

By: Huffman

S.B. No. 1483

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Galveston County Municipal Utility District No. 76; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8332 to read as follows:

CHAPTER 8332. GALVESTON COUNTY MUNICIPAL

UTILITY DISTRICT NO. 76

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8332.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Galveston County Municipal Utility District No. 76.

Sec. 8332.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8332.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8332.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8332.003

1 until each municipality in whose corporate limits or  
2 extraterritorial jurisdiction the district is located has  
3 consented by ordinance or resolution to the creation of the  
4 district and to the inclusion of land in the district.

5 Sec. 8332.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

6 (a) The district is created to serve a public purpose and benefit.

7 (b) The district is created to accomplish the purposes of:

8 (1) a municipal utility district as provided by  
9 general law and Section 59, Article XVI, Texas Constitution;

10 (2) Section 52, Article III, Texas Constitution, that  
11 relate to the construction, acquisition, or improvement of  
12 macadamized, graveled, or paved roads described by Section 54.234,  
13 Water Code, or improvements, including storm drainage, in aid of  
14 those roads; and

15 (3) a navigation district as provided by general law  
16 and Section 59, Article XVI, Texas Constitution.

17 Sec. 8332.006. INITIAL DISTRICT TERRITORY. (a) The  
18 district is initially composed of the territory described by  
19 Section 2 of the Act creating this chapter.

20 (b) The boundaries and field notes contained in Section 2 of  
21 the Act creating this chapter form a closure. A mistake made in the  
22 field notes or in copying the field notes in the legislative process  
23 does not affect the district's:

24 (1) organization, existence, or validity;

25 (2) right to issue any type of bond for the purposes  
26 for which the district is created or to pay the principal of and  
27 interest on a bond;

1           (3) right to impose a tax; or

2           (4) legality or operation.

3           [Sections 8332.007-8332.050 reserved for expansion]

4                   SUBCHAPTER B. BOARD OF DIRECTORS

5           Sec. 8332.051. GOVERNING BODY; TERMS. (a) The district is  
6 governed by a board of five elected directors.

7           (b) Except as provided by Section 8332.052, directors serve  
8 staggered four-year terms.

9           Sec. 8332.052. TEMPORARY DIRECTORS. (a) On or after the  
10 effective date of the Act creating this chapter, the owner or owners  
11 of a majority of the assessed value of the real property in the  
12 district may submit a petition to the Texas Commission on  
13 Environmental Quality requesting that the commission appoint as  
14 temporary directors the five persons named in the petition. The  
15 commission shall appoint as temporary directors the five persons  
16 named in the petition.

17           (b) Temporary directors serve until the earlier of:

18                   (1) the date permanent directors are elected under  
19 Section 8332.003; or

20                   (2) the fourth anniversary of the effective date of  
21 the Act creating this chapter.

22           (c) If permanent directors have not been elected under  
23 Section 8332.003 and the terms of the temporary directors have  
24 expired, successor temporary directors shall be appointed or  
25 reappointed as provided by Subsection (d) to serve terms that  
26 expire on the earlier of:

27                   (1) the date permanent directors are elected under

1 Section 8332.003; or

2 (2) the fourth anniversary of the date of the  
3 appointment or reappointment.

4 (d) If Subsection (c) applies, the owner or owners of a  
5 majority of the assessed value of the real property in the district  
6 may submit a petition to the Texas Commission on Environmental  
7 Quality requesting that the commission appoint as successor  
8 temporary directors the five persons named in the petition. The  
9 commission shall appoint as successor temporary directors the five  
10 persons named in the petition.

11 [Sections 8332.053-8332.100 reserved for expansion]

12 SUBCHAPTER C. POWERS AND DUTIES

13 Sec. 8332.101. GENERAL POWERS AND DUTIES. The district has  
14 the powers and duties necessary to accomplish the purposes for  
15 which the district is created.

16 Sec. 8332.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
17 DUTIES. The district has the powers and duties provided by the  
18 general law of this state, including Chapters 49 and 54, Water Code,  
19 applicable to municipal utility districts created under Section 59,  
20 Article XVI, Texas Constitution.

21 Sec. 8332.103. AUTHORITY FOR ROAD PROJECTS. (a) Under  
22 Section 52, Article III, Texas Constitution, the district may  
23 design, acquire, construct, finance, issue bonds for, improve, and  
24 convey to this state, a county, or a municipality for operation and  
25 maintenance macadamized, graveled, or paved roads described by  
26 Section 54.234, Water Code, or improvements, including storm  
27 drainage, in aid of those roads.

1       (b) The district may exercise the powers provided by this  
2 section without submitting a petition to or obtaining approval from  
3 the Texas Commission on Environmental Quality as required by  
4 Section 54.234, Water Code.

5       Sec. 8332.104. APPROVAL OF ROAD PROJECT. (a) The district  
6 may not undertake a road project authorized by Section 8332.103  
7 unless:

8           (1) each municipality or county that will operate and  
9 maintain the road has approved the plans and specifications of the  
10 road project, if a municipality or county will operate and maintain  
11 the road; or

12           (2) the Texas Transportation Commission has approved  
13 the plans and specifications of the road project, if the state will  
14 operate and maintain the road.

15       (b) Except as provided by Subsection (a), the district is  
16 not required to obtain approval from the Texas Transportation  
17 Commission to design, acquire, construct, finance, issue bonds for,  
18 improve, or convey a road project.

19       Sec. 8332.105. CERTAIN NAVIGATION IMPROVEMENTS. The  
20 district has the power to purchase, construct, acquire, own,  
21 operate, maintain, improve, or extend, inside or outside the  
22 district, a canal or other waterway, bulkhead, dock, or other  
23 improvement necessary or convenient to accomplish the purposes of  
24 the district.

25       Sec. 8332.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
26 OR RESOLUTION. The district shall comply with all applicable  
27 requirements of any ordinance or resolution that is adopted under

1 Section 54.016 or 54.0165, Water Code, and that consents to the  
2 creation of the district or to the inclusion of land in the  
3 district.

4 Sec. 8332.107. LIMITATION ON USE OF EMINENT DOMAIN. The  
5 district may not exercise the power of eminent domain outside the  
6 district to acquire a site or easement for:

- 7 (1) a road project authorized by Section 8332.103;  
8 (2) a recreational facility as defined by Section  
9 49.462, Water Code; or  
10 (3) a navigation facility described by Section  
11 8332.105.

12 [Sections 8332.108-8332.150 reserved for expansion]

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

14 Sec. 8332.151. ELECTIONS REGARDING TAXES OR BONDS.

15 (a) The district may issue, without an election, bonds and other  
16 obligations secured by:

- 17 (1) revenue other than ad valorem taxes; or  
18 (2) contract payments described by Section 8332.153.

19 (b) The district must hold an election in the manner  
20 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
21 before the district may impose an ad valorem tax or issue bonds  
22 payable from ad valorem taxes.

23 (c) The district may not issue bonds payable from ad valorem  
24 taxes to finance a road project unless the issuance is approved by a  
25 vote of a two-thirds majority of the district voters voting at an  
26 election held for that purpose.

27 Sec. 8332.152. OPERATION AND MAINTENANCE TAX. (a) If

1 authorized at an election held under Section 8332.151, the district  
2 may impose an operation and maintenance tax on taxable property in  
3 the district in accordance with Section 49.107, Water Code.

4 (b) The board shall determine the tax rate. The rate may not  
5 exceed the rate approved at the election.

6 Sec. 8332.153. CONTRACT TAXES. (a) In accordance with  
7 Section 49.108, Water Code, the district may impose a tax other than  
8 an operation and maintenance tax and use the revenue derived from  
9 the tax to make payments under a contract after the provisions of  
10 the contract have been approved by a majority of the district voters  
11 voting at an election held for that purpose.

12 (b) A contract approved by the district voters may contain a  
13 provision stating that the contract may be modified or amended by  
14 the board without further voter approval.

15 [Sections 8332.154-8332.200 reserved for expansion]

16 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

17 Sec. 8332.201. AUTHORITY TO ISSUE BONDS AND OTHER  
18 OBLIGATIONS. The district may issue bonds or other obligations  
19 payable wholly or partly from ad valorem taxes, impact fees,  
20 revenue, contract payments, grants, or other district money, or any  
21 combination of those sources, to pay for any authorized district  
22 purpose.

23 Sec. 8332.202. TAXES FOR BONDS. At the time the district  
24 issues bonds payable wholly or partly from ad valorem taxes, the  
25 board shall provide for the annual imposition of a continuing  
26 direct ad valorem tax, without limit as to rate or amount, while all  
27 or part of the bonds are outstanding as required and in the manner

1 provided by Sections 54.601 and 54.602, Water Code.

2 Sec. 8332.203. BONDS FOR ROAD PROJECTS. At the time of  
3 issuance, the total principal amount of bonds or other obligations  
4 issued or incurred to finance road projects and payable from ad  
5 valorem taxes may not exceed one-fourth of the assessed value of the  
6 real property in the district.

7 SECTION 2. The Galveston County Municipal Utility District  
8 No. 76 initially includes all the territory contained in the  
9 following area:

10 TRACT I:

11 All that certain 94.0 acres of land, more or less, being  
12 partially out of and a part of Lots 493 - 494, and intervening 50  
13 foot wide roadways (closed and abandoned in Volume 2263, Pages 767,  
14 770, and 773, Galveston County Deed Records), in the TRIMBLE AND  
15 LINDSEY SURVEY OF GALVESTON ISLAND, SECTION ONE, and partially out  
16 of and a part of Lots 8 - 9, 12 - 13, 28 - 29, 32 - 33, 49, 52, and  
17 intervening 50 foot wide roadways (closed and abandoned in Volume  
18 2263, Pages 767, 770, and 773, Galveston County Deed Records), in  
19 the TRIMBLE AND LINDSEY SURVEY OF GALVESTON ISLAND, SECTION TWO,  
20 and said 94.0 acres being more particularly described by metes and  
21 bounds as follows:

22 COMMENCING at the point of intersection for the Southwesterly  
23 line of 8-Mile Road, a 50 foot wide public roadway right-of-way, and  
24 the Northwesterly line of Sportsman Road, a 100 foot wide public  
25 roadway (as occupied), and being at the Northeasterly line of said  
26 Lot 49;

27 THENCE N 25°00'00" W, along the Southwesterly line of said



1 8-Mile Road and the Northeasterly line of said Lot 49, a distance of  
2 100.00 feet to the POINT OF BEGINNING;

3       THENCE S 65°00'00" W, a distance of 100.00 feet to a point for  
4 corner;

5       THENCE S 25°00'00" E, a distance of 50.00 feet to a point for  
6 corner;

7       THENCE S 65°00'00" W, a distance of 50.00 feet to a point for  
8 corner;

9       THENCE S 25°00'00" E, a distance of 50.00 feet to a point for  
10 corner, said point being at the Northwesterly line of said  
11 Sportsman Road;

12       THENCE S 65°00'00" W, along the Northwesterly line of said  
13 Sportsman Road, a distance of 290.00 feet to a point for corner;

14       THENCE N 25°00'00" W, a distance of 543.47 feet to a point for  
15 corner and being at the Southeasterly Meander Line of Mean High  
16 Water for West Galveston Bay as determined on October 1, 2007, and  
17 shown on survey by William E. Merten, LSLS;

18       THENCE generally in a Northeasterly direction, along the said  
19 Southeasterly Meander Line of Mean High Water, the following  
20 courses and distances:

21               N 51°40'03" E, 167.74 feet to a point for angle to the  
22 left;

23               N 42°38'41" E, 36.00 feet to a point for angle to the  
24 right;

25               N 49°24'38" E, 45.32 feet to a point for angle to the  
26 right;

27               N 54°51'52" E, 36.32 feet to a point for angle to the

1 right;  
2 N 71°33'09" E, 108.24 feet to a point for angle to the  
3 right;  
4 N 86°07'04" E, 113.71 feet to a point for angle to the  
5 right;  
6 S 74°30'24" E, 49.36 feet to a point for angle to the  
7 left;  
8 S 81°57'01" E, 52.45 feet to a point for angle to the  
9 left;  
10 S 89°27'17" E, 49.93 feet to a point for angle to the  
11 left;  
12 N 87°43'18" E, 75.98 feet to a point for angle to the  
13 left;  
14 N 70°44'28" E, 61.99 feet to a point for angle to the  
15 left;  
16 N 08°52'18" E, 45.82 feet to a point for angle to the  
17 right;  
18 N 50°56'26" E, 66.99 feet to a point for angle to the  
19 left;  
20 N 43°50'05" E, 267.40 feet to a point for angle to the  
21 right;  
22 N 65°40'59" E, 52.31 feet to a point for angle to the  
23 left;  
24 N 35°53'07" E, 54.23 feet to a point for angle to the  
25 left;  
26 N 34°00'27" E, 50.32 feet to a point for angle to the  
27 right;

1 N 53°56'40" E, 60.77 feet to a point for angle to the  
2 right;  
3 S 67°46'17" E, 39.46 feet to a point for angle to the  
4 left;  
5 N 68°35'12" E, 64.04 feet to a point for angle to the  
6 left;  
7 N 12°09'44" E, 59.62 feet to a point for angle to the  
8 left;  
9 N 30°30'28" W, 51.17 feet to a point for angle to the  
10 right;  
11 N 32°52'16" E, 66.62 feet to a point for angle to the  
12 left;  
13 N 23°03'13" E, 47.19 feet to a point for angle to the  
14 right;  
15 N 48°59'46" E, 34.38 feet to a point for angle to the  
16 right;  
17 N 63°41'11" E, 93.85 feet to a point for angle to the  
18 right;  
19 N 64°29'03" E, 84.09 feet to a point for angle to the  
20 right;  
21 N 86°11'31" E, 103.40 feet to a point for angle to the  
22 left;  
23 N 73°07'13" E, 81.54 feet to a point for angle to the  
24 left;  
25 N 64°38'05" E, 85.88 feet to a point for angle to the  
26 left;  
27 N 44°07'54" E, 156.85 feet to a point for angle to the

1 right;  
2                   N 59°54'17" E, 72.93 feet to a point for angle to the  
3 left; and,  
4                   N 55°37'46" E, 43.92 feet to a point for corner and being  
5 at the common line for said Lot 493 and Lot 490 of said SECTION ONE;  
6            THENCE S 25°00'00" E, leaving the said Southeasterly Meander  
7 Line of Mean High Water, along the Northeasterly line of said Lot  
8 493 and the Southwesterly line of said Lot 490, a distance of  
9 2,005.31 feet to a point for corner;  
10           THENCE S 31°58'38" W, a distance of 284.15 feet to a point for  
11 corner;  
12           THENCE S 61°00'34" E, a distance of 208.20 feet to a point for  
13 corner;  
14           THENCE S 28°59'26" W, a distance of 60.00 feet to a point for  
15 corner;  
16           THENCE N 61°00'34" W, a distance of 215.85 feet to a point for  
17 corner;  
18           THENCE S 45°34'49" W, a distance of 658.78 feet to a point for  
19 angle to the right;  
20           THENCE S 51°17'37" W, a distance of 266.07 feet to a point for  
21 angle to the right;  
22           THENCE S 57°17'39" W, a distance of 275.04 feet to a point for  
23 angle to the right;  
24           THENCE S 65°00'00" W, a distance of 306.38 feet to a point for  
25 corner at the Northeasterly line of said 8-Mile Road, same being the  
26 Southwesterly line of said Lot 33;  
27           THENCE N 25°00'00" W, along the Northeasterly line of said

1 8-Mile Road and the Southwesterly line of said Lots 33 and 32 of  
2 said SECTION TWO, a distance of 2,176.41 feet to a point for corner  
3 at the most Northwesterly terminus of said 8-Mile Road;

4 THENCE S 65°00'00" W, along the Northwesterly terminus of said  
5 8-Mile Road, a distance of 50.00 feet to a point for corner and  
6 being at the Northeasterly line of said Lot 49;

7 THENCE S 25°00'00" E, along the Southwesterly line of said  
8 8-Mile Road, same being the Northeasterly line of said Lot 49, a  
9 distance of 280.82 feet to the POINT OF BEGINNING and containing  
10 within said boundaries a calculated area of 94.0 acres of land, more  
11 or less.

12 TRACT II:

13 All that certain 6.6 acres of land, more or less, being out of  
14 and a part of Lot 49, in the TRIMBLE AND LINDSEY SURVEY OF GALVESTON  
15 ISLAND, SECTION TWO, and further including all of Lots 1 - 3 and  
16 Lots 11 - 14 of ANDERSON WAY'S ADDITION NO. ONE (1), a subdivision  
17 in Galveston County, Texas, according to the map or plat thereof  
18 recorded in Volume 254-A, Page 78, and transferred to Volume 11,  
19 Page 20, both of the Map Records in the Office of the County Clerk of  
20 Galveston County, Texas, and said 6.6 acres being more particularly  
21 described by metes and bounds as follows:

22 BEGINNING at the point of intersection for the Southwesterly  
23 line of 8-Mile Road, a 50 foot wide public roadway right-of-way, and  
24 the Southeasterly line of Sportsman Road, a 100 foot wide public  
25 roadway (as occupied), same being the North corner of said Lot 1,  
26 and being at the Northeasterly line of said Lot 49;

27 THENCE S 25°00'00" E, along the Southwesterly line of said

1 8-Mile Road, same being the Northeasterly line of said Lot 49 and  
2 Lots 1 - 3, a distance of 150.00 feet to a point for corner;

3       THENCE S 65°00'00" W, along the Southeasterly line of said Lot  
4 3, a distance of 100.00 feet to a point for corner;

5       THENCE S 25°00'00" E, along the Southwesterly line of Lots 4 -  
6 10 of said ANDERSON WAY'S ADDITION NUMBER ONE (1), a distance of  
7 350.00 feet to a point for corner, same being the West corner of  
8 said Lot 11;

9       THENCE N 65°00'00" E, along the Northwesterly line of said Lot  
10 11, a distance of 100.00 feet to a point for corner at the  
11 Southwesterly line of said 8-Mile Road, same being the  
12 Northeasterly line of said Lot 49;

13       THENCE S 25°00'00" E, along the Southwesterly line of said  
14 8-Mile Road, same being the Northeasterly line of said Lot 49 and  
15 said Lots 11 - 14, a distance of 200.00 feet to a point for corner;

16       THENCE S 65°00'00" W, along the Southeasterly line of said Lot  
17 14, a distance of 100.00 feet to a point for corner;

18       THENCE S 25°00'00" E, along the Southwesterly line of Lots 15  
19 - 22 of said ANDERSON WAY'S ADDITION NUMBER ONE (1), a distance of  
20 400.00 feet to a point for corner and being at the Southeasterly  
21 line of said Lot 49, same being the Northwesterly line of Lot 48 of  
22 said SECTION TWO;

23       THENCE S 65°00'00" W, along the common line for said Lots 48  
24 and 49, a distance of 230.00 feet to a point for corner, same being  
25 the common corner for said Lots 48 and 49 and Lots 52 and 53 of said  
26 SECTION TWO;

27       THENCE N 25°00'00" W, along the common line for said Lots 49

1 and 52, a distance of 1,100.00 feet to a point for corner at the  
2 Southeasterly line of said Sportsman Road;

3 THENCE N 65°00'00" E, along the Southeasterly line of said  
4 Sportsman Road, a distance of 330.00 feet to the POINT OF BEGINNING  
5 and containing within said boundaries a calculated area of 6.6  
6 acres of land, more or less.

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

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

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

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

25 SECTION 4. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2009.