

1-1 By: Huffman S.B. No. 1483  
1-2 (In the Senate - Filed March 9, 2009; March 17, 2009, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 28, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 April 28, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1483 By: Nichols

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

1-10 relating to the creation of the Galveston County Municipal Utility  
1-11 District No. 76; providing authority to impose a tax and issue  
1-12 bonds; granting a limited power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-15 Code, is amended by adding Chapter 8332 to read as follows:

1-16 CHAPTER 8332. GALVESTON COUNTY MUNICIPAL  
1-17 UTILITY DISTRICT NO. 76

1-18 SUBCHAPTER A. GENERAL PROVISIONS

1-19 Sec. 8332.001. DEFINITIONS. In this chapter:

1-20 (1) "Board" means the district's board of directors.

1-21 (2) "Director" means a board member.

1-22 (3) "District" means the Galveston County Municipal  
1-23 Utility District No. 76.

1-24 Sec. 8332.002. NATURE OF DISTRICT. The district is a  
1-25 municipal utility district created under Section 59, Article XVI,  
1-26 Texas Constitution.

1-27 Sec. 8332.003. CONFIRMATION AND DIRECTORS' ELECTION  
1-28 REQUIRED. The temporary directors shall hold an election to  
1-29 confirm the creation of the district and to elect five permanent  
1-30 directors as provided by Section 49.102, Water Code.

1-31 Sec. 8332.004. CONSENT OF MUNICIPALITY REQUIRED. The  
1-32 temporary directors may not hold an election under Section 8332.003  
1-33 until each municipality in whose corporate limits or  
1-34 extraterritorial jurisdiction the district is located has  
1-35 consented by ordinance or resolution to the creation of the  
1-36 district and to the inclusion of land in the district.

1-37 Sec. 8332.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-38 (a) The district is created to serve a public purpose and benefit.

1-39 (b) The district is created to accomplish the purposes of:

1-40 (1) a municipal utility district as provided by  
1-41 general law and Section 59, Article XVI, Texas Constitution;

1-42 (2) Section 52, Article III, Texas Constitution, that  
1-43 relate to the construction, acquisition, or improvement of  
1-44 macadamized, graveled, or paved roads described by Section 54.234,  
1-45 Water Code, or improvements, including storm drainage, in aid of  
1-46 those roads; and

1-47 (3) a navigation district as provided by general law  
1-48 and Section 59, Article XVI, Texas Constitution.

1-49 Sec. 8332.006. INITIAL DISTRICT TERRITORY. (a) The  
1-50 district is initially composed of the territory described by  
1-51 Section 2 of the Act creating this chapter.

1-52 (b) The boundaries and field notes contained in Section 2 of  
1-53 the Act creating this chapter form a closure. A mistake made in the  
1-54 field notes or in copying the field notes in the legislative process  
1-55 does not affect the district's:

1-56 (1) organization, existence, or validity;

1-57 (2) right to issue any type of bond for the purposes  
1-58 for which the district is created or to pay the principal of and  
1-59 interest on a bond;

1-60 (3) right to impose a tax; or

1-61 (4) legality or operation.

1-62 [Sections 8332.007-8332.050 reserved for expansion]

1-

## SUBCHAPTER B. BOARD OF DIRECTORS

2-1                   Sec. 8332.051. GOVERNING BODY; TERMS. (a) The district is  
 2-2 governed by a board of five elected directors.  
 2-3

2-4                   (b) Except as provided by Section 8332.052, directors serve  
 2-5 staggered four-year terms.

2-6                   Sec. 8332.052. TEMPORARY DIRECTORS. (a) On or after the  
 2-7 effective date of the Act creating this chapter, the owner or owners  
 2-8 of a majority of the assessed value of the real property in the  
 2-9 district may submit a petition to the Texas Commission on  
 2-10 Environmental Quality requesting that the commission appoint as  
 2-11 temporary directors the five persons named in the petition. The  
 2-12 commission shall appoint as temporary directors the five persons  
 2-13 named in the petition.

2-14                   (b) Temporary directors serve until the earlier of:  
 2-15                   (1) the date permanent directors are elected under  
 2-16 Section 8332.003; or

2-17                   (2) the fourth anniversary of the effective date of the  
 2-18 Act creating this chapter.

2-19                   (c) If permanent directors have not been elected under  
 2-20 Section 8332.003 and the terms of the temporary directors have  
 2-21 expired, successor temporary directors shall be appointed or  
 2-22 reappointed as provided by Subsection (d) to serve terms that  
 2-23 expire on the earlier of:

2-24                   (1) the date permanent directors are elected under  
 2-25 Section 8332.003; or

2-26                   (2) the fourth anniversary of the date of the  
 2-27 appointment or reappointment.

2-28                   (d) If Subsection (c) applies, the owner or owners of a  
 2-29 majority of the assessed value of the real property in the district  
 2-30 may submit a petition to the Texas Commission on Environmental  
 2-31 Quality requesting that the commission appoint as successor  
 2-32 temporary directors the five persons named in the petition. The  
 2-33 commission shall appoint as successor temporary directors the five  
 2-34 persons named in the petition.

2-35                   [Sections 8332.053-8332.100 reserved for expansion]

## SUBCHAPTER C. POWERS AND DUTIES

2-36                   Sec. 8332.101. GENERAL POWERS AND DUTIES. The district has  
 2-37 the powers and duties necessary to accomplish the purposes for  
 2-38 which the district is created.  
 2-39

2-40                   Sec. 8332.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
 2-41 DUTIES. The district has the powers and duties provided by the  
 2-42 general law of this state, including Chapters 49 and 54, Water Code,  
 2-43 applicable to municipal utility districts created under Section 59,  
 2-44 Article XVI, Texas Constitution.

2-45                   Sec. 8332.103. AUTHORITY FOR ROAD PROJECTS. (a) Under  
 2-46 Section 52, Article III, Texas Constitution, the district may  
 2-47 design, acquire, construct, finance, issue bonds for, improve, and  
 2-48 convey to this state, a county, or a municipality for operation and  
 2-49 maintenance macadamized, graveled, or paved roads described by  
 2-50 Section 54.234, Water Code, or improvements, including storm  
 2-51 drainage, in aid of those roads.

2-52                   (b) The district may exercise the powers provided by this  
 2-53 section without submitting a petition to or obtaining approval from  
 2-54 the Texas Commission on Environmental Quality as required by  
 2-55 Section 54.234, Water Code.

2-56                   Sec. 8332.104. APPROVAL OF ROAD PROJECT. (a) The district  
 2-57 may not undertake a road project authorized by Section 8332.103  
 2-58 unless:

2-59                   (1) each municipality or county that will operate and  
 2-60 maintain the road has approved the plans and specifications of the  
 2-61 road project, if a municipality or county will operate and maintain  
 2-62 the road; or

2-63                   (2) the Texas Transportation Commission has approved  
 2-64 the plans and specifications of the road project, if the state will  
 2-65 operate and maintain the road.

2-66                   (b) Except as provided by Subsection (a), the district is  
 2-67 not required to obtain approval from the Texas Transportation  
 2-68 Commission to design, acquire, construct, finance, issue bonds for,  
 2-69 improve, or convey a road project.

3-1 Sec. 8332.105. CERTAIN NAVIGATION IMPROVEMENTS. The  
3-2 district has the power to purchase, construct, acquire, own,  
3-3 operate, maintain, improve, or extend, inside or outside the  
3-4 district, a canal or other waterway, bulkhead, dock, or other  
3-5 improvement necessary or convenient to accomplish the purposes of  
3-6 the district.

3-7 Sec. 8332.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
3-8 OR RESOLUTION. The district shall comply with all applicable  
3-9 requirements of any ordinance or resolution that is adopted under  
3-10 Section 54.016 or 54.0165, Water Code, and that consents to the  
3-11 creation of the district or to the inclusion of land in the  
3-12 district.

3-13 Sec. 8332.107. LIMITATION ON USE OF EMINENT DOMAIN. The  
3-14 district may not exercise the power of eminent domain outside the  
3-15 district to acquire a site or easement for:

- 3-16 (1) a road project authorized by Section 8332.103;
- 3-17 (2) a recreational facility as defined by Section  
3-18 49.462, Water Code; or
- 3-19 (3) a navigation facility described by Section  
3-20 8332.105.

3-21 [Sections 8332.108-8332.150 reserved for expansion]

3-22 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-23 Sec. 8332.151. ELECTIONS REGARDING TAXES OR BONDS.

3-24 (a) The district may issue, without an election, bonds and other  
3-25 obligations secured by:

- 3-26 (1) revenue other than ad valorem taxes; or
- 3-27 (2) contract payments described by Section 8332.153.

3-28 (b) The district must hold an election in the manner  
3-29 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
3-30 before the district may impose an ad valorem tax or issue bonds  
3-31 payable from ad valorem taxes.

3-32 (c) The district may not issue bonds payable from ad valorem  
3-33 taxes to finance a road project unless the issuance is approved by a  
3-34 vote of a two-thirds majority of the district voters voting at an  
3-35 election held for that purpose.

3-36 Sec. 8332.152. OPERATION AND MAINTENANCE TAX. (a) If  
3-37 authorized at an election held under Section 8332.151, the district  
3-38 may impose an operation and maintenance tax on taxable property in  
3-39 the district in accordance with Section 49.107, Water Code.

3-40 (b) The board shall determine the tax rate. The rate may not  
3-41 exceed the rate approved at the election.

3-42 Sec. 8332.153. CONTRACT TAXES. (a) In accordance with  
3-43 Section 49.108, Water Code, the district may impose a tax other than  
3-44 an operation and maintenance tax and use the revenue derived from  
3-45 the tax to make payments under a contract after the provisions of  
3-46 the contract have been approved by a majority of the district voters  
3-47 voting at an election held for that purpose.

3-48 (b) A contract approved by the district voters may contain a  
3-49 provision stating that the contract may be modified or amended by  
3-50 the board without further voter approval.

3-51 [Sections 8332.154-8332.200 reserved for expansion]

3-52 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-53 Sec. 8332.201. AUTHORITY TO ISSUE BONDS AND OTHER  
3-54 OBLIGATIONS. The district may issue bonds or other obligations  
3-55 payable wholly or partly from ad valorem taxes, impact fees,  
3-56 revenue, contract payments, grants, or other district money, or any  
3-57 combination of those sources, to pay for any authorized district  
3-58 purpose.

3-59 Sec. 8332.202. TAXES FOR BONDS. At the time the district  
3-60 issues bonds payable wholly or partly from ad valorem taxes, the  
3-61 board shall provide for the annual imposition of a continuing  
3-62 direct ad valorem tax, without limit as to rate or amount, while all  
3-63 or part of the bonds are outstanding as required and in the manner  
3-64 provided by Sections 54.601 and 54.602, Water Code.

3-65 Sec. 8332.203. BONDS FOR ROAD PROJECTS. At the time of  
3-66 issuance, the total principal amount of bonds or other obligations  
3-67 issued or incurred to finance road projects and payable from ad  
3-68 valorem taxes may not exceed one-fourth of the assessed value of the  
3-69 real property in the district.

4-1 SECTION 2. The Galveston County Municipal Utility District  
4-2 No. 76 initially includes all the territory contained in the  
4-3 following area:

4-4 TRACT I:

4-5 All that certain 94.0 acres of land, more or less, being  
4-6 partially out of and a part of Lots 493 - 494, and intervening 50  
4-7 foot wide roadways (closed and abandoned in Volume 2263, Pages 767,  
4-8 770, and 773, Galveston County Deed Records), in the TRIMBLE AND  
4-9 LINDSEY SURVEY OF GALVESTON ISLAND, SECTION ONE, and partially out  
4-10 of and a part of Lots 8 - 9, 12 - 13, 28 - 29, 32 - 33, 49, 52, and  
4-11 intervening 50 foot wide roadways (closed and abandoned in Volume  
4-12 2263, Pages 767, 770, and 773, Galveston County Deed Records), in  
4-13 the TRIMBLE AND LINDSEY SURVEY OF GALVESTON ISLAND, SECTION TWO,  
4-14 and said 94.0 acres being more particularly described by metes and  
4-15 bounds as follows:

4-16 COMMENCING at the point of intersection for the Southwesterly  
4-17 line of 8-Mile Road, a 50 foot wide public roadway right-of-way, and  
4-18 the Northwesterly line of Sportsman Road, a 100 foot wide public  
4-19 roadway (as occupied), and being at the Northeasterly line of said  
4-20 Lot 49;

4-21 THENCE N 25°00'00" W, along the Southwesterly line of said  
4-22 8-Mile Road and the Northeasterly line of said Lot 49, a distance of  
4-23 100.00 feet to the POINT OF BEGINNING;

4-24 THENCE S 65°00'00" W, a distance of 100.00 feet to a point for  
4-25 corner;

4-26 THENCE S 25°00'00" E, a distance of 50.00 feet to a point for  
4-27 corner;

4-28 THENCE S 65°00'00" W, a distance of 50.00 feet to a point for  
4-29 corner;

4-30 THENCE S 25°00'00" E, a distance of 50.00 feet to a point for  
4-31 corner, said point being at the Northwesterly line of said  
4-32 Sportsman Road;

4-33 THENCE S 65°00'00" W, along the Northwesterly line of said  
4-34 Sportsman Road, a distance of 290.00 feet to a point for corner;

4-35 THENCE N 25°00'00" W, a distance of 543.47 feet to a point for  
4-36 corner and being at the Southeasterly Meander Line of Mean High  
4-37 Water for West Galveston Bay as determined on October 1, 2007, and  
4-38 shown on survey by William E. Merten, LSLS;

4-39 THENCE generally in a Northeasterly direction, along the said  
4-40 Southeasterly Meander Line of Mean High Water, the following  
4-41 courses and distances:

4-42 N 51°40'03" E, 167.74 feet to a point for angle to the  
4-43 left;

4-44 N 42°38'41" E, 36.00 feet to a point for angle to the  
4-45 right;

4-46 N 49°24'38" E, 45.32 feet to a point for angle to the  
4-47 right;

4-48 N 54°51'52" E, 36.32 feet to a point for angle to the  
4-49 right;

4-50 N 71°33'09" E, 108.24 feet to a point for angle to the  
4-51 right;

4-52 N 86°07'04" E, 113.71 feet to a point for angle to the  
4-53 right;

4-54 S 74°30'24" E, 49.36 feet to a point for angle to the  
4-55 left;

4-56 S 81°57'01" E, 52.45 feet to a point for angle to the  
4-57 left;

4-58 S 89°27'17" E, 49.93 feet to a point for angle to the  
4-59 left;

4-60 N 87°43'18" E, 75.98 feet to a point for angle to the  
4-61 left;

4-62 N 70°44'28" E, 61.99 feet to a point for angle to the  
4-63 left;

4-64 N 08°52'18" E, 45.82 feet to a point for angle to the  
4-65 right;

4-66 N 50°56'26" E, 66.99 feet to a point for angle to the  
4-67 left;

4-68 N 43°50'05" E, 267.40 feet to a point for angle to the  
4-69 right;

5-1 N 65°40'59" E, 52.31 feet to a point for angle to the  
 5-2 left;  
 5-3 N 35°53'07" E, 54.23 feet to a point for angle to the  
 5-4 left;  
 5-5 N 34°00'27" E, 50.32 feet to a point for angle to the  
 5-6 right;  
 5-7 N 53°56'40" E, 60.77 feet to a point for angle to the  
 5-8 right;  
 5-9 S 67°46'17" E, 39.46 feet to a point for angle to the  
 5-10 left;  
 5-11 N 68°35'12" E, 64.04 feet to a point for angle to the  
 5-12 left;  
 5-13 N 12°09'44" E, 59.62 feet to a point for angle to the  
 5-14 left;  
 5-15 N 30°30'28" W, 51.17 feet to a point for angle to the  
 5-16 right;  
 5-17 N 32°52'16" E, 66.62 feet to a point for angle to the  
 5-18 left;  
 5-19 N 23°03'13" E, 47.19 feet to a point for angle to the  
 5-20 right;  
 5-21 N 48°59'46" E, 34.38 feet to a point for angle to the  
 5-22 right;  
 5-23 N 63°41'11" E, 93.85 feet to a point for angle to the  
 5-24 right;  
 5-25 N 64°29'03" E, 84.09 feet to a point for angle to the  
 5-26 right;  
 5-27 N 86°11'31" E, 103.40 feet to a point for angle to the  
 5-28 left;  
 5-29 N 73°07'13" E, 81.54 feet to a point for angle to the  
 5-30 left;  
 5-31 N 64°38'05" E, 85.88 feet to a point for angle to the  
 5-32 left;  
 5-33 N 44°07'54" E, 156.85 feet to a point for angle to the  
 5-34 right;  
 5-35 N 59°54'17" E, 72.93 feet to a point for angle to the  
 5-36 left; and,  
 5-37 N 55°37'46" E, 43.92 feet to a point for corner and being  
 5-38 at the common line for said Lot 493 and Lot 490 of said SECTION ONE;  
 5-39 THENCE S 25°00'00" E, leaving the said Southeasterly Meander  
 5-40 Line of Mean High Water, along the Northeasterly line of said Lot  
 5-41 493 and the Southwesterly line of said Lot 490, a distance of  
 5-42 2,005.31 feet to a point for corner;  
 5-43 THENCE S 31°58'38" W, a distance of 284.15 feet to a point for  
 5-44 corner;  
 5-45 THENCE S 61°00'34" E, a distance of 208.20 feet to a point for  
 5-46 corner;  
 5-47 THENCE S 28°59'26" W, a distance of 60.00 feet to a point for  
 5-48 corner;  
 5-49 THENCE N 61°00'34" W, a distance of 215.85 feet to a point for  
 5-50 corner;  
 5-51 THENCE S 45°34'49" W, a distance of 658.78 feet to a point for  
 5-52 angle to the right;  
 5-53 THENCE S 51°17'37" W, a distance of 266.07 feet to a point for  
 5-54 angle to the right;  
 5-55 THENCE S 57°17'39" W, a distance of 275.04 feet to a point for  
 5-56 angle to the right;  
 5-57 THENCE S 65°00'00" W, a distance of 306.38 feet to a point for  
 5-58 corner at the Northeasterly line of said 8-Mile Road, same being the  
 5-59 Southwesterly line of said Lot 33;  
 5-60 THENCE N 25°00'00" W, along the Northeasterly line of said  
 5-61 8-Mile Road and the Southwesterly line of said Lots 33 and 32 of  
 5-62 said SECTION TWO, a distance of 2,176.41 feet to a point for corner  
 5-63 at the most Northwesterly terminus of said 8-Mile Road;  
 5-64 THENCE S 65°00'00" W, along the Northwesterly terminus of said  
 5-65 8-Mile Road, a distance of 50.00 feet to a point for corner and  
 5-66 being at the Northeasterly line of said Lot 49;  
 5-67 THENCE S 25°00'00" E, along the Southwesterly line of said  
 5-68 8-Mile Road, same being the Northeasterly line of said Lot 49, a  
 5-69 distance of 280.82 feet to the POINT OF BEGINNING and containing

6-1 within said boundaries a calculated area of 94.0 acres of land, more  
6-2 or less.

6-3 TRACT II:

6-4 All that certain 6.6 acres of land, more or less, being out of  
6-5 and a part of Lot 49, in the TRIMBLE AND LINDSEY SURVEY OF GALVESTON  
6-6 ISLAND, SECTION TWO, and further including all of Lots 1 - 3 and  
6-7 Lots 11 - 14 of ANDERSON WAY'S ADDITION NO. ONE (1), a subdivision  
6-8 in Galveston County, Texas, according to the map or plat thereof  
6-9 recorded in Volume 254-A, Page 78, and transferred to Volume 11,  
6-10 Page 20, both of the Map Records in the Office of the County Clerk of  
6-11 Galveston County, Texas, and said 6.6 acres being more particularly  
6-12 described by metes and bounds as follows:

6-13 BEGINNING at the point of intersection for the Southwesterly  
6-14 line of 8-Mile Road, a 50 foot wide public roadway right-of-way, and  
6-15 the Southeasterly line of Sportsman Road, a 100 foot wide public  
6-16 roadway (as occupied), same being the North corner of said Lot 1,  
6-17 and being at the Northeasterly line of said Lot 49;

6-18 THENCE S 25°00'00" E, along the Southwesterly line of said  
6-19 8-Mile Road, same being the Northeasterly line of said Lot 49 and  
6-20 Lots 1 - 3, a distance of 150.00 feet to a point for corner;

6-21 THENCE S 65°00'00" W, along the Southeasterly line of said Lot  
6-22 3, a distance of 100.00 feet to a point for corner;

6-23 THENCE S 25°00'00" E, along the Southwesterly line of Lots 4 -  
6-24 10 of said ANDERSON WAY'S ADDITION NUMBER ONE (1), a distance of  
6-25 350.00 feet to a point for corner, same being the West corner of  
6-26 said Lot 11;

6-27 THENCE N 65°00'00" E, along the Northwesterly line of said Lot  
6-28 11, a distance of 100.00 feet to a point for corner at the  
6-29 Southwesterly line of said 8-Mile Road, same being the  
6-30 Northeasterly line of said Lot 49;

6-31 THENCE S 25°00'00" E, along the Southwesterly line of said  
6-32 8-Mile Road, same being the Northeasterly line of said Lot 49 and  
6-33 said Lots 11 - 14, a distance of 200.00 feet to a point for corner;

6-34 THENCE S 65°00'00" W, along the Southeasterly line of said Lot  
6-35 14, a distance of 100.00 feet to a point for corner;

6-36 THENCE S 25°00'00" E, along the Southwesterly line of Lots 15  
6-37 - 22 of said ANDERSON WAY'S ADDITION NUMBER ONE (1), a distance of  
6-38 400.00 feet to a point for corner and being at the Southeasterly  
6-39 line of said Lot 49, same being the Northwesterly line of Lot 48 of  
6-40 said SECTION TWO;

6-41 THENCE S 65°00'00" W, along the common line for said Lots 48  
6-42 and 49, a distance of 230.00 feet to a point for corner, same being  
6-43 the common corner for said Lots 48 and 49 and Lots 52 and 53 of said  
6-44 SECTION TWO;

6-45 THENCE N 25°00'00" W, along the common line for said Lots 49  
6-46 and 52, a distance of 1,100.00 feet to a point for corner at the  
6-47 Southeasterly line of said Sportsman Road;

6-48 THENCE N 65°00'00" E, along the Southeasterly line of said  
6-49 Sportsman Road, a distance of 330.00 feet to the POINT OF BEGINNING  
6-50 and containing within said boundaries a calculated area of 6.6  
6-51 acres of land, more or less.

6-52 SECTION 3. (a) The legal notice of the intention to  
6-53 introduce this Act, setting forth the general substance of this  
6-54 Act, has been published as provided by law, and the notice and a  
6-55 copy of this Act have been furnished to all persons, agencies,  
6-56 officials, or entities to which they are required to be furnished  
6-57 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
6-58 Government Code.

6-59 (b) The governor, one of the required recipients, has  
6-60 submitted the notice and Act to the Texas Commission on  
6-61 Environmental Quality.

6-62 (c) The Texas Commission on Environmental Quality has filed  
6-63 its recommendations relating to this Act with the governor, the  
6-64 lieutenant governor, and the speaker of the house of  
6-65 representatives within the required time.

6-66 (d) All requirements of the constitution and laws of this  
6-67 state and the rules and procedures of the legislature with respect  
6-68 to the notice, introduction, and passage of this Act are fulfilled  
6-69 and accomplished.

7-1 SECTION 4. This Act takes effect immediately if it receives  
7-2 a vote of two-thirds of all the members elected to each house, as  
7-3 provided by Section 39, Article III, Texas Constitution. If this  
7-4 Act does not receive the vote necessary for immediate effect, this  
7-5 Act takes effect September 1, 2009.

7-6

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