

1-1 By: Janek S.B. No. 1071
1-2 (In the Senate - Filed March 2, 2007; March 14, 2007, read
1-3 first time and referred to Committee on Natural Resources;
1-4 May 3, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; May 3, 2007, sent
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1071 By: Averitt

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of Cade Ranch Water Control and
1-11 Improvement District No. 1 of Galveston County; providing authority
1-12 to impose a tax and issue bonds; granting the power of eminent
1-13 domain.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subtitle I, Title 6, Special District Local Laws
1-16 Code, is amended by adding Chapter 9009 to read as follows:

1-17 CHAPTER 9009. CADE RANCH WATER CONTROL AND IMPROVEMENT DISTRICT
1-18 NO. 1 OF GALVESTON COUNTY

1-19 SUBCHAPTER A. GENERAL PROVISIONS

1-20 Sec. 9009.001. DEFINITIONS. In this chapter:

1-21 (1) "Board" means the board of directors of the
1-22 district.

1-23 (2) "Director" means a member of the board.

1-24 (3) "District" means Cade Ranch Water Control and
1-25 Improvement District No. 1 of Galveston County.

1-26 Sec. 9009.002. NATURE OF DISTRICT. The district is a water
1-27 control and improvement district in Galveston County created under
1-28 and essential to accomplish the purposes of Section 59, Article
1-29 XVI, Texas Constitution.

1-30 Sec. 9009.003. CONFIRMATION ELECTION REQUIRED. If the
1-31 creation of the district is not confirmed at a confirmation
1-32 election held under Section 9009.024 before September 1, 2011:

1-33 (1) the district is dissolved September 1, 2011,
1-34 except that:

1-35 (A) any debts incurred shall be paid;

1-36 (B) any assets that remain after the payment of
1-37 debts shall be transferred to Galveston County; and

1-38 (C) the organization of the district shall be
1-39 maintained until all debts are paid and remaining assets are
1-40 transferred; and

1-41 (2) this chapter expires September 1, 2014.

1-42 Sec. 9009.004. INITIAL DISTRICT TERRITORY. (a) The
1-43 district is initially composed of the territory described by
1-44 Section 2 of the Act creating this chapter.

1-45 (b) The boundaries and field notes contained in Section 2 of
1-46 the Act creating this chapter form a closure. A mistake made in the
1-47 field notes or in copying the field notes in the legislative process
1-48 does not affect:

1-49 (1) the organization, existence, or validity of the
1-50 district;

1-51 (2) the right of the district to impose taxes;

1-52 (3) the validity of the district's bonds, notes, or
1-53 indebtedness; or

1-54 (4) the legality or operation of the district or the
1-55 board.

1-56 [Sections 9009.005-9009.020 reserved for expansion]

1-57 SUBCHAPTER A1. TEMPORARY PROVISIONS

1-58 Sec. 9009.021. TEMPORARY DIRECTORS. (a) On or after
1-59 September 1, 2007, a person who owns land in the district may submit
1-60 a petition to the Texas Commission on Environmental Quality
1-61 requesting that the commission appoint as temporary directors the
1-62 five persons named in the petition.

1-63 (b) The Texas Commission on Environmental Quality shall

2-1 appoint as temporary directors the five persons named in the first
2-2 petition received by the commission under Subsection (a).

2-3 (c) If a temporary director fails to qualify for office, the
2-4 Texas Commission on Environmental Quality shall appoint a person to
2-5 fill the vacancy.

2-6 (d) Temporary directors serve until the earlier of:
2-7 (1) the date directors are elected under Section
2-8 9009.024; or

2-9 (2) the date this chapter expires under Section
2-10 9009.003.

2-11 Sec. 9009.022. ORGANIZATIONAL MEETING OF TEMPORARY
2-12 DIRECTORS. As soon as practicable after all the temporary
2-13 directors have qualified under Section 49.055, Water Code, the
2-14 temporary directors shall meet at a location in the district
2-15 agreeable to a majority of the directors. If a location cannot be
2-16 agreed upon, the meeting shall be at the Galveston County
2-17 Courthouse. At the meeting, the temporary directors shall elect
2-18 officers from among the temporary directors and conduct any other
2-19 district business.

2-20 Sec. 9009.023. CONSENT OF MUNICIPALITY REQUIRED. The
2-21 temporary directors may not hold an election under Section 9009.024
2-22 until each municipality in whose corporate limits or
2-23 extraterritorial jurisdiction the district is located, if any, has
2-24 adopted a resolution consenting to the creation of the district.

2-25 Sec. 9009.024. CONFIRMATION AND INITIAL DIRECTORS'
2-26 ELECTION. The temporary directors shall hold an election to
2-27 confirm the creation of the district and to elect five directors as
2-28 provided by Section 49.102, Water Code.

2-29 Sec. 9009.025. INITIAL ELECTED DIRECTORS; TERMS. The
2-30 directors elected under Section 9009.024 shall draw lots to
2-31 determine which two shall serve until the first regularly scheduled
2-32 election of directors under Section 9009.052 and which three shall
2-33 serve until the second regularly scheduled election of directors.

2-34 Sec. 9009.026. EXPIRATION OF SUBCHAPTER. This subchapter
2-35 expires September 1, 2014.

2-36 [Sections 9009.027-9009.050 reserved for expansion]

2-37 SUBCHAPTER B. BOARD OF DIRECTORS

2-38 Sec. 9009.051. DIRECTORS; TERMS. (a) The district is
2-39 governed by a board of five directors.

2-40 (b) Directors serve staggered four-year terms.

2-41 Sec. 9009.052. ELECTION OF DIRECTORS. On the uniform
2-42 election date in May of each even-numbered year, the appropriate
2-43 number of directors shall be elected.

2-44 [Sections 9009.053-9009.100 reserved for expansion]

2-45 SUBCHAPTER C. POWERS AND DUTIES

2-46 Sec. 9009.101. WATER CONTROL AND IMPROVEMENT DISTRICT
2-47 POWERS AND DUTIES. The district has the powers and duties provided
2-48 by the general law of this state, including Chapters 49 and 51,
2-49 Water Code, applicable to water control and improvement districts
2-50 created under Section 59, Article XVI, Texas Constitution,
2-51 including Section 51.331, Water Code.

2-52 Sec. 9009.102. ROAD PROJECTS. (a) To the extent
2-53 authorized by Section 52, Article III, Texas Constitution, the
2-54 district may construct, acquire, improve, maintain, or operate
2-55 macadamized, graveled, or paved roads or turnpikes, or improvements
2-56 in aid of those roads or turnpikes, inside the district.

2-57 (b) A road project must meet or exceed all applicable
2-58 construction standards, zoning and subdivision requirements, and
2-59 regulatory ordinances of each municipality in whose corporate
2-60 limits or extraterritorial jurisdiction the district is located.
2-61 If the district is located outside the extraterritorial
2-62 jurisdiction of a municipality, a road project must meet all
2-63 applicable construction standards, zoning and subdivision
2-64 requirements, and regulatory ordinances of each county in which the
2-65 district is located.

2-66 (c) The district may not undertake a road project unless
2-67 each municipality in whose corporate limits or extraterritorial
2-68 jurisdiction the district is located consents by ordinance or
2-69 resolution. If the district is located outside the

3-1 extraterritorial jurisdiction of a municipality, the district may
3-2 not undertake a road project unless each county in which the
3-3 district is located consents by ordinance or resolution.

3-4 Sec. 9009.103. POWERS AND DUTIES FOR NAVIGATION PURPOSES.

3-5 The district may purchase, construct, acquire, own, operate,
3-6 maintain, improve, or extend inside and outside the district
3-7 canals, waterways, bulkheads, docks, and any other improvements or
3-8 facilities necessary or convenient to accomplish the navigation
3-9 purposes of the district under Chapters 60 and 62, Water Code and
3-10 authorized by Section 59, Article XVI, Texas Constitution.

3-11 Sec. 9009.104. DIVISION OF THE DISTRICT. (a) The district
3-12 may be divided into two new districts only if the district:

3-13 (1) has no outstanding bonded debt; and

3-14 (2) is not imposing ad valorem taxes.

3-15 (b) The division procedure prescribed in Sections
3-16 53.030-53.034, 53.040, and 53.041, Water Code, applies to the
3-17 district. Notwithstanding Section 9009.101, Sections
3-18 51.748-51.753, Water Code, do not apply to the district.

3-19 (c) Any new district created by the division of the district
3-20 has all the powers and duties of the district.

3-21 (d) At the time of creation, any new district created by the
3-22 division of the district may not contain any land outside the area
3-23 described by Section 2 of the Act creating this chapter.

3-24 Sec. 9009.105. DISSOLUTION OF DISTRICT. Notwithstanding
3-25 Section 43.071, Local Government Code, or any other general law,
3-26 prior to December 31, 2017, the district may be dissolved only upon
3-27 approval of the board of directors of the district and the approval
3-28 of the governing body of each city or town within whose corporate
3-29 limits or extraterritorial jurisdiction the district lies.

3-30 [Sections 9009.106-9009.150 reserved for expansion]

3-31 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-32 Sec. 9009.151. TAX TO REPAY BONDS. The district may impose
3-33 a tax to pay the principal of or interest on bonds issued under
3-34 Section 9009.201.

3-35 [Sections 9009.152-9009.200 reserved for expansion]

3-36 SUBCHAPTER E. BONDS

3-37 Sec. 9009.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-38 OBLIGATIONS. (a) The district may issue bonds or other
3-39 obligations as provided by Chapters 49 and 51, Water Code, to
3-40 finance the construction, maintenance, or operation of projects
3-41 under Sections 9009.101 and 9009.102.

3-42 (b) The district may not issue bonds to finance projects
3-43 authorized by Section 9009.102 unless the issuance is approved by a
3-44 vote of a two-thirds majority of the voters of the district voting
3-45 at an election called for that purpose.

3-46 (c) Bonds or other obligations issued or incurred to finance
3-47 projects authorized by Section 9009.102 may not exceed one-fourth
3-48 of the assessed value of the real property in the district.

3-49 SECTION 2. Cade Ranch Water Control and Improvement
3-50 District No. 1 of Galveston County initially includes all the
3-51 territory contained in the following area:

3-52 Survey of part of the John Andrews Survey A-23, German Emigration
3-53 Company Survey A-74, German Emigration Company Survey A-73, Frank
3-54 Passano Survey A-166, Frank Passano A-165, Alexander Edgar Survey
3-55 A-61, Elias Stone Survey A-188, Alexander Edgar A-62, and being
3-56 more particularly described by metes and bounds as follows:

3-57 BEGINNING at the Southwest corner of the said Alexander Edgar
3-58 Survey A-61 being in the East line of the Joseph Dunman Survey and
3-59 at the Mean High Water line of the Gulf of Mexico;

3-60 THENCE N 25°53'29"W, along the common Dunman and Edgar lines, at a
3-61 distance of 497.43 feet passing a found 1" I pipe marking the
3-62 Northerly line of State Highway No. 87, for a total distance of
3-63 7115.23 feet to a found 3" I pipe marking the Northwest corner of
3-64 the said Alexander Edgar Survey A-61 and the Southwest corner of the
3-65 B.T. Masterson Survey;

3-66 THENCE N 64°12'43" E, a distance of 1866.10 feet (called 1866.67')
3-67 to a found 1 1/2" i pipe marking the Northeast corner of the said
3-68 Alexander Edgar Survey A-61 and the Northwest corner of the
3-69 Alexander Edgar Survey A-62;

4-1 THENCE S 25°53'34" E, along the common Edgar line, a distance of
4-2 5598.47 feet to a found 2" I pipe marking the Southwest corner of
4-3 the Northwest 240 acres of the said Alexander Edgar Survey A-62;
4-4 THENCE N 64°06'53" E, a distance of 1866.37 feet (Called 1866.67')
4-5 to the West line of the Frank Passano A-166;
4-6 THENCE N 25°52'59" W, along the common Edgar and Passano line, a
4-7 distance of 5592.68 feet to a found 3/4" I rod marking the Northeast
4-8 corner of the Alexander Edgar Survey A-61;
4-9 THENCE S 64°36'30" W, a distance of 699.92 feet to a found 3"
4-10 concrete monument marking the Southeast corner of the said
4-11 Masterson Survey:
4-12 THENCE N 25°52'57" W, along the common Masterson and Passano line, a
4-13 distance of 2308.47 feet to a found 3" concrete monument marking the
4-14 Northwest corner of the said Frank Passano A-166 and the Southwest
4-15 corner of SF 7139;
4-16 THENCE N 58°50'51" E, along the common Passano and SF 7139 line, a
4-17 distance of 920.83 feet:
4-18 THENCE N 30°05'51" E, a distance of 1952.99 feet to the West line of
4-19 the German Emigration Survey A-73;
4-20 THENCE N 25°53'32" W, along the said German Emigration Survey A-73
4-21 West line, a distance of 485.91 feet to its Northwest corner and the
4-22 South corner of the Frank Passano A-165 and a found 1/2" I rod in
4-23 concrete:
4-24 THENCE N 72°08'42" W, along the Passano West line and the East line
4-25 of SF 7139 and USA tract S 105 A-667, a distance of 1116.67 feet;
4-26 THENCE N 02°53'42" W, a distance of 825.0 feet;
4-27 THENCE N 67°06'18" E, along the Passano North line, a distance of
4-28 3111.11 feet;
4-29 THENCE N 77°29'31" E, along the Passano North line, a distance of
4-30 2355.14 feet to the Northwest corner of the Issac Lowrie Survey and
4-31 the Northeast corner of the Passano Survey in the middle of a bayou;
4-32 THENCE crossing said bayou, S 25°53'32" E, a distance of 866.41 feet
4-33 to the Northeast corner of German Emigration Survey A-74 in the said
4-34 bayou:
4-35 THENCE continuing S 25°53'32" E, a distance of 1145.79 feet to the
4-36 Northwest corner of the John Andrews Survey A-23 and the Southwest
4-37 corner of the said Issac Lowrie Survey:
4-38 THENCE N 64°33'48" E, along the North line of the John Andrews Survey
4-39 and the Elias Stone Survey and the South line of the said Issac
4-40 Lowrie Survey, at a distance of 160 feet crossing a bayou, at a
4-41 distance of 3810 feet crossing a bayou, at a distance of 7735 feet
4-42 crossing a bayou, a total distance of 8231.94 feet to a found 5/8 " I
4-43 rod marking the Northeast corner of the remainder portion of the
4-44 Stone Survey and from which a found "Yount Lee Monument" marking the
4-45 Northeast corner of the Nicholas Fitzsimmons Survey was found N
4-46 64°33'48" E a distance of 4504.42 feet and a 5/8" I rod marking the
4-47 Northwest corner of the Fitzsimmons and the Northeast corner of the
4-48 Stone was found N 64°33'48" E a distance of 1864.08 feet:
4-49 THENCE S 25°53'32" E, at a distance of 3095.57 feet passing the
4-50 interior East corner of the said Stone and the Northwest corner of
4-51 the Wm Hudson Survey, at a distance of 9459.95 passing a found 2" I
4-52 pipe marking the intersection of the common line of the Stone and
4-53 Hudson Survey and the Northerly line of State Highway No. 87, for a
4-54 total distance of 9899.00 feet to the Mean High Water line of the
4-55 Gulf of Mexico:
4-56 THENCE along the said Mean High Water line, the following courses
4-57 (L-1) S 64°02'42" W, a distance of 575.22 feet:
4-58 (L-2) S 63°50'42" W, a distance of 494.89 feet:
4-59 (L-3) S 63°16'31" W, a distance of 499.98 feet:
4-60 (L-4) S 65°12'08" W, a distance of 528.51 feet:
4-61 (L-5) S 63°57'11" W, a distance of 521.49 feet:
4-62 (L-6) S 63°54'27" W, a distance of 548.00 feet:
4-63 (L-7) S 62°45'33" W, a distance of 553.19 feet to the Southwest
4-64 corner of the Stone Survey and the Southeast corner of the George
4-65 Hodge Survey:
4-66 THENCE N 25°56'15" W, along the common Stone and Hodge line, at a
4-67 distance of 371.93 feet passing a found brass rod in concrete in the
4-68 Southerly Right-of-way line of State Highway No. 87, a total
4-69 distance of 6675.46 feet to a found 1/2" I rod in concrete marking the

5-1 Northeast corner of the said Hodge Survey:
 5-2 THENCE S 64°33'45" W , along the common Stone and Hodge line, a
 5-3 distance of 1866.67 feet to the Northwest corner of the said Hodge
 5-4 Survey in the East line of the said Andrew Survey:
 5-5 THENCE S 25°56'15" E, along the common Hodge and Andrews line, at a
 5-6 distance of 6316.73 feet passing a found ½" I rod in the Northerly
 5-7 line of State Highway No. 87, a total distance of 6602.64 feet to
 5-8 the said Mean High Water line of the Gulf of Mexico:
 5-9 THENCE along the said Mean High Water line, the following courses,
 5-10 (L-8) S 64°55'34" W, a distance of 226.88 feet:
 5-11 (L-9) S 64°08'47" W, a distance of 604.26 feet:
 5-12 (L-10) S 64°50'25" W, a distance of 441.59 feet:
 5-13 (L-11) S 64°17'20" W, a distance of 1040.26 feet:
 5-14 (L-12) S 64°45'52" W, a distance of 513.03 feet:
 5-15 (L-13) S 64°46'54" W, a distance of 481.88 feet:
 5-16 (L-14) S 64°35'20" W, a distance of 965.94 feet:
 5-17 (L-15) S 64°45'05" W, a distance of 549.87 feet:
 5-18 (L-16) S 64°40'39" W, a distance of 1022.67 feet:
 5-19 (L-17) S 64°36'18" W, a distance of 463.83 feet:
 5-20 (L-18) S 64°12'56" W, a distance of 519.57 feet:
 5-21 (L-19) S 64°45'11" W, a distance of 1015.97 feet:
 5-22 (L-20) S 64°48'38" W, a distance of 446.23 feet:
 5-23 (L-21) S 64°19'15" W, a distance of 550.14 feet:
 5-24 (L-22) S 63°38'24" W, a distance of 441.93 feet:
 5-25 (L-23) S 63°10'08" W, a distance of 549.74 feet:
 5-26 (L-24) S 64°45'38" W, a distance of 470.20 feet:
 5-27 (L-25) S 62°10'44" W, a distance of 520.78 feet:
 5-28 (L-26) S 65°42'19" W, a distance of 471.99 feet:
 5-29 (L-27) S 62°29'53" W, a distance of 534.49 feet:
 5-30 (L-28) S 64°13'43" W, a distance of 575.28 feet:
 5-31 (L-29) S 62°49'50" W, a distance of 345.86 feet:
 5-32 (L-30) S 58°29'31" W, a distance of 296.81 feet:
 5-33 (L-31) S 67°13'24" W, a distance of 83.09 feet to the POINT OF
 5-34 BEGINNING and containing a calculated area of 3,821.03 acres part
 5-35 of which is tidal and subject to the rights of the State of Texas,
 5-36 and including 46.43 acres within the said State Highway No. 87
 5-37 right-of-way.
 5-38 SECTION 3. (a) The legal notice of the intention to
 5-39 introduce this Act, setting forth the general substance of this
 5-40 Act, has been published as provided by law, and the notice and a
 5-41 copy of this Act have been furnished to all persons, agencies,
 5-42 officials, or entities to which they are required to be furnished
 5-43 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 5-44 Government Code.
 5-45 (b) The governor, one of the required recipients, has
 5-46 submitted the notice and Act to the Texas Commission on
 5-47 Environmental Quality.
 5-48 (c) The Texas Commission on Environmental Quality has filed
 5-49 its recommendations relating to this Act with the governor, the
 5-50 lieutenant governor, and the speaker of the house of
 5-51 representatives within the required time.
 5-52 (d) All requirements of the constitution and laws of this
 5-53 state and the rules and procedures of the legislature with respect
 5-54 to the notice, introduction, and passage of this Act are fulfilled
 5-55 and accomplished.
 5-56 SECTION 4. This Act takes effect September 1, 2007.

5-57

* * * * *