

By: Janek

S.B. No. 1071

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Cade Ranch 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 9009 to read as follows:

CHAPTER 9009. CADE RANCH WATER CONTROL AND IMPROVEMENT DISTRICT

NO. 1 OF GALVESTON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9009.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a member of the board.

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

Sec. 9009.002. 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. 9009.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 9009.024 before September 1, 2011:

1 (1) the district is dissolved September 1, 2011,
2 except that:

3 (A) any debts incurred shall be paid;

4 (B) any assets that remain after the payment of
5 debts shall be transferred to Galveston County; and

6 (C) the organization of the district shall be
7 maintained until all debts are paid and remaining assets are
8 transferred; and

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

10 Sec. 9009.004. INITIAL DISTRICT TERRITORY. (a) The
11 district is initially composed of the territory described by
12 Section 2 of the Act creating this chapter.

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

17 (1) the organization, existence, or validity of the
18 district;

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

20 (3) the validity of the district's bonds, notes, or
21 indebtedness; or

22 (4) the legality or operation of the district or the
23 board.

24 [Sections 9009.005-9009.020 reserved for expansion]

25 SUBCHAPTER A1. TEMPORARY PROVISIONS

26 Sec. 9009.021. TEMPORARY DIRECTORS. (a) On or after
27 September 1, 2007, a person who owns land in the district may submit

1 a petition to the Texas Commission on Environmental Quality
2 requesting that the commission appoint as temporary directors the
3 five persons named in the petition.

4 (b) The Texas Commission on Environmental Quality shall
5 appoint as temporary directors the five persons named in the first
6 petition received by the commission under Subsection (a).

7 (c) If a temporary director fails to qualify for office, the
8 Texas Commission on Environmental Quality shall appoint a person to
9 fill the vacancy.

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

11 (1) the date directors are elected under Section
12 9009.024; or

13 (2) the date this chapter expires under Section
14 9009.003.

15 Sec. 9009.022. ORGANIZATIONAL MEETING OF TEMPORARY
16 DIRECTORS. As soon as practicable after all the temporary
17 directors have qualified under Section 49.055, Water Code, the
18 temporary directors shall meet at a location in the district
19 agreeable to a majority of the directors. If a location cannot be
20 agreed upon, the meeting shall be at the Galveston County
21 Courthouse. At the meeting, the temporary directors shall elect
22 officers from among the temporary directors and conduct any other
23 district business.

24 Sec. 9009.023. CONSENT OF MUNICIPALITY REQUIRED. The
25 temporary directors may not hold an election under Section 9009.024
26 until each municipality in whose corporate limits or
27 extraterritorial jurisdiction the district is located, if any, has

1 adopted a resolution consenting to the creation of the district.

2 Sec. 9009.024. CONFIRMATION AND INITIAL DIRECTORS'
3 ELECTION. The temporary directors shall hold an election to
4 confirm the creation of the district and to elect five directors as
5 provided by Section 49.102, Water Code.

6 Sec. 9009.025. INITIAL ELECTED DIRECTORS; TERMS. The
7 directors elected under Section 9009.024 shall draw lots to
8 determine which two shall serve until the first regularly scheduled
9 election of directors under Section 9009.052 and which three shall
10 serve until the second regularly scheduled election of directors.

11 Sec. 9009.026. EXPIRATION OF SUBCHAPTER. This subchapter
12 expires September 1, 2014.

13 [Sections 9009.027-9009.050 reserved for expansion]

14 SUBCHAPTER B. BOARD OF DIRECTORS

15 Sec. 9009.051. DIRECTORS; TERMS. (a) The district is
16 governed by a board of five directors.

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

18 Sec. 9009.052. ELECTION OF DIRECTORS. On the uniform
19 election date in May of each even-numbered year, the appropriate
20 number of directors shall be elected.

21 [Sections 9009.053-9009.100 reserved for expansion]

22 SUBCHAPTER C. POWERS AND DUTIES

23 Sec. 9009.101. WATER CONTROL AND IMPROVEMENT DISTRICT
24 POWERS AND DUTIES. The district has the powers and duties provided
25 by the general law of this state, including Chapters 49 and 51,
26 Water Code, applicable to water control and improvement districts
27 created under Section 59, Article XVI, Texas Constitution,

1 including Section 51.331, Water Code.

2 Sec. 9009.102. ROAD PROJECTS. (a) To the extent
3 authorized by Section 52, Article III, Texas Constitution, the
4 district may construct, acquire, improve, maintain, or operate
5 macadamized, graveled, or paved roads or turnpikes, or improvements
6 in aid of those roads or turnpikes, inside the district.

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

16 (c) The district may not undertake a road project unless
17 each municipality in whose corporate limits or extraterritorial
18 jurisdiction the district is located consents by ordinance or
19 resolution. If the district is located outside the
20 extraterritorial jurisdiction of a municipality, the district may
21 not undertake a road project unless each county in which the
22 district is located consents by ordinance or resolution.

23 Sec. 9009.103. DIVISION OF THE DISTRICT. (a) The district
24 may be divided into two new districts only if the district:

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

27 (b) The division procedure prescribed in Sections

1 53.030-53.041, Water Code, applies to the district.
2 Notwithstanding Section 9009.101, Sections 51.748-51.753, Water
3 Code, do not apply to the district.

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

6 (d) At the time of creation, any new district created by the
7 division of the district may not contain any land outside the area
8 described by Section 2 of the Act creating this chapter.

9 Sec. 9009.104. DISSOLUTION OF DISTRICT. Notwithstanding
10 Section 43.071, Local Government Code, or any other general law,
11 prior to December 31, 2017, the district may be dissolved only upon
12 approval of the board of directors of the district and the approval
13 of the governing body of each city or town within whose corporate
14 limits or extraterritorial jurisdiction the district lies.

15 [Sections 9009.105-9009.150 reserved for expansion]

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 9009.151. TAX TO REPAY BONDS. The district may impose
18 a tax to pay the principal of or interest on bonds issued under
19 Section 9009.201.

20 [Sections 9009.152-9009.200 reserved for expansion]

21 SUBCHAPTER E. BONDS

22 Sec. 9009.201. AUTHORITY TO ISSUE BONDS AND OTHER
23 OBLIGATIONS. (a) The district may issue bonds or other
24 obligations as provided by Chapters 49 and 51, Water Code, to
25 finance the construction, maintenance, or operation of projects
26 under Sections 9009.101 and 9009.102.

27 (b) The district may not issue bonds to finance projects

1 authorized by Section 9009.102 unless the issuance is approved by a
2 vote of a two-thirds majority of the voters of the district voting
3 at an election called for that purpose.

4 (c) Bonds or other obligations issued or incurred to finance
5 projects authorized by Section 9009.102 may not exceed one-fourth
6 of the assessed value of the real property in the district.

7 SECTION 2. Cade Ranch Water Control and Improvement
8 District No. 1 of Galveston County initially includes all the
9 territory contained in the following area:

10 Survey of part of the John Andrews Survey A-23, German Emigration
11 Company Survey A-74, German Emigration Company Survey A-73, Frank
12 Passano Survey A-166, Frank Passano A-165, Alexander Edgar Survey
13 A-61, Elias Stone Survey A-188, Alexander Edgar A-62, and being
14 more particularly described by metes and bounds as follows:

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

18 THENCE N 25°53'29"W, along the common Dunman and Edgar lines, at a
19 distance of 497.43 feet passing a found 1" I pipe marking the
20 Northerly line of State Highway No. 87, for a total distance of
21 7115.23 feet to a found 3" I pipe marking the Northwest corner of
22 the said Alexander Edgar Survey A-61 and the Southwest corner of the
23 B.T. Masterson Survey;

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

1 THENCE S 25°53'34" E, along the common Edgar line, a distance of
2 5598.47 feet to a found 2" I pipe marking the Southwest corner of
3 the Northwest 240 acres of the said Alexander Edgar Survey A-62;
4 THENCE N 64°06'53" E, a distance of 1866.37 feet (Called 1866.67')
5 to the West line of the Frank Passano A-166;
6 THENCE N 25°52'59" W, along the common Edgar and Passano line, a
7 distance of 5592.68 feet to a found 3/4" I rod marking the Northeast
8 corner of the Alexander Edgar Survey A-61;
9 THENCE S 64°36'30" W, a distance of 699.92 feet to a found 3"
10 concrete monument marking the Southeast corner of the said
11 Masterson Survey:
12 THENCE N 25°52'57" W, along the common Masterson and Passano line, a
13 distance of 2308.47 feet to a found 3" concrete monument marking the
14 Northwest corner of the said Frank Passano A-166 and the Southwest
15 corner of SF 7139;
16 THENCE N 58°50'51" E, along the common Passano and SF 7139 line, a
17 distance of 920.83 feet:
18 THENCE N 30°05'51" E, a distance of 1952.99 feet to the West line of
19 the German Emigration Survey A-73;
20 THENCE N 25°53'32" W, along the said German Emigration Survey A-73
21 West line, a distance of 485.91 feet to its Northwest corner and the
22 South corner of the Frank Passano A-165 and a found 1/2" I rod in
23 concrete:
24 THENCE N 72°08'42" W, along the Passano West line and the East line
25 of SF 7139 and USA tract S 105 A-667, a distance of 1116.67 feet;
26 THENCE N 02°53'42" W, a distance of 825.0 feet;
27 THENCE N 67°06'18" E, along the Passano North line, a distance of

1 3111.11 feet;
2 THENCE N 77°29'31" E, along the Passano North line, a distance of
3 2355.14 feet to the Northwest corner of the Issac Lowrie Survey and
4 the Northeast corner of the Passano Survey in the middle of a bayou;
5 THENCE crossing said bayou, S 25°53'32" E, a distance of 866.41 feet
6 to the Northeast corner of German Emigration Survey A-74 in the said
7 bayou:
8 THENCE continuing S 25°53'32" E, a distance of 1145.79 feet to the
9 Northwest corner of the John Andrews Survey A-23 and the Southwest
10 corner of the said Issac Lowie Survey:
11 THENCE N 64°33'48" E, along the North line of the John Andrews Survey
12 and the Elias Stone Survey and the South line of the said Issac
13 Lowie Survey, at a distance of 160 feet crossing a bayou, at a
14 distance of 3810 feet crossing a bayou, at a distance of 7735 feet
15 crossing a bayou, a total distance of 8231.94 feet to a found 5/8 " I
16 rod marking the Northeast corner of the remainder portion of the
17 Stone Survey and from which a found "Yount Lee Monument" marking the
18 Northeast corner of the Nicholas Fitzsimmons Survey was found N
19 64°33'48" E a distance of 4504.42 feet and a 5/8" I rod marking the
20 Northwest corner of the Fitzsimmons and the Northeast corner of the
21 Stone was found N 64°33'48" E a distance of 1864.08 feet:
22 THENCE S 25°53'32" E, at a distance of 3095.57 feet passing the
23 interior East corner of the said Stone and the Northwest corner of
24 the Wm Hudson Survey, at a distance of 9459.95 passing a found 2" I
25 pipe marking the intersection of the common line of the Stone and
26 Hudson Survey and the Northerly line of State Highway No. 87, for a
27 total distance of 9899.00 feet to the Mean High Water line of the

1 Gulf of Mexico:
2 THENCE along the said Mean High Water line, the following courses
3 (L-1) S 64°02'42" W, a distance of 575.22 feet:
4 (L-2) S 63°50'42" W, a distance of 494.89 feet:
5 (L-3) S 63°16'31" W, a distance of 499.98 feet:
6 (L-4) S 65°12'08" W, a distance of 528.51 feet:
7 (L-5) S 63°57'11" W, a distance of 521.49 feet:
8 (L-6) S 63°54'27" W, a distance of 548.00 feet:
9 (L-7) S 62°45'33" W, a distance of 553.19 feet to the Southwest
10 corner of the Stone Survey and the Southeast corner of the George
11 Hodge Survey:
12 THENCE N 25°56'15" W, along the common Stone and Hodge line, at a
13 distance of 371.93 feet passing a found brass rod in concrete in the
14 Southerly Right-of-way line of State Highway No. 87, a total
15 distance of 6675.46 feet to a found ½" I rod in concrete marking the
16 Northeast corner of the said Hodge Survey:
17 THENCE S 64°33'45" W , along the common Stone and Hodge line, a
18 distance of 1866.67 feet to the Northwest corner of the said Hodge
19 Survey in the East line of the said Andrew Survey:
20 THENCE S 25°56'15" E, along the common Hodge and Andrews line, at a
21 distance of 6316.73 feet passing a found ½" I rod in the Northerly
22 line of State Highway No. 87, a total distance of 6602.64 feet to
23 the said Mean High Water line of the Gulf of Mexico:
24 THENCE along the said Mean High Water line, the following courses,
25 (L-8) S 64°55'34" W, a distance of 226.88 feet:
26 (L-9) S 64°08'47" W, a distance of 604.26 feet:
27 (L-10) S 64°50'25" W, a distance of 441.59 feet:

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

26 SECTION 3. (a) The legal notice of the intention to
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a
2 copy of this Act have been furnished to all persons, agencies,
3 officials, or entities to which they are required to be furnished
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5 Government Code.

6 (b) The governor, one of the required recipients, has
7 submitted the notice and Act to the Texas Commission on
8 Environmental Quality.

9 (c) The Texas Commission on Environmental Quality has filed
10 its recommendations relating to this Act with the governor, the
11 lieutenant governor, and the speaker of the house of
12 representatives within the required time.

13 (d) All requirements of the constitution and laws of this
14 state and the rules and procedures of the legislature with respect
15 to the notice, introduction, and passage of this Act are fulfilled
16 and accomplished.

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