) H.B. No. 4112
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 11, 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 Bolivar Yacht Basin Water Control
1-9 and Improvement District No. 1 of Galveston County; providing
1-10 authority to impose a tax and issue bonds; granting the power of
1-11 eminent 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 9027 to read as follows:

1-15 CHAPTER 9027. BOLIVAR YACHT BASIN WATER CONTROL AND IMPROVEMENT

1-16 DISTRICT NO. 1 OF GALVESTON COUNTY

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 9027.001. 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 Bolivar Yacht Basin Water
1-22 Control and Improvement District No. 1 of Galveston County.

1-23 Sec. 9027.002. 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. 9027.003. CONFIRMATION ELECTION REQUIRED. If the
1-28 creation of the district is not confirmed at a confirmation
1-29 election held under Section 9027.023 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. 9027.004. 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 9027.005-9027.020 reserved for expansion]

1-52 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-53 Sec. 9027.021. 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 9027.023; or
 2-2 (2) the date this chapter expires under Section
 2-3 9027.003.

2-4 Sec. 9027.022. 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. 9027.023. CONFIRMATION AND INITIAL DIRECTORS'
 2-14 ELECTION. The temporary directors shall hold an election to
 2-15 confirm the creation of the district and to elect five directors as
 2-16 provided by Section 49.102, Water Code.

2-17 Sec. 9027.024. INITIAL ELECTED DIRECTORS; TERMS. The
 2-18 directors elected under Section 9027.023 shall draw lots to
 2-19 determine which two shall serve until the first regularly scheduled
 2-20 election of directors under Section 9027.052 and which three shall
 2-21 serve until the second regularly scheduled election of directors.

2-22 Sec. 9027.025. EXPIRATION OF SUBCHAPTER. This subchapter
 2-23 expires September 1, 2014.

2-24 [Sections 9027.026-9027.050 reserved for expansion]

2-25 SUBCHAPTER B. BOARD OF DIRECTORS

2-26 Sec. 9027.051. DIRECTORS; TERMS. (a) The district is
 2-27 governed by a board of five directors.

2-28 (b) Directors serve staggered four-year terms.

2-29 Sec. 9027.052. ELECTION OF DIRECTORS. On the uniform
 2-30 election date in May of each even-numbered year, the appropriate
 2-31 number of directors shall be elected.

2-32 [Sections 9027.053-9027.100 reserved for expansion]

2-33 SUBCHAPTER C. POWERS AND DUTIES

2-34 Sec. 9027.101. WATER CONTROL AND IMPROVEMENT DISTRICT
 2-35 POWERS AND DUTIES. The district has the powers and duties provided
 2-36 by the general law of this state, including Chapters 49 and 51,
 2-37 Water Code, applicable to water control and improvement districts
 2-38 created under Section 59, Article XVI, Texas Constitution,
 2-39 including the powers provided by Section 51.331, Water Code.

2-40 Sec. 9027.102. ROAD PROJECTS. (a) To the extent authorized
 2-41 by Section 52, Article III, Texas Constitution, the district may
 2-42 construct, acquire, improve, maintain, or operate macadamized,
 2-43 graveled, or paved roads, or improvements in aid of those roads,
 2-44 inside the district.

2-45 (b) A road project must meet or exceed all applicable
 2-46 construction standards, zoning and subdivision requirements, and
 2-47 regulatory ordinances of each municipality in whose corporate
 2-48 limits or extraterritorial jurisdiction the district is located.
 2-49 If the district is located outside the extraterritorial
 2-50 jurisdiction of a municipality, a road project must meet or exceed
 2-51 all applicable construction standards, zoning and subdivision
 2-52 requirements, and regulatory ordinances of each county in which the
 2-53 district is located.

2-54 (c) The district may not undertake a road project unless
 2-55 each municipality in whose corporate limits or extraterritorial
 2-56 jurisdiction the district is located consents by ordinance or
 2-57 resolution. If a district is located outside the extraterritorial
 2-58 jurisdiction of a municipality, the district may not undertake a
 2-59 road project unless each county in which the district is located
 2-60 consents by ordinance or resolution.

2-61 Sec. 9027.103. NAVIGATION POWERS. The district may
 2-62 purchase, construct, acquire, own, operate, maintain, improve, or
 2-63 extend, inside and outside the district, canals, waterways,
 2-64 bulkheads, docks, and any other improvements or facilities
 2-65 necessary or convenient to accomplish the navigation purposes of
 2-66 the district under Chapters 60 and 62, Water Code, as authorized by
 2-67 Section 59, Article XVI, Texas Constitution.

2-68 Sec. 9027.104. DIVISION OF DISTRICT. (a) The district may
 2-69 be divided into two or more new districts only if the district:

3-1 (1) has no outstanding bonded debt; and
3-2 (2) is not imposing ad valorem taxes.

3-3 (b) Any new district created by the division of the district
3-4 has all the powers and duties of the district.

3-5 (c) Any new district created by the division of the district
3-6 may not, at the time the new district is created, contain any land
3-7 outside the area described by Section 2 of the Act creating this
3-8 chapter.

3-9 (d) The board, on its own motion or on receipt of a petition
3-10 signed by the owners of a majority of the assessed value of real
3-11 property in the district according to the most recent certified
3-12 appraisal roll for Galveston County, may adopt an order dividing
3-13 the district.

3-14 (e) An order dividing the district shall:
3-15 (1) name each new district;
3-16 (2) include the metes and bounds of each new district;
3-17 (3) appoint temporary directors for each new district;

3-18 and
3-19 (4) provide for the division of assets and liabilities
3-20 among the new districts.

3-21 (f) On or before the 30th day after the date of adoption of
3-22 an order dividing the district, the district shall file the order
3-23 dividing the district with the Texas Commission on Environmental
3-24 Quality and record the order in the real property records of
3-25 Galveston County.

3-26 (g) Any new district created by the division of the district
3-27 shall hold a confirmation and directors' election as required by
3-28 Section 49.102, Water Code.

3-29 (h) Any new district created by the division of the district
3-30 must hold an election in the manner provided by Chapters 49 and 51,
3-31 Water Code, to obtain voter approval before the district may impose
3-32 a maintenance tax or issue bonds payable wholly or partly from ad
3-33 valorem taxes.

3-34 [Sections 9027.105-9027.150 reserved for expansion]

3-35 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-36 Sec. 9027.151. TAX TO REPAY BONDS. The district may impose
3-37 a tax to pay the principal of or interest on bonds issued under
3-38 Section 9027.201.

3-39 [Sections 9027.152-9027.200 reserved for expansion]

3-40 SUBCHAPTER E. BONDS

3-41 Sec. 9027.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-42 OBLIGATIONS. (a) The district may issue bonds or other obligations
3-43 as provided by Chapters 49 and 51, Water Code, to finance the
3-44 construction, maintenance, or operation of projects under Sections
3-45 9027.101 and 9027.102.

3-46 (b) The district may not issue bonds to finance projects
3-47 authorized by Section 9027.102 unless the issuance is approved by a
3-48 vote of a two-thirds majority of district voters voting at an
3-49 election called for that purpose.

3-50 (c) Bonds or other obligations issued or incurred to finance
3-51 projects authorized by Section 9027.102 may not exceed one-fourth
3-52 of the assessed value of the real property in the district.

3-53 SECTION 2. The Bolivar Yacht Basin Water Control and
3-54 Improvement District No. 1 of Galveston County initially includes
3-55 all the territory contained in the following area:

3-56 Being various tracts in the A.Van Nordstrand Survey, Abstract 203,
3-57 Galveston County, Texas, as conveyed to Bolivar Vanguard under
3-58 County Clerk File Numbers (CCFN) 2006017606 ,2006017607,
3-59 2006017608, 2006033871 and 2006021529 of the Galveston County Deed
3-60 Records (G.C.D.R.), Galveston County, Texas and being 68.616 Acres
3-61 of the 71.172 Acre Tract Described in Divorce Decree and granted to
3-62 Shirley Marie Barrow, as recorded in Film Code No. 013-82-0583
3-63 (GCDR), a 61.185 Acre Tract 1, a 0.996 Acre Tract 2, a 53.487 Acre
3-64 Tract 3, a 14.186 Acre Tract 4 all previously conveyed to Michael
3-65 Roy Lange in (CCFN) 2000022957 (GCDR), a 1.767 Acre Tract 1, a 0.316
3-66 Acre Tract 3 and a 0.217 Acre Tract 4 out of the called 19.40 acre
3-67 tract previously conveyed to Edward Robin, et al as recorded in
3-68 Volume 2191, Page 540 (GCDR) and a 11.810 Acre Tract 2 as previously
3-69 conveyed to V.L. Properties, Inc in CCFN 2000060786 (GCDR), and

4-1 being more particularly described by metes and bounds as follows;
 4-2 BEGINNING at a 1" I pipe found marking the Southwest corner of the
 4-3 said 68.616 acre Barrow tract the Southeast corner of the said 0.996
 4-4 Acre Tract 2 and the North line of State Highway no. 87;
 4-5 THENCE S 54°15'39"W, at a distance of 542.05 feet passing the
 4-6 Southwest corner of said Tract 2 and the most Southerly Southeast
 4-7 corner of said 61.185 Acre Tract 1, for a total distance of 593.42
 4-8 feet to the Southwest corner of said 61.185 Acre Tract 1, and the
 4-9 Southeast corner of the said 53.487 Acre Tract 3 and a found angle
 4-10 iron;
 4-11 THENCE S 52°24'08"W, continuing along said State Highway No. 87, a
 4-12 distance of 525.56 feet to the Southwest corner of said 53.487 Acre
 4-13 Tract 3;
 4-14 THENCE N31°43'27"W, a distance of 709.45 feet to the Southeast
 4-15 corner of said 14.186 acre Tract 4;
 4-16 THENCE S 58°16'33"W, a distance of 205.00 feet to a found 1" I pipe
 4-17 marking the Southwest corner of said 14.186 Acre tract 4 in the East
 4-18 line of Johnson Road;
 4-19 THENCE N 31°13'57"W, along said Johnson Road and said Tract 4, a
 4-20 distance of 3250.51 feet to a found 1/2" I Rod
 4-21 THENCE N 58°16'33"E, a distance of 175.22 feet to the West line of
 4-22 said 53.487 Acre Tract 3 and a 1/2" I rid
 4-23 THENCE N 31°43'27"W, a distance of 467.25 to the South line of the
 4-24 original 300' Intracoastal Canal Right-of-Way line;
 4-25 THENCE N46°04'43"E, along the said 300 foot right-of-way line, at a
 4-26 distance of 1153.63 feet to the Northeast corner of said 61.185 Acre
 4-27 Tract 1;
 4-28 THENCE S31°35'15"E, a distance of 99.86 fee to the Northwest corner
 4-29 of the said 11.810 acre Tract 2;
 4-30 THENCE N44°49' E, a distance of 168.99 feet to the Northeast corner
 4-31 of said 11.810 acre Tract 2;
 4-32 THENCE S 19°13'42" E, a distance of 114.94 Feet to a point for an
 4-33 angle point;
 4-34 THENCE N77°27'22" E, a distance of 6.76 Feet to a point for an angle
 4-35 point;
 4-36 THENCE S 01°53'55" W, a distance of 60.00 Feet to a point for an
 4-37 angle point;
 4-38 THENCE S 24°46'05" E, a distance of 86.00 Feet to a point for an
 4-39 angle point;
 4-40 THENCE S 63°01'05" E, a distance of 43.50 Feet to the Northwest
 4-41 corner of the said 1.767 acre Tract 1;
 4-42 THENCE N 76°42'55" E, a distance of 239.10 Feet to a point for an
 4-43 angle point;
 4-44 THENCE N 11°00'50" W, a distance of 55.55 Feet to a point for an
 4-45 angle point;
 4-46 THENCE N 83°59'55" E, a distance of 258.52 Feet to a point for the
 4-47 northeast corner of the herein described tract, and being in the
 4-48 West line of Yacht Basin Road West;
 4-49 THENCE S 23°59'13"E, along Yacht Basin Road West, a distance of
 4-50 136.65 feet to the Southeast corner of said 1.767 acre Tract 1 and
 4-51 East line of said 11.810 Acre Tract 2;
 4-52 THENCE S 23°03'06"E, continuing along Yacht Basin Road West, a
 4-53 distance of 32.21 feet to the North corner of said 0.217 Acre Tract
 4-54 4;
 4-55 THENCE S 23°42'50"E, continuing along Yacht Basin Road West, a
 4-56 distance of 46.72 feet to the North interior corner of said 0.217
 4-57 Acre Tract 4;
 4-58 THENCE N 66°13'55"E, along Yacht Basin Road West, a distance of
 4-59 29.95 feet to the Northeast corner of said 0.217 Acre Tract 4 and
 4-60 the Northwest corner of Ocean Resort Properties Tract recorded in
 4-61 Film Code No. 016-49-1939 GCDR;
 4-62 THENCE S 23°46'24"E, a distance of 247.43 feet to the East line of
 4-63 said 11.810 Acre Tract 2;
 4-64 THENCE N 71°21'37"E, a distance of 347.37 feet to the Northeast
 4-65 corner of the said 68.616 Acre Barrow Tract;
 4-66 THENCE S 31°38'37"E, a distance of 3288.83 feet to the Northeast
 4-67 corner of Bolivar Peninsula Special Utility District Tract recorded
 4-68 in 2005076665 GCDR;
 4-69 THENCE S 54°09'06"W, a distance of 150.00 feet;

5-1 THENCE S 31°38'37"E, a distance of 200.00 feet to the Southwest
5-2 corner of the said BPSUD Tract and the Southeast corner of the said
5-3 68.616 acre Barrow Tract and being in the North line of said State
5-4 highway No. 87;

5-5 THENCE S 54'08'09"W, along said State Highway no. 87, a distance of
5-6 766.32 feet to the PLACE OF BEGINNING and containing 212.58 acres
5-7 part of which are submerged.

5-8 Bearings are State Plane Grid Bearings, Texas South Central Zone,
5-9 NAD 83 Adj.

5-10 SECTION 3. (a) The legal notice of the intention to
5-11 introduce this Act, setting forth the general substance of this
5-12 Act, has been published as provided by law, and the notice and a
5-13 copy of this Act have been furnished to all persons, agencies,
5-14 officials, or entities to which they are required to be furnished
5-15 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-16 Government Code.

5-17 (b) The governor, one of the required recipients, has
5-18 submitted the notice and Act to the Texas Commission on
5-19 Environmental Quality.

5-20 (c) The Texas Commission on Environmental Quality has filed
5-21 its recommendations relating to this Act with the governor, the
5-22 lieutenant governor, and the speaker of the house of
5-23 representatives within the required time.

5-24 (d) All requirements of the constitution and laws of this
5-25 state and the rules and procedures of the legislature with respect
5-26 to the notice, introduction, and passage of this Act are fulfilled
5-27 and accomplished.

5-28 SECTION 4. This Act takes effect September 1, 2007.

5-29 * * * * *