

1-1 By: Jackson

S.B. No. 1867

1-2 (In the Senate - Filed April 19, 2005; April 19, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 28, 2005, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; April 28, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the NASA Area Management District;
1-9 providing authority to impose an assessment, impose a tax, and
1-10 issue bonds.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. NASA AREA MANAGEMENT DISTRICT. Subtitle C,
1-13 Title 4, Special District Local Laws Code, is amended by adding
1-14 Chapter 3846 to read as follows:

1-15 CHAPTER 3846. NASA AREA MANAGEMENT DISTRICT

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 3846.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the board of directors of the
1-19 district.

1-20 (2) "District" means the NASA Area Management
1-21 District.

1-22 Sec. 3846.002. NASA AREA MANAGEMENT DISTRICT. The NASA
1-23 Area Management District is a special district created under
1-24 Section 59, Article XVI, Texas Constitution.

1-25 Sec. 3846.003. PURPOSE; DECLARATION OF INTENT. (a) The
1-26 creation of the district is essential to accomplish the purposes of
1-27 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
1-28 Texas Constitution, and other public purposes stated in this
1-29 chapter. By creating the district and in authorizing the City of
1-30 Nassau Bay, Harris County, and other political subdivisions to
1-31 contract with the district, the legislature has established a
1-32 program to accomplish the public purposes set out in Section 52-a,
1-33 Article III, Texas Constitution.

1-34 (b) The creation of the district is necessary to promote,
1-35 develop, encourage, and maintain employment, commerce,
1-36 transportation, housing, tourism, recreation, the arts,
1-37 entertainment, economic development, safety, and the public
1-38 welfare in the district territory.

1-39 (c) This chapter and the creation of the district may not be
1-40 interpreted to relieve Harris County or the City of Nassau Bay from
1-41 providing the level of services provided, as of the effective date
1-42 of the Act enacting this chapter, to the area in the district. The
1-43 district is created to supplement and not to supplant the county or
1-44 city services provided in the area in the district.

1-45 Sec. 3846.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-46 (a) The district is created to serve a public use and benefit.

1-47 (b) All land and other property included in the district
1-48 will benefit from the improvements and services to be provided by
1-49 the district under powers conferred by Sections 52 and 52-a,
1-50 Article III, and Section 59, Article XVI, Texas Constitution, and
1-51 other powers granted under this chapter.

1-52 (c) The creation of the district is in the public interest
1-53 and is essential to:

1-54 (1) further the public purposes of developing and
1-55 diversifying the economy of the state;

1-56 (2) eliminate unemployment and underemployment; and

1-57 (3) develop or expand transportation and commerce.

1-58 (d) The district will:

1-59 (1) promote the health, safety, and general welfare of
1-60 residents, employers, potential employees, employees, visitors,
1-61 and consumers in the district, and of the public;

1-62 (2) provide needed funding for the district to
1-63 preserve, maintain, and enhance the economic health and vitality of
1-64 the district territory as a community and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty.

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(f) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3846.005. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 2 of the Act enacting this chapter, as that territory may have been modified under:

- (1) Subchapter J, Chapter 49, Water Code;
- (2) Section 3846.108; or
- (3) other law.

(b) The boundaries and field notes of the district contained in Section 2 of the Act enacting this chapter form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not in any way affect the district's:

- (1) organization, existence, or validity;
- (2) right to issue any type of bond for a purpose for district is created or to pay the principal of and the bond;
- (3) right to impose or collect an assessment or tax; or
- (4) legality or operation.

Sec. 3846.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
All or any part of the area of the district is eligible to be
included in:

- (1) a tax increment reinvestment zone created by a municipality under Chapter 311, Tax Code;
- (2) a tax abatement reinvestment zone created by a municipality under Chapter 312, Tax Code; or
- (3) an enterprise zone created by a municipality under Chapter 2303, Government Code.

Sec. 3846.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3846.008. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

[Sections 3846.009-3846.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3846.051. BOARD OF DIRECTORS; TERMS. (a) The district is governed by a board of seven voting directors who serve staggered terms of four years, with three or four directors' terms expiring June 1 of each odd-numbered year.

(b) The governing body of the City of Nassau Bay may change the number of voting directors on the board. The board may not consist of fewer than five or more than 15 voting directors.

Sec. 3846.052. APPOINTMENT OF DIRECTORS. (a) The mayor and members of the governing body of the City of Nassau Bay shall appoint voting directors. A person is appointed if a majority of the members of the governing body, including the mayor, vote to appoint that person.

(b) Section 375.063, Local Government Code, does not apply to the district.

Sec. 3846.053 NONVOTING DIRECTORS (a) The following

Sec. 3846.053. NONVOTING DIRECTORS. (a) The following persons serve as nonvoting directors:

(1) the presiding officer of the city of Nassau Bay's planning and zoning commission;

(2) the City of Nassau Bay's director of public works; and

(3) the City of Nassau Bay's chief of police.

(b) If a department described by Subsection (a) is

(b) If a department described by Subsection (a) is consolidated, renamed, or changed, the board may appoint a director of the consolidated, renamed, or changed department as a nonvoting

3-1 director. If a department described by Subsection (a) is
 3-2 abolished, the board may appoint a representative of another
 3-3 department that performs duties comparable to those performed by
 3-4 the abolished department.

3-5 Sec. 3846.054. QUORUM. For purposes of determining the
 3-6 requirements for a quorum, the following are not counted:

- 3-7 (1) a board position vacant for any reason, including
 3-8 death, resignation, or disqualification;
- 3-9 (2) a director who is abstaining from participation in
 3-10 a vote because of a conflict of interest; or
- 3-11 (3) a nonvoting director.

3-12 Sec. 3846.055. INITIAL VOTING DIRECTORS. (a) The mayor
 3-13 and members of the governing body of the City of Nassau Bay shall
 3-14 appoint the initial seven voting directors by position.

3-15 (b) Of the initial voting directors, the terms of directors
 3-16 appointed for positions 1 through 4 expire June 1, 2007, and the
 3-17 terms of directors appointed for positions 5 through 7 expire June
 3-18 1, 2009.

3-19 (c) Section 3846.052 does not apply to this section.

3-20 (d) This section expires September 1, 2010.

3-21 [Sections 3846.056-3846.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

3-23 Sec. 3846.101. ADDITIONAL POWERS OF DISTRICT. The district
 3-24 may exercise the powers given to:

3-25 (1) a corporation under Section 4B, Development
 3-26 Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil
 3-27 Statutes), including the power to own, operate, acquire, construct,
 3-28 lease, improve, or maintain a project described by that section;
 3-29 and

3-30 (2) a housing finance corporation under Chapter 394,
 3-31 Local Government Code, to provide housing or residential
 3-32 development projects in the district.

3-33 Sec. 3846.102. NONPROFIT CORPORATION. (a) The board by
 3-34 resolution may authorize the creation of a nonprofit corporation to
 3-35 assist and act for the district in implementing a project or
 3-36 providing a service authorized by this chapter.

3-37 (b) The nonprofit corporation:

3-38 (1) has each power of and is considered for purposes of
 3-39 this chapter to be a local government corporation created under
 3-40 Chapter 431, Transportation Code; and

3-41 (2) may implement any project and provide any service
 3-42 authorized by this chapter.

3-43 (c) The board shall appoint the board of directors of the
 3-44 nonprofit corporation. A director of the corporation is not
 3-45 required to reside in the district.

3-46 (d) The board of directors of the nonprofit corporation
 3-47 shall serve in the same manner as the board of directors of a local
 3-48 government corporation created under Chapter 431, Transportation
 3-49 Code.

3-50 Sec. 3846.103. AGREEMENTS; GRANTS. (a) The district may
 3-51 make an agreement with or accept a gift, grant, or loan from any
 3-52 person.

3-53 (b) The implementation of a project is a governmental
 3-54 function or service for the purposes of Chapter 791, Government
 3-55 Code.

3-56 Sec. 3846.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.
 3-57 To protect the public interest, the district may contract with a
 3-58 qualified provider, including Harris County or the City of Nassau
 3-59 Bay, to provide law enforcement services in the district for a fee.

3-60 Sec. 3846.105. APPROVAL BY CITY OF NASSAU BAY. (a) Except
 3-61 as provided by Subsection (c), the district must obtain the
 3-62 approval of the City of Nassau Bay's governing body for:

- 3-63 (1) the issuance of bonds for an improvement project;
- 3-64 (2) the imposition of a sales and use tax;
- 3-65 (3) the imposition of an assessment on a single-family
 3-66 detached residence or a residential duplex, triplex, or fourplex;
- 3-67 (4) the plans and specifications of an improvement
 3-68 project financed by the bonds; and
- 3-69 (5) the plans and specifications of an improvement

4-1 project related to the use of land owned by the City of Nassau Bay,
 4-2 an easement granted by the City of Nassau Bay, or a right-of-way of
 4-3 a street, road, or highway.

4-4 (b) The approval obtained under Subsection (a)(1), (2), or
 4-5 (3) must be a resolution by the City of Nassau Bay. The approval
 4-6 obtained under Subsection (a) for plans and specifications must be
 4-7 a permit issued by the City of Nassau Bay.

4-8 (c) If the district obtains the approval of the City of
 4-9 Nassau Bay's governing body of a capital improvements budget for a
 4-10 period not to exceed five years, the district may finance the
 4-11 capital improvements and issue bonds specified in the budget
 4-12 without further approval from the City of Nassau Bay.

4-13 (d) The City of Nassau Bay and the district may agree on
 4-14 conditions for obtaining the approval of the city under this
 4-15 section, including an agreement for the approval of a sales and use
 4-16 tax that requires the district to abolish or decrease the rate of
 4-17 the tax if the rate, when combined with other local sales and use
 4-18 taxes, results in a combined tax rate of more than two percent in
 4-19 any location in the district.

4-20 Sec. 3846.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
 4-21 district may join and pay dues to an organization that:

4-22 (1) enjoys tax-exempt status under Section 501(c)(3),
 4-23 (4), or (6), Internal Revenue Code of 1986; and

4-24 (2) performs a service or provides an activity
 4-25 consistent with the furtherance of a district purpose.

4-26 Sec. 3846.107. ECONOMIC DEVELOPMENT PROGRAMS AND OTHER
 4-27 POWERS RELATED TO PLANNING AND DEVELOPMENT. (a) The district may
 4-28 establish and provide for the administration of one or more
 4-29 programs to promote state or local economic development and to
 4-30 stimulate business and commercial activity in the district,
 4-31 including programs to:

4-32 (1) make loans and grants of public money; and
 4-33 (2) provide district personnel and services.

4-34 (b) The district has all of the powers of a municipality
 4-35 under Chapter 380, Local Government Code.

4-36 Sec. 3846.108. ANNEXATION. In addition to the authority to
 4-37 annex territory under Subchapter J, Chapter 49, Water Code, the
 4-38 district may by board resolution annex territory located in the
 4-39 City of Nassau Bay if the city's governing body votes in favor of
 4-40 the annexation.

4-41 Sec. 3846.109. NO EMINENT DOMAIN. The district may not
 4-42 exercise the power of eminent domain.

4-43 [Sections 3846.110-3846.150 reserved for expansion]

SUBCHAPTER D. FINANCIAL PROVISIONS

4-44 Sec. 3846.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
 4-45 board by resolution shall establish the number of directors'
 4-46 signatures and the procedure required for a disbursement or
 4-47 transfer of the district's money.

4-48 Sec. 3846.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
 4-49 The district may acquire, construct, finance, operate, or maintain
 4-50 any improvement or service authorized under this chapter or Chapter
 4-51 375, Local Government Code, using any money available to the
 4-52 district.

4-53 Sec. 3846.153. PETITION REQUIRED FOR FINANCING SERVICES AND
 4-54 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
 4-55 service or improvement project with assessments under this chapter
 4-56 unless a written petition requesting that service or improvement
 4-57 has been filed with the board.

4-58 (b) A petition filed under Subsection (a) must be signed by:

4-59 (1) the owners of a majority of the assessed value of
 4-60 real property in the district subject to assessment according to
 4-61 the most recent certified tax appraisal roll for Harris County;

4-62 (2) at least 25 persons who own real property in the
 4-63 district, if more than 25 persons own real property in the district
 4-64 according to the most recent certified tax appraisal roll for
 4-65 Harris County;

4-66 (3) the owners of a majority of the surface area of
 4-67 real property in the district subject to assessment as determined
 4-68 by the board; or

(4) the owners of a majority of the number of platted lots of real property subject to assessment as determined by the board.

Sec. 3846.154. METHOD OF NOTICE FOR HEARING. The district may mail the notice required by Section 375.115(c), Local Government Code, by certified United States mail or an equivalent service that can provide a record of mailing or other delivery.

Sec. 3846.155. ASSESSMENTS; LIENS FOR ASSESSMENTS.

(a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed; (2) are a second and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Sec. 3846.156. PROPERTY EXEMPT FROM IMPACT FEES, ASSESSMENTS, TAXES, AND OTHER REQUIREMENTS. (a) The district may not impose an impact fee or assessment on the property, including the equipment, rights-of-way, facilities, or improvements, of:

(1) an electric utility or a power generation company as defined by Section 31.002, Utilities Code;

(2) a gas utility as defined by Section 101.003 or 121.001, Utilities Code;

(3) a telecommunications provider as defined by

Section 51.002, Utilities Code; or
(4) a person who provides to the public cable
television or advanced telecommunications services.

(b) Section 375.161, Local Government Code, does not apply to the district.

Sec. 3846.157. BONDS AND OTHER OBLIGATIONS. (a) The district may issue by competitive bid or negotiated sale bonds or other obligations payable wholly or partly from taxes, assessments, impact fees, revenue, grants, or other money of the district, or any combination of those sources of money, to pay for any authorized purpose of the district.

(b) The district may issue a bond or other obligation in the form of a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments to be made by the district, or other type of obligation.

(c) Section 375.243, Local Government Code, does not apply to the district.

Sec. 3846.158. CITY NOT REQUIRED TO PAY DISTRICT OBLIGATIONS. Except as provided by Section 375.263, Local Government Code, the City of Nassau Bay is not required to pay a bond, note, or other obligation of the district.

Sec. 3846.159. COMPETITIVE BIDDING. Section 375.221, Local Government Code, applies to the district only for a contract that has a value greater than \$25,000.

Sec. 3846.160. TAX AND ASSESSMENT ABATEMENTS. The district may grant in the manner authorized by Chapter 312, Tax Code, an abatement for a tax or assessment owed to the district.

[Sections 3846.161-3846.200 reserved for expansion]

6-1 SUBCHAPTER E. SALES AND USE TAX
6-2

6-3 Sec. 3846.201. MEANINGS OF WORDS AND PHRASES. Words and
6-4 phrases used in this subchapter that are defined by Chapters 151 and
6-5 321, Tax Code, have the meanings assigned by Chapters 151 and 321,
6-6 Tax Code.

6-7 Sec. 3846.202. APPLICABILITY OF CERTAIN TAX CODE
6-8 PROVISIONS. (a) Except as otherwise provided by this subchapter,
6-9 Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code,
6-10 apply to taxes imposed under this subchapter and to the
6-11 administration and enforcement of those taxes in the same manner
6-12 that those laws apply to state taxes.

6-13 (b) The provisions of Subchapters B, C, and D, Chapter 321,
6-14 Tax Code, relating to municipal sales and use taxes apply to the
6-15 application, collection, change, and administration of a sales and
6-16 use tax imposed under this subchapter to the extent consistent with
6-17 this chapter, as if references in Chapter 321, Tax Code, to a
6-18 municipality referred to the district and references to a governing
6-19 body referred to the board.

6-20 (c) Sections 321.401-321.406 and Subchapter F, Chapter 321,
6-21 Tax Code, do not apply to a tax imposed under this subchapter.

6-22 Sec. 3846.203. AUTHORIZATION. The district may adopt a
6-23 sales and use tax for the benefit of the district. The board is not
6-24 required to call an election to adopt the tax.

6-25 Sec. 3846.204. ABOLISHING SALES AND USE TAX. (a) Except
6-26 as provided in Subsection (b), the board, with the consent of the
6-27 governing body of the City of Nassau Bay, may abolish the sales and
6-28 use tax without an election.

6-29 (b) The board may not abolish the sales and use tax if the
6-30 district has outstanding debt secured by the tax.

6-31 Sec. 3846.205. SALES AND USE TAX RATE. (a) On adoption of
6-32 the tax authorized by this subchapter, there is imposed a tax at the
6-33 rate authorized by the district on the receipts from the sale at
6-34 retail of taxable items within the district, and an excise tax on
6-35 the use, storage, or other consumption within the district of
6-36 taxable items purchased, leased, or rented from a retailer within
6-37 the district during the period that the tax is in effect.

6-38 (b) The rate of the excise tax is the same as the rate of the
6-39 sales tax portion of the tax and is applied to the sales price of the
6-40 taxable item.

6-41 [Sections 3846.206-3846.250 reserved for expansion]

6-42 SUBCHAPTER F. DISSOLUTION
6-43

6-44 Sec. 3846.251. DISSOLUTION OF DISTRICT WITH OUTSTANDING
6-45 DEBT. (a) The board may dissolve the district regardless of
6-46 whether the district has debt. Section 375.264, Local Government
6-47 Code, does not apply to the district.

6-48 (b) If the district has debt when it is dissolved, the
6-49 district shall remain in existence solely for the purpose of
6-50 discharging its debts. The dissolution is effective when all debts
6-51 have been discharged.

6-52 SECTION 2. BOUNDARIES. As of the effective date of this
6-53 Act, the NASA Area Management District includes all territory
6-54 contained in the following described area:

6-55 BEGINNING AT A POINT located at the intersection of the south
6-56 right-of-way line of NASA Parkway and the city limit of the City of
6-57 Nassau Bay, located in the City of Nassau Bay, Harris County, Texas;
6-58 THENCE, in a southeasterly direction approximately 3400 feet
6-59 following the city limit line between the City of Nassau Bay and the
6-60 City of Webster to the southwest corner of the Nassau Bay Homeowners
6-61 Association marina and yacht club property;

6-62 THENCE, in a northeasterly direction approximately 365 feet
6-63 following the southern property line of the Nassau Bay Homeowners
6-64 Association marina and yacht club to the eastern property line;

6-65 THENCE, in a northwesterly direction approximately 590 feet
6-66 following the eastern property line of the Nassau Bay Homeowners
6-67 Association marina and yacht club to the northern property line;

6-68 THENCE, in a westerly direction approximately 160 feet following
6-69 the northern property line of the Nassau Bay Homeowners Association
6-70 marina and yacht club to the western property line;

6-71 THENCE, in a generally southwesterly direction approximately 420

7-1 feet following the western property line of the Nassau Bay
7-2 Homeowners Association marina and yacht club to the city limit line
7-3 of the City of Nassau Bay;
7-4 THENCE, in a northwesterly direction for approximately 1550 feet to
7-5 the northwest corner of the Saxony Place Townhomes;
7-6 THENCE, in a northeasterly direction approximately 460 feet
7-7 following the northern property lines of the Saxony Place Townhomes
7-8 to the eastern right-of-way line of Nassau Bay Drive;
7-9 THENCE, in a northerly direction approximately 25 feet following
7-10 the eastern right-of-way line of Nassau Bay Drive to the southwest
7-11 corner of the Nassau Bay Baptist Church property;
7-12 THENCE, in an easterly direction approximately 410 feet following
7-13 the southern property line of the Nassau Bay Baptist Church to the
7-14 southeast corner of the property;
7-15 THENCE, in a northwesterly direction 500 feet along the eastern
7-16 property line of the Nassau Bay Baptist Church to the northwest
7-17 corner of Nassau Bay Section One;
7-18 THENCE, in a northeasterly direction approximately 765 feet
7-19 following the northern subdivision line of Nassau Bay Section One
7-20 to a point;
7-21 THENCE, in a southeasterly direction approximately 207 feet
7-22 following the subdivision line of Nassau Bay Section One to a point;
7-23 THENCE, in a northeasterly direction approximately 440 feet
7-24 following the subdivision line of Nassau Bay Section One to a point;
7-25 THENCE, in a northwesterly direction approximately 105 feet
7-26 following the subdivision line of Nassau Bay Section One to a point;
7-27 THENCE in a northeasterly direction approximately 440 feet
7-28 following the subdivision line of Nassau Bay Section One to the
7-29 western right-of-way of Point Lookout Drive;
7-30 THENCE, in a southeasterly direction approximately 1100 feet
7-31 following the western right-of-way of Point Lookout Drive to a
7-32 point;
7-33 THENCE, in a northeasterly direction approximately 60 feet to the
7-34 southwest corner of the St. Paul Catholic Church property;
7-35 THENCE, in a northeasterly direction approximately 385 feet
7-36 following the southern property line of the St. Paul Catholic
7-37 Church;
7-38 THENCE, in a northwesterly direction approximately 700 feet
7-39 following the eastern property line of the St. Paul Catholic
7-40 Church;
7-41 THENCE, in a southwesterly direction approximately 340 feet
7-42 following the northern property line of the St. Paul Catholic
7-43 Church to the eastern right-of-way of Point Lookout Drive;
7-44 THENCE, in a northwesterly direction approximately 335 feet to a
7-45 point;
7-46 THENCE, in a northeasterly direction approximately 985 feet
7-47 following the northern property lines of the Queens Court Townhomes
7-48 to the northeast corner of that subdivision;
7-49 THENCE, in a southeasterly direction approximately 320 feet
7-50 following the western property line of the Queens Court Townhomes
7-51 to the southeast corner of that subdivision;
7-52 THENCE, in a southwesterly direction approximately 350 feet
7-53 following the southern property line of the Queens Court Townhomes
7-54 to a point;
7-55 THENCE, in a southeasterly direction approximately 10 feet
7-56 following the property line of the Queens Court Townhomes to a
7-57 point;
7-58 THENCE, in a southwesterly direction approximately 165 feet
7-59 following the southern property line of the Queens Court Townhomes
7-60 to the western right-of-way line of Vinland Drive;
7-61 THENCE, in a southeasterly direction approximately 690 feet
7-62 following the east right-of-way line of Vinland Drive to the
7-63 southern right-of-way line of San Sebastian Lane;
7-64 THENCE, in a northeasterly direction approximately 330 feet
7-65 following the southern right-of-way line of San Sebastian Lane to
7-66 the western right-of-way line of Vinland Drive;
7-67 THENCE, in a southeasterly direction approximately 940 feet
7-68 following the western right-of-way line of Vinland Drive to the
7-69 southern right-of-way line of Martinique Drive;

8-1 THENCE, in a northeasterly direction approximately 500 feet along
8-2 the southern right-of-way line of Martinique Drive to the western
8-3 right-of-way line of Upper Bay Drive;
8-4 THENCE, in a southerly direction approximately 760 feet along the
8-5 western right-of-way line of Upper Bay Road to the northern
8-6 right-of-way line of Prince William Lane;
8-7 THENCE, in an easterly direction approximately 70 feet to the
8-8 easterly right-of-way line of Upper Bay Road;
8-9 THENCE, in a generally southerly and easterly direction
8-10 approximately 3350 feet following the property lines along the
8-11 western and southern shore of Nassau Bay to the City of Nassau Bay
8-12 property generally known as "the peninsula";
8-13 THENCE, in a southerly direction approximately 440 feet to the city
8-14 limit line of the City of Nassau Bay in the Clear Creek channel;
8-15 THENCE, in a northeasterly direction approximately 5300 feet
8-16 following the Clear Creek channel along the city limit line of the
8-17 City of Nassau Bay to a point in Clear Lake;
8-18 THENCE, in northwesterly direction approximately 2000 feet to the
8-19 southwestern corner of the Swan Lagoon subdivision along the
8-20 northern shoreline of Clear Lake;
8-21 THENCE, in a northwesterly direction approximately 230 feet along
8-22 the western boundary of the Swan Lagoon subdivision to the southern
8-23 right-of-way line of Surf Court;
8-24 THENCE, in a northwesterly direction approximately 1115 feet
8-25 following the southern and then eastern boundary line of Surf Court
8-26 to the northern property line of the Clippers Square subdivision;
8-27 THENCE in a northeasterly direction approximately 750 feet
8-28 following the northern property line of the Clipper's Square
8-29 subdivision to the eastern right-of-way line of Lagoon Drive;
8-30 THENCE, in a northerly direction approximately 485 feet along the
8-31 eastern right-of-way line of Lagoon Drive to the south right-of-way
8-32 line of NASA Parkway;
8-33 THENCE, in a northeasterly direction approximately 2230 feet
8-34 following the southern right-of-way line of NASA Parkway to the
8-35 western right-of-way line of Lakeside Lane;
8-36 THENCE, in a southeasterly direction approximately 400 feet along
8-37 the western right-of-way line of Lakeside Lane to a point;
8-38 THENCE, in a northeasterly direction approximately 405 feet along
8-39 the southern property line of the Hilton Hotel to the eastern
8-40 property boundary;
8-41 THENCE, in a generally northeasterly direction approximately 1150
8-42 feet following the property lines along the western shoreline of
8-43 Clear Lake to the city limits of the City of Nassau Bay;
8-44 THENCE, in a northwesterly direction approximately 330 feet
8-45 following the city limit line of the City of Nassau Bay to the
8-46 northern right-of-way line of NASA Parkway;
8-47 THENCE in a southwesterly direction approximately 9500 feet
8-48 following the northern right-of-way line of NASA Parkway to the
8-49 city limits of the City of Webster;
8-50 THENCE, in a southeasterly direction approximately 180 feet
8-51 following the city limits of the City of Webster to the southern
8-52 right-of-way line of NASA Parkway;
8-53 THENCE in a southwesterly direction approximately 750 feet
8-54 following the southern right-of-way line of NASA Parkway to the
8-55 POINT OF BEGINNING.

8-56 SECTION 3. LEGISLATIVE FINDINGS. The legislature finds
8-57 that:

8-58 (1) proper and legal notice of the intention to
8-59 introduce this Act, setting forth the general substance of this
8-60 Act, has been published as provided by law, and the notice and a
8-61 copy of this Act have been furnished to all persons, agencies,
8-62 officials, or entities to which they are required to be furnished by
8-63 the constitution and laws of this state, including the governor,
8-64 who has submitted the notice and Act to the Texas Commission on
8-65 Environmental Quality;

8-66 (2) the Texas Commission on Environmental Quality has
8-67 filed its recommendations relating to this Act with the governor,
8-68 lieutenant governor, and speaker of the house of representatives
8-69 within the required time;

(3) the general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with; and

(4) all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 4. EFFECTIVE DATE. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

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