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Chapter 536

S.B. No. 1483

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

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

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

8 CHAPTER 8332. GALVESTON COUNTY MUNICIPAL

9 UTILITY DISTRICT NO. 76

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8332.001. DEFINITIONS. In this chapter:

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

13 (2) "Director" means a board member.

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

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

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

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

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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;

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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

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Section 8332.003; or

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

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

[Sections 8332.053-8332.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

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

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

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

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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

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

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

(1) a road project authorized by Section 8332.103;

(2) a recreational facility as defined by Section 49.462, Water Code; or

(3) a navigation facility described by Section 8332.105.

[Sections 8332.108-8332.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8332.151. ELECTIONS REGARDING TAXES OR BONDS.

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

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8332.153.

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

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

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

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

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

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

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

[Sections 8332.154-8332.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

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

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

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provided by Sections 54.601 and 54.602, Water Code.

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

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

TRACT I:

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

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

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

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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

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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;

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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

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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

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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.

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Randall Burkhart

President of the Senate

Jim Strawn

Speaker of the House

I hereby certify that S.B. No. 1483 passed the Senate on May 7, 2009, by the following vote: Yeas 31, Nays 0.

Patsy Spaw

Secretary of the Senate

I hereby certify that S.B. No. 1483 passed the House on May 25, 2009, by the following vote: Yeas 144, Nays 0, one present not voting.

Robert Haney

Chief Clerk of the House

Approved:

19 JUN '09

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

2 pm O'CLOCK

JUN 19 2009

Colby Shuter III