

1-1 By: Isaac (Senate Sponsor - Zaffirini) H.B. No. 4311
1-2 (In the Senate - Received from the House May 19, 2017;
1-3 May 19, 2017, read first time and referred to Committee on
1-4 Administration; May 23, 2017, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 23, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>X</u>			
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the temporary board of and financing of certain
1-18 facilities and improvements by the LaSalle Municipal Utility
1-19 District No. 2; providing authority to impose an assessment.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Sections 8473.052(a) and (b), Special District
1-22 Local Laws Code, are amended to read as follows:

1-23 (a) The temporary board consists of:

1-24 (1) Kevin Bales;

1-25 (2) Tol S. Higginbotham IV;

1-26 (3) Mark Baldwin;

1-27 (4) Brannin Prideaux; and

1-28 (5) Chris Synan [~~On or after the effective date of the~~

1-29 ~~Act enacting this chapter, the owner or owners of a majority of the~~

1-30 ~~assessed value of the real property in the district may submit a~~

1-31 ~~petition to the commission requesting that the commission appoint~~

1-32 ~~as temporary directors the five persons named in the petition. The~~

1-33 ~~commission shall appoint as temporary directors the five persons~~

1-34 ~~named in the petition].~~

1-35 (b) Temporary directors serve until the earlier of:

1-36 (1) the date permanent directors are elected under
1-37 Section 8473.003; or

1-38 (2) the fourth anniversary of the effective date of
1-39 their designation [~~the Act enacting this chapter~~].

1-40 SECTION 2. Chapter 8473, Special District Local Laws Code,
1-41 is amended by adding Subchapter F to read as follows:

1-42 SUBCHAPTER F. ASSESSMENTS; APPLICABILITY OF ASSESSMENTS

1-43 Sec. 8473.251. PETITION REQUIRED FOR FINANCING

1-44 IMPROVEMENTS AND RECREATIONAL FACILITIES WITH ASSESSMENTS. (a)

1-45 Except as provided by this subchapter, the board may finance the

1-46 construction or maintenance of a recreational facility or

1-47 improvement with assessments on property under this subchapter only

1-48 if:
1-49 (1) a written petition requesting that facility or

1-50 improvement has been filed with the board; and

1-51 (2) the board holds a hearing on the proposed

1-52 assessments.

1-53 (b) The petition must be signed by the owners of a majority

1-54 of the assessed value of real property in the district subject to

1-55 assessment according to the most recent certified tax appraisal

1-56 roll for the county.

1-57 Sec. 8473.252. MISCELLANEOUS DESIGN, CONSTRUCTION, AND

1-58 MAINTENANCE. An improvement or recreational facility project may

1-59 include the planning, design, construction, improvement, and

1-60 maintenance of:

1-61 (1) landscaping;

- 2-1 (2) marinas and bridges;
- 2-2 (3) lighting, banners, and signs;
- 2-3 (4) hiking and cycling paths or trails;
- 2-4 (5) sidewalks, pedestrian walkways, skywalks,
- 2-5 crosswalks, or tunnels;
- 2-6 (6) ponds, lakes, recreational facilities, or scenic
- 2-7 areas;
- 2-8 (7) plazas or pedestrian malls;
- 2-9 (8) drainage or navigation improvements; or
- 2-10 (9) solid waste, water, sewer, or power facilities,
- 2-11 including electrical and gas power facilities.

2-12 Sec. 8473.253. METHOD OF NOTICE FOR HEARING. The district
 2-13 shall mail notice of the hearing to each property owner in the
 2-14 district who will be subject to the assessment at the current
 2-15 address to be assessed as reflected on the tax rolls. The district
 2-16 may mail the notice by certified or first class United States mail.
 2-17 The board shall determine the method of notice.

2-18 Sec. 8473.254. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) An
 2-19 assessment or a reassessment imposed under this subchapter by the
 2-20 district, penalties and interest on an assessment or reassessment,
 2-21 an expense of collection, and reasonable attorney's fees incurred
 2-22 by the district:

- 2-23 (1) are a first and prior lien against the property
- 2-24 assessed;
- 2-25 (2) are superior to any other lien or claim other than
- 2-26 a lien or claim for county, school district, or municipal ad valorem
- 2-27 taxes; and
- 2-28 (3) are the personal liability of and a charge against
- 2-29 the owners of the property even if the owners are not named in the
- 2-30 assessment proceedings.

2-31 (b) The lien is effective from the date of the board's
 2-32 resolution imposing the assessment until the date the assessment is
 2-33 paid. The board may enforce the lien in the same manner that the
 2-34 board may enforce an ad valorem tax lien against real property.

2-35 (c) The board may make a correction to or deletion from the
 2-36 assessment roll that does not increase the amount of assessment of
 2-37 any parcel of land without providing notice and holding a hearing in
 2-38 the manner required for additional assessments.

2-39 Sec. 8473.255. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS.
 2-40 The district may not impose an assessment on the property,
 2-41 including the equipment, rights-of-way, facilities, or
 2-42 improvements, of:

- 2-43 (1) an electric utility or a power generation company
- 2-44 as defined by Section 31.002, Utilities Code;
- 2-45 (2) a gas utility as defined by Section 101.003 or
- 2-46 121.001, Utilities Code;
- 2-47 (3) a telecommunications provider as defined by
- 2-48 Section 51.002, Utilities Code; or
- 2-49 (4) a person who provides to the public cable
- 2-50 television or advanced telecommunications services.

2-51 SECTION 3. Section 2, Chapter 626, Acts of the 83rd
 2-52 Legislature, Regular Session, 2013, is amended to read as follows:

2-53 Sec. 2. The LaSalle Municipal Utility District No. 2
 2-54 initially includes all the territory contained in the following
 2-55 area:

2-56 BEING TWO PARTS TOTALLING 389.6 ACRES: PART 1, A 206.1-ACRE
 2-57 [8,978,157 SQUARE FEET] TRACT OF LAND AND PART 2, A 183.5-ACRE
 2-58 [7,994,178 SQUARE FEET] TRACT OF LAND OUT OF THE WILLIAM HEMPHILL
 2-59 SURVEY, ABSTRACT NUMBER 221, HAYS COUNTY, TEXAS, SAID 206.1-ACRE
 2-60 TRACT AND SAID 183.5-ACRE TRACT BEING PORTIONS OF SAID 765.035-ACRE
 2-61 TRACT, SAID 206.1-ACRE TRACT AND SAID 183.5-ACRE TRACT BEING MORE
 2-62 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

2-63 PART 1:
 2-64 BEGINNING at a 1/2-inch iron rod found in the apparent west
 2-65 right-of-way line of County Road 158 (no record information found)
 2-66 for the southeast corner of the northerly portion of said
 2-67 765.035-acre tract and southeast corner of the tract described
 2-68 herein;
 2-69 THENCE with said apparent west right-of-way line of County

3-1 Road 158, same being the southeast line of said northerly portion of
 3-2 the 765.035-acre tract, the following three (3) courses and
 3-3 distances:

3-4 1) $S42^{\circ}49'29''W$, a distance of 1,989.07 feet to a 1/2-inch
 3-5 iron rod with cap marked "BYRN" found for an angle point,

3-6 2) $S42^{\circ}48'42''W$, a distance of 365.86 feet to a 1/2-inch iron
 3-7 rod with cap marked "BYRN" found for an angle point, and

3-8 3) $S42^{\circ}49'22''W$, a distance of 1,989.07 feet to an angle point
 3-9 for the south corner of the tract described herein;

3-10 THENCE leaving said apparent west right-of-way line of County
 3-11 Road 158 and said southeast line of the northerly portion of the
 3-12 765.035-acre tract, crossing said northerly portion of the
 3-13 765.035-acre tract, the following eight (8) courses and distances:

3-14 1) $N45^{\circ}37'13''W$, a distance of 1,831.04 feet to the west
 3-15 corner of the tract described herein,

3-16 2) $N22^{\circ}07'52''E$, a distance of 804.54 feet to a point of
 3-17 curvature of a tangent circular curve to the left,

3-18 3) with the arc of said curve to the left a distance of
 3-19 314.79 feet, said curve having a radius of 1000.00, a central angle
 3-20 of $18^{\circ}02'10''$ and a chord bearing $N13^{\circ}06'47''E$, a distance of 313.49
 3-21 feet to a point of tangency,

3-22 4) $N06^{\circ}46'34''E$, a distance 123.00 feet to a point of
 3-23 curvature of a tangent circular curve to the right;

3-24 5) with the arc of said curve to the right a distance of
 3-25 1,807.51 feet, said curve having a radius of 1,738.00, a central
 3-26 angle of $59^{\circ}35'14''$ and a chord bearing $N36^{\circ}34'11''E$, a distance of
 3-27 1,727.15 feet to a point of tangency,

3-28 6) $N67^{\circ}06'07''E$, a distance of 20.00 feet to a point of
 3-29 curvature of a tangent circular curve to the left,

3-30 7) with the arc of said curve to the left a distance of
 3-31 372.28 feet, said curve having a radius of 1,000.00, a central angle
 3-32 of $21^{\circ}19'49''$ and a chord bearing $N56^{\circ}26'13''E$, a distance of 370.14
 3-33 feet to a point of tangency, and

3-34 8) $N43^{\circ}33'39''E$, a distance of 551.53 feet to a point in said
 3-35 apparent west right-of-way line of County Road 158, same being the
 3-36 northeast line of said northerly portion of the 765.035-acre tract;

3-37 THENCE with said apparent west right-of-way line of County
 3-38 Road 158 and said northeast line of the northerly portion of the
 3-39 765.035-acre tract, the following four (4) courses and distances:

3-40 1) $S46^{\circ}10'38''E$, a distance of 1,429.22 feet to a 1/2-inch
 3-41 iron rod found for an angle point,

3-42 2) $S28^{\circ}54'35''E$, a distance of 181.07 feet to a 1/2-inch iron
 3-43 rod found for an angle point,

3-44 3) $S46^{\circ}09'48''E$, a distance of 787.55 feet to a 1/2-inch iron
 3-45 rod found for an angle point, and

3-46 4) $S01^{\circ}21'32''E$, a distance of 56.98 feet to said POINT OF
 3-47 BEGINNING of PART 1, and containing 206.1 acres [8,978,157 square
 3-48 feet].

3-49 PART 2:

3-50 BEGINNING at a 1/2-inch iron rod with cap marked "BYRN" found
 3-51 in the apparent east right-of-way line of said County Road 158 for
 3-52 the northwest corner of the southerly portion of said 765.035-acre
 3-53 tract, same being the west corner of that called 1.00-acre tract
 3-54 described to Drue B. Ewald and wife, Alice H. Ewald, as recorded in
 3-55 Volume 269, Page 202 of the Hays County Deed Records [H.C.D.R.], and
 3-56 the northwest corner of the tract described herein, and from which
 3-57 said 1/2-inch iron rod found for the point of beginning of Part 1 bears
 3-58 $N47^{\circ}10'31''W$, a distance of 47.12 feet and $N42^{\circ}49'29''E$, a distance of
 3-59 134.89 feet;

3-60 THENCE with the southwest line of said 1.00-acre tract, same
 3-61 being the north line of said southerly portion of the 765.035-acre
 3-62 tract, $S45^{\circ}26'51''E$, a distance of 221.84 feet to a 1/2-inch iron rod
 3-63 found for an angle point;

3-64 THENCE with the southeast line of said 1.00-acre tract,
 3-65 continuing with the north line of said southerly portion of the
 3-66 765.035-acre tract, $N43^{\circ}57'39''E$, a distance of 198.71 feet to a
 3-67 1/2-inch iron rod found in the east line of said 765.035-acre tract,
 3-68 same being the southwest line of that called 140.6-acre tract
 3-69 described in Special Warranty Deed to Cynthia G. Meyer, as recorded

4-1 in Volume 1769, Page 435, O.P.R.H.C.T., said 140.6-acre tract being
4-2 further described in Volume 205, Page 109, H.C.D.R.;

4-3 THENCE with said east line of the 765.035-acre tract and said
4-4 southwest line of the 140.6-acre tract, S46°43'06"E, a distance of
4-5 2,436.01 feet to the east corner of the tract described herein;
4-6 THENCE leaving said east line of the 765.035-acre tract and
4-7 said southwest line of the 140.6-acre tract, crossing said
4-8 765.035-acre tract, the following ten (10) courses and distances:
4-9 1) S43°22'06"W, a distance of 190.43 feet to a point of
4-10 curvature of a tangent circular curve to the left,
4-11 2) with the arc of said curve to the left a distance of
4-12 793.02 feet, said curve having a radius of 632.00, a central angle
4-13 of 71°53'37" and a chord bearing S10°26'48"W, a distance of 742.01
4-14 feet to a point of tangency,
4-15 3) S24°53'03"E, a distance of 156.83 feet to a point of
4-16 curvature of a tangent circular curve to the right,
4-17 4) with the arc of said curve to the right a distance of
4-18 595.11 feet, said curve having a radius of 512.00, a central angle
4-19 of 66°35'45" and a chord bearing S10°17'36"W, a distance of 562.17
4-20 feet to a point of tangency,
4-21 5) S43°35'28"W, a distance of 248.47 feet to an angle point
4-22 for the southeast corner of the tract described herein,
4-23 6) N46°24'32"W a distance of 792.11' to a point of curvature
4-24 of a tangent circular curve to the left,
4-25 7) with the arc of said curve to the left a distance of
4-26 2,394.53 feet, said curve having a radius of 1,654.00 feet, a
4-27 central angle of 82°56'54" and a chord bearing S86°50'23"W, a
4-28 distance of 2,190.83 feet to a point of tangency,
4-29 8) S44°18'44"W, a distance of 586.71' to an angle point for
4-30 the southwest corner of the tract described herein,
4-31 9) N46°24'34"W, a distance of 233.22 feet to an angle point,
4-32 and
4-33 10) N45°40'51"W, a distance of 942.00' feet to a point in
4-34 said apparent east right-of-way line of County Road 158, same being
4-35 the north line of said southerly portion of the 765.035-acre tract,
4-36 for the west corner of the tract described herein;
4-37 THENCE with said apparent east right-of-way line of County
4-38 Road 158 and said north line of the southerly portion of the
4-39 765.035-acre tract, the following three (3) courses and distances:
4-40 1) N42°52'47"E, a distance of 517.38 feet to a 1/2-inch iron
4-41 rod with cap marked "BYRN" found for an angle point;
4-42 2) N42°49'25"E, a distance of 1,527.56 feet to an angle
4-43 point, and
4-44 3) N43°05'04"E, a distance of 1505.23 feet to the POINT OF
4-45 BEGINNING of PART 2, and containing 183.5 acres [7,994,178 square
4-46 feet].
4-47 ~~[FIELD NOTE DESCRIPTION OF 305.41 ACRES OF LAND OUT OF THE WILLIAM~~
4-48 ~~HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A~~
4-49 ~~PORTION OF THAT CERTAIN (765.035 ACRE) TRACT OF LAND AS CONVEYED TO~~
4-50 ~~LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME~~
4-51 ~~2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,~~
4-52 ~~AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS~~
4-53 ~~FOLLOWS:~~
4-54 ~~[BEGINNING at a 1/2" iron rod found in the Southwest line of Hays~~
4-55 ~~County Road No. 158 and for an angle corner in the Northeast line of~~
4-56 ~~that certain (765.035 acre) tract of land as conveyed to LaSalle~~
4-57 ~~Holdings, Ltd. by Special Warranty Deed recorded in Volume 2909~~
4-58 ~~Page 684 of the Official Public Records of Hays County, Texas, and~~
4-59 ~~being the most Northerly corner and PLACE OF BEGINNING of the herein~~
4-60 ~~described tract of land, and from which a capped iron rod found~~
4-61 ~~(marked "Byrn") for an angle corner in the Northeast line of said~~
4-62 ~~LaSalle Holdings (765.035 acre) tract bears N 44 deg. 12' 41" E 9.20~~
4-63 ~~ft.,~~
4-64 ~~[THENCE with the Southwest line of Hays County Road No. 158 and with~~
4-65 ~~the Northeast line of said LaSalle Holdings (765.035 acre) tract,~~
4-66 ~~the following four (4) courses,~~
4-67 ~~[1) S 45 deg. 36' 48" E 2564.23 ft. to a 1/2" iron rod found,~~
4-68 ~~[2) S 28 deg. 19' 21" E 180.67 ft. to a 1/2" iron rod found,~~
4-69 ~~[3) S 45 deg. 36' 07" E 787.93 ft. to a 1/2" iron rod found,~~

5-1 ~~[4] S 00 deg. 52' 46" E 57.01 ft. to a 1/2" iron rod found for~~
5-2 ~~an Easterly angle corner of said~~
5-3 ~~[LaSalle Holdings (765.035 acre) tract and being an~~
5-4 ~~Easterly angle corner of this tract;~~
5-5 ~~[THENCE with the Northwest line of Hays County Road No. 158 and with~~
5-6 ~~the Southeast line of said LaSalle Holdings (765.035 acre) tract,~~
5-7 ~~the following two (2) courses;~~
5-8 ~~[1] S 43 deg. 23' 26" W 2355.38 ft. to a 1/2" iron rod found;~~
5-9 ~~[2] S 43 deg. 23' 01" W 1294.66 ft. to a point for the most~~
5-10 ~~Southerly corner of this tract and from which a 1/2" iron rod found~~
5-11 ~~in the Northwest line of Hays County Road No. 158 and in the~~
5-12 ~~Southeast line of said LaSalle Holdings (765.035 acre) tract bears~~
5-13 ~~S 43 deg. 23' 01" W 302.20 ft.;~~
5-14 ~~[THENCE leaving the Northwest line of Hays County Road No. 158 and~~
5-15 ~~crossing the interior of said LaSalle Holdings (765.035 acre) tract~~
5-16 ~~with the Southwest line of this tract, N 45 deg. 39' 03" W 3568.62~~
5-17 ~~ft. to a point in a Northwesterly line of said LaSalle Holdings~~
5-18 ~~(765.035 acre) tract for the most Westerly Northwest corner of this~~
5-19 ~~tract;~~
5-20 ~~[THENCE with a Northwesterly line of said LaSalle Holdings (765.035~~
5-21 ~~acre) tract, N 43 deg. 28' 18" E 700.00 ft. to a capped iron rod~~
5-22 ~~found (marked "Byrn") for an angle corner of said LaSalle Holdings~~
5-23 ~~(765.035 acre) tract and being an angle corner of this tract, and~~
5-24 ~~from which a 1" iron pipe found for an angle corner in a~~
5-25 ~~Southwesterly line of said LaSalle Holdings (765.035 acre) tract~~
5-26 ~~bears N 45 deg. 13' 18" W 487.22 ft.;~~
5-27 ~~[THENCE re-crossing the interior of said LaSalle Holdings (765.035~~
5-28 ~~acre) tract with the Northwest line of this tract, N 43 deg. 27' 55"~~
5-29 ~~E 3046.28 ft. to the PLACE OF BEGINNING, containing 305.41 acres of~~
5-30 ~~land.]~~

5-31 SECTION 4. (a) All governmental and proprietary actions of
5-32 the LaSalle Municipal Utility District No. 2 taken before the
5-33 effective date of this Act, including the creation of the district,
5-34 the consent to create the district granted by the City of San
5-35 Marcos, the consent agreement relating to the district and any
5-36 amendments to that agreement, and any extension of time in which to
5-37 hold a confirmation election for the district, are validated,
5-38 ratified, and confirmed in all respects.

5-39 (b) This section does not apply to any matter that on the
5-40 effective date of this Act:

5-41 (1) is involved in litigation if the litigation
5-42 ultimately results in the matter being held invalid by a final court
5-43 judgment; or

5-44 (2) has been held invalid by a final court judgment.

5-45 SECTION 5. (a) The legal notice of the intention to
5-46 introduce this Act, setting forth the general substance of this
5-47 Act, has been published as provided by law, and the notice and a
5-48 copy of this Act have been furnished to all persons, agencies,
5-49 officials, or entities to which they are required to be furnished
5-50 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-51 Government Code.

5-52 (b) The governor, one of the required recipients, has
5-53 submitted the notice and Act to the Texas Commission on
5-54 Environmental Quality.

5-55 (c) The Texas Commission on Environmental Quality has filed
5-56 its recommendations relating to this Act with the governor, the
5-57 lieutenant governor, and the speaker of the house of
5-58 representatives within the required time.

5-59 (d) All requirements of the constitution and laws of this
5-60 state and the rules and procedures of the legislature with respect
5-61 to the notice, introduction, and passage of this Act are fulfilled
5-62 and accomplished.

5-63 SECTION 6. For purposes of Section 8473.052(b)(2), Special
5-64 District Local Laws Code, as amended by this Act, the effective date
5-65 of the temporary directors' designation is the effective date of
5-66 this Act.

5-67 SECTION 7. This Act takes effect immediately if it receives
5-68 a vote of two-thirds of all the members elected to each house, as
5-69 provided by Section 39, Article III, Texas Constitution. If this

6-1 Act does not receive the vote necessary for immediate effect, this
6-2 Act takes effect September 1, 2017.

6-3

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