

1-1 By: Isaac (Senate Sponsor - Zaffirini) H.B. No. 4312
 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 22, 2017, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0, one present not voting; May 22, 2017, sent to
 1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11				X
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the temporary board of and financing of certain
 1-19 facilities and improvements by the LaSalle Municipal Utility
 1-20 District No. 3; providing authority to impose an assessment.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Sections 8474.052(a) and (b), Special District
 1-23 Local Laws Code, are amended to read as follows:

1-24 (a) The temporary board consists of:

1-25 (1) Jeremy Mazur;

1-26 (2) Curtis Davidson;

1-27 (3) Ross Allen;

1-28 (4) Edward Wilhelm; and

1-29 (5) Brent Covert ~~[On or after the effective date of the~~

1-30 ~~Act enacting this chapter, the owner or owners of a majority of the~~

1-31 ~~assessed value of the real property in the district may submit a~~

1-32 ~~petition to the commission requesting that the commission appoint~~

1-33 ~~as temporary directors the five persons named in the petition. The~~

1-34 ~~commission shall appoint as temporary directors the five persons~~

1-35 ~~named in the petition].~~

1-36 (b) Temporary directors serve until the earlier of:

1-37 (1) the date permanent directors are elected under
 1-38 Section 8474.003; or

1-39 (2) the fourth anniversary of the effective date of
 1-40 their designation ~~[the Act enacting this chapter].~~

1-41 SECTION 2. Chapter 8474, Special District Local Laws Code,
 1-42 is amended by adding Subchapter F to read as follows:

1-43 SUBCHAPTER F. ASSESSMENTS; APPLICABILITY OF ASSESSMENTS

1-44 Sec. 8474.251. PETITION REQUIRED FOR FINANCING

1-45 IMPROVEMENTS AND RECREATIONAL FACILITIES WITH ASSESSMENTS. (a)

1-46 Except as provided by this subchapter, the board may finance the

1-47 construction or maintenance of a recreational facility or

1-48 improvement with assessments on property under this subchapter only

1-49 if:

1-50 (1) a written petition requesting that facility or

1-51 improvement has been filed with the board; and

1-52 (2) the board holds a hearing on the proposed

1-53 assessments.

1-54 (b) The petition must be signed by the owners of a majority

1-55 of the assessed value of real property in the district subject to

1-56 assessment according to the most recent certified tax appraisal

1-57 roll for the county.

1-58 Sec. 8474.252. MISCELLANEOUS DESIGN, CONSTRUCTION, AND

1-59 MAINTENANCE. An improvement or recreational facility project may

1-60 include the planning, design, construction, improvement, and

1-61 maintenance of:

- 2-1 (1) landscaping;
- 2-2 (2) marinas and bridges;
- 2-3 (3) lighting, banners, and signs;
- 2-4 (4) hiking and cycling paths or trails;
- 2-5 (5) sidewalks, pedestrian walkways, skywalks,
- 2-6 crosswalks, or tunnels;
- 2-7 (6) ponds, lakes, recreational facilities, or scenic
- 2-8 areas;
- 2-9 (7) plazas or pedestrian malls;
- 2-10 (8) drainage or navigation improvements; or
- 2-11 (9) solid waste, water, sewer, or power facilities,
- 2-12 including electrical and gas power facilities.

2-13 Sec. 8474.253. METHOD OF NOTICE FOR HEARING. The district
 2-14 shall mail notice of the hearing to each property owner in the
 2-15 district who will be subject to the assessment at the current
 2-16 address to be assessed as reflected on the tax rolls. The district
 2-17 may mail the notice by certified or first class United States mail.
 2-18 The board shall determine the method of notice.

2-19 Sec. 8474.254. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) An
 2-20 assessment or a reassessment imposed under this subchapter by the
 2-21 district, penalties and interest on an assessment or reassessment,
 2-22 an expense of collection, and reasonable attorney's fees incurred
 2-23 by the district:

- 2-24 (1) are a first and prior lien against the property
- 2-25 assessed;
- 2-26 (2) are superior to any other lien or claim other than
- 2-27 a lien or claim for county, school district, or municipal ad valorem
- 2-28 taxes; and
- 2-29 (3) are the personal liability of and a charge against
- 2-30 the owners of the property even if the owners are not named in the
- 2-31 assessment proceedings.

2-32 (b) The lien is effective from the date of the board's
 2-33 resolution imposing the assessment until the date the assessment is
 2-34 paid. The board may enforce the lien in the same manner that the
 2-35 board may enforce an ad valorem tax lien against real property.

2-36 (c) The board may make a correction to or deletion from the
 2-37 assessment roll that does not increase the amount of assessment of
 2-38 any parcel of land without providing notice and holding a hearing in
 2-39 the manner required for additional assessments.

2-40 Sec. 8474.255. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS.
 2-41 The district may not impose an assessment on the property,
 2-42 including the equipment, rights-of-way, facilities, or
 2-43 improvements, of:

- 2-44 (1) an electric utility or a power generation company
- 2-45 as defined by Section 31.002, Utilities Code;
- 2-46 (2) a gas utility as defined by Section 101.003 or
- 2-47 121.001, Utilities Code;
- 2-48 (3) a telecommunications provider as defined by
- 2-49 Section 51.002, Utilities Code; or
- 2-50 (4) a person who provides to the public cable
- 2-51 television or advanced telecommunications services.

2-52 SECTION 3. Section 2, Chapter 627, Acts of the 83rd
 2-53 Legislature, Regular Session, 2013, is amended to read as follows:

2-54 Sec. 2. The LaSalle Municipal Utility District No. 3
 2-55 initially includes all the territory contained in the following
 2-56 area:

2-57 BEING A 419.9-ACRE [18,289,842 SQUARE FEET] TRACT OF LAND OUT OF THE
 2-58 WILLIAM HEMPHILL SURVEY, ABSTRACT NUMBER 221, HAYS COUNTY, TEXAS,
 2-59 SAID 419.9-ACRE TRACT BEING A PORTION OF SAID 765.035-ACRE TRACT
 2-60 AND THAT CALLED 171.236-ACRE TRACT DESCRIBED IN GENERAL WARRANTY
 2-61 DEED TO LASALLE HOLDINGS, LTD. AS RECORDED IN VOLUME 3030, PAGE 657,
 2-62 O.P.R.H.C.T., SAID 419.9-ACRE TRACT BEING MORE PARTICULARLY
 2-63 DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

2-64 BEGINNING at a 1/2-inch iron rod with cap marked "BYRN" found for an
 2-65 angle point in said apparent west right-of-way line of County Road
 2-66 158, same being said east line of the 765.035-acre tract, and from
 2-67 which a 1/2-inch iron rod with cap marked "BYRN" found for an angle
 2-68 point in said apparent west right-of-way line of County Road 158 and
 2-69 said east line of the 765.035-acre tract bears N44°30'44"E, a

3-1 distance of 9.02 feet;
 3-2 THENCE with said apparent west right-of-way line of County Road 158
 3-3 and said east line of the 765.035-acre tract, S46°10'38"E, a
 3-4 distance of 1,134.71 feet to an angle point and east corner of the
 3-5 tract described herein;
 3-6 THENCE leaving said apparent west right-of-way line of County Road
 3-7 158 and said east line of the 765.035-acre tract, crossing said
 3-8 765.035-acre tract, the following eight (8) courses and distances:
 3-9 1) S43°33'39"W, a distance of 551.53 feet to a point of
 3-10 curvature of a tangent circular curve to the right,
 3-11 2) with the arc of said curve to the right a distance of
 3-12 372.28 feet, said curve having a radius of 1,000.00, a central angle
 3-13 of 21°19'49" and a chord bearing S56°26'13"W, a distance of 370.14
 3-14 feet to a point of tangency,
 3-15 3) S67°06'07"W, a distance of 20.00 feet to a point of
 3-16 curvature of a tangent circular curve to the left,
 3-17 4) with the arc of said curve to the left a distance of
 3-18 1,807.51 feet, said curve having a radius of 1,738.00, a central
 3-19 angle of 59°35'14" and a chord bearing S36°34'11"W, a distance of
 3-20 1,727.15 feet to a point of tangency,
 3-21 5) S06°46'34"W, a distance 123.00 feet to a point of
 3-22 curvature of a tangent circular curve to the right;
 3-23 6) with the arc of said curve to the right a distance of
 3-24 314.79 feet, said curve having a radius of 1000.00, a central angle
 3-25 of 18°02'10" and a chord bearing S13°06'47"W, a distance of 313.49
 3-26 feet to a point of tangency,
 3-27 7) S22°07'52"W, a distance of 804.54 feet to an angle point,
 3-28 and
 3-29 8) S45°37'13"E, a distance of 1,831.04 feet to a point in
 3-30 said apparent west right-of-way line of County Road 158, same being
 3-31 said southeast line of the northerly portion of the 765.035-acre
 3-32 tract;
 3-33 THENCE with said apparent west right-of-way line of County Road 158
 3-34 and said southeast line of the northerly portion of the
 3-35 765.035-acre tract, the following two (2) courses and distances:
 3-36 1) S42°49'27"W, a distance of 267.87 feet to a 1/2-inch iron
 3-37 rod found for an angle point, and
 3-38 2) S42°49'52"W, a distance of 1010.10 feet to a 1/2-inch iron
 3-39 rod found for an angle point, same being the east corner of said
 3-40 171.236-acre tract;
 3-41 THENCE continuing with said apparent west right-of-way line of
 3-42 County Road 158, with the southeast line of said 171.236-acre
 3-43 tract, the following four (4) courses and distances:
 3-44 1) S42°55'59"W, a distance of 1818.65 feet to a 1/2-inch iron
 3-45 rod with cap marked "4069" found for an angle point,
 3-46 2) S43°46'38"W, a distance of 453.62 feet to a 1/2-inch iron
 3-47 rod with cap marked "4069" found for an angle point,
 3-48 3) S42°37'22"W, a distance of 425.56 feet to a 1/2-inch iron
 3-49 rod found, and
 3-50 4) S44°15'44"W, a distance of 57.00 feet to an angle point;
 3-51 THENCE leaving said apparent west right-of-way line of County Road
 3-52 158 and said southeast line of the 171.236-acre tract, crossing
 3-53 said 171.236-acre tract, N46°54'57"W, passing at a distance of
 3-54 2,013.35 feet point in the northwest line of said 171.236-acre
 3-55 tract, and crossing said 765.035-acre tract an additional distance
 3-56 of 1,346.73 feet, for a cumulative distance of 3,360.08 feet to a
 3-57 point in the northwest line of said 765.035-acre tract, same being
 3-58 the southeast line of said 468.288-acre tract;
 3-59 THENCE with said northwest line of the 765.035-acre tract and said
 3-60 southeast line of the 468.288-acre tract, the following three (3)
 3-61 courses and distances:
 3-62 1) N43°40'32"E, a distance of 3,769.94 feet to a 1/2-inch
 3-63 iron rod found for an angle point,
 3-64 2) N46°10'24"W, a distance of 240.36 feet to a 1/2-inch iron
 3-65 rod found for an angle point, and
 3-66 3) N42°54'40"E, a distance of 2,001.13 feet to a 1/2-inch
 3-67 iron rod found for the east corner of said 468.288-acre tract;
 3-68 THENCE leaving said northwest line of the 765.035-acre tract and
 3-69 said southeast line of the 468.288-acre tract, crossing said

4-1 765.035-acre tract, N42°53'58"E, a distance of 3,045.94 feet to the
 4-2 POINT OF BEGINNING and containing 419.9 acres [18,289,842 square
 4-3 feet].
 4-4 ~~[FIELD NOTE DESCRIPTION OF 320.71 ACRES OF LAND OUT OF THE WILLIAM~~
 4-5 ~~HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A~~
 4-6 ~~PORTION OF THAT CERTAIN (765.035 ACRE) TRACT OF LAND AS CONVEYED TO~~
 4-7 ~~LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME~~
 4-8 ~~2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,~~
 4-9 ~~TOGETHER WITH A PORTION OF THAT CERTAIN (171.236) ACRE) TRACT OF~~
 4-10 ~~LAND AS CONVEYED TO LASALLE HOLDINGS, LTD. BY GENERAL WARRANTY DEED~~
 4-11 ~~RECORDED IN VOLUME 3030 PAGE 657 OF THE OFFICIAL PUBLIC RECORDS OF~~
 4-12 ~~HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES~~
 4-13 ~~AND BOUNDS AS FOLLOWS:~~
 4-14 ~~[BEGINNING FOR REFERENCE at 1/2" iron rod found in the Northeast~~
 4-15 ~~right-of-way line of Yarrington Road for the most Westerly corner~~
 4-16 ~~of that certain (765.035 acre) tract of land as conveyed to LaSalle~~
 4-17 ~~Holdings, Ltd. By Special Warranty Deed recorded in Volume 2909~~
 4-18 ~~Page 684 of the Official Public Records of Hays County, Texas, and~~
 4-19 ~~for the most Southerly corner of that certain (468.288 acre) tract~~
 4-20 ~~of land described as "Tract 2" in deed to F.M. 158 Land, Ltd. As~~
 4-21 ~~recorded in Volume 2702 Page 613 of the Official Public Records of~~
 4-22 ~~Hays County, Texas;~~
 4-23 ~~[THENCE leaving the Northeast right-of-way line of Yarrington Road~~
 4-24 ~~with a Northwesterly line of said LaSalle Holdings (765.035 acre)~~
 4-25 ~~tract, N 44 deg. 14'37"E 963.10 ft. to a point for the North corner~~
 4-26 ~~and PLACE OF BEGINNING of the herein described tract of land;~~
 4-27 ~~[THEN continuing with a Northwesterly line of said LaSalle Holdings~~
 4-28 ~~(765.035 acre) tract, the following three (3) courses:~~
 4-29 ~~[1) N 44 deg. 14' 37" E 2807.00 ft.;~~
 4-30 ~~[2) N 45 deg. 27' 33" W 240.49 ft.;~~
 4-31 ~~[3) N 43 deg. 28' 18" E 1300.84 ft. to a point for the most~~
 4-32 ~~Northerly corner of this tract, and from which a capped iron rod~~
 4-33 ~~found (marked "Byrn" for an angle corner of said LaSalle Holdings~~
 4-34 ~~(765.035 acre) tract bears N 43 deg. 28' 18" E 700.00 ft.;~~
 4-35 ~~[THENCE crossing the interior of said LaSalle Holdings (765.035~~
 4-36 ~~acre) tract with the Northeast line of this tract, S 45 deg. 39' 03"~~
 4-37 ~~E 3568.62 ft. to a point in the Northwest line of Hays County Road~~
 4-38 ~~No. 158 and in the Southeast line of said LaSalle Holdings (765.035~~
 4-39 ~~acre) tract and being the most Easterly corner of this tract, and~~
 4-40 ~~from which a 1/2" iron rod found in the Northwest line of Hays~~
 4-41 ~~County Road No. 158 and in the Southeast line of said LaSalle~~
 4-42 ~~Holdings (765.035 acre) tract bears N 43 deg. 23' 01" E 1294.66 ft.;~~
 4-43 ~~[THENCE with the Northwest line of Hays County Road No. 158 and with~~
 4-44 ~~the Southeast line of said LaSalle Holdings (765.035 acre) tract,~~
 4-45 ~~the following two (2) courses;~~
 4-46 ~~[1) S 43 deg. 23' 01" W 302.20 ft. to a 1/2" iron rod found;~~
 4-47 ~~[2) S 43 deg. 23' 51" W 1010.30 ft. to a 1/2" iron rod found~~
 4-48 ~~for the most Southerly corner of said LaSalle Holdings (765.035~~
 4-49 ~~acre) tract and for the most Easterly corner of that certain~~
 4-50 ~~(171.236 acre) tract of land as conveyed to LaSalle Holdings, Ltd.~~
 4-51 ~~By General Warranty Deed recorded in Volume 3030 Page 657 of the~~
 4-52 ~~Official Public Records of Hays County, Texas;~~
 4-53 ~~[THENCE with the Northwest line of Hays County Road No. 158 and with~~
 4-54 ~~the Southeast line of said LaSalle Holdings (171.236 acre) tract,~~
 4-55 ~~the following four (4) courses;~~
 4-56 ~~[1) S 43 deg. 29' 43" W 1818.92 ft. to a capped iron rod found~~
 4-57 ~~(marked "4069");~~
 4-58 ~~[2) S 44 deg. 22' 05" W 453.62 ft. to a capped iron rod found~~
 4-59 ~~(marked "4069");~~
 4-60 ~~[3) S 43 deg. 10' 19" W 425.56 ft. to a 1/2" iron rod found;~~
 4-61 ~~[4) S 44 deg. 50' 25" W 57.00 ft. to a point for the West~~
 4-62 ~~corner of this tract and from which a capped iron rod found (marked~~
 4-63 ~~"4069), bears S 44 deg. 50' 25" W 65.22 ft.;~~
 4-64 ~~[THENCE leaving the Northwest line of Hays County Road No. 158 and~~
 4-65 ~~crossing the interiors of said LaSalle Holdings (171.236 acre)~~
 4-66 ~~tract and LaSalle Holdings (765.035 acre) tract with the Northwest~~
 4-67 ~~line of this tract, N 46 deg. 21' 22" W 3360.37 ft. to the PLACE OF~~
 4-68 ~~BEGINNING, containing 320.71 acres of land.]~~
 4-69 SECTION 4. (a) All governmental and proprietary actions of

5-1 the LaSalle Municipal Utility District No. 3 taken before the
5-2 effective date of this Act, including the creation of the district,
5-3 the consent to create the district granted by the City of San
5-4 Marcos, the consent agreement relating to the district and any
5-5 amendments to that agreement, and any extension of time in which to
5-6 hold a confirmation election for the district, are validated,
5-7 ratified, and confirmed in all respects.

5-8 (b) This section does not apply to any matter that on the
5-9 effective date of this Act:

5-10 (1) is involved in litigation if the litigation
5-11 ultimately results in the matter being held invalid by a final court
5-12 judgment; or

5-13 (2) has been held invalid by a final court judgment.

5-14 SECTION 5. (a) The legal notice of the intention to
5-15 introduce this Act, setting forth the general substance of this
5-16 Act, has been published as provided by law, and the notice and a
5-17 copy of this Act have been furnished to all persons, agencies,
5-18 officials, or entities to which they are required to be furnished
5-19 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-20 Government Code.

5-21 (b) The governor, one of the required recipients, has
5-22 submitted the notice and Act to the Texas Commission on
5-23 Environmental Quality.

5-24 (c) The Texas Commission on Environmental Quality has filed
5-25 its recommendations relating to this Act with the governor, the
5-26 lieutenant governor, and the speaker of the house of
5-27 representatives within the required time.

5-28 (d) All requirements of the constitution and laws of this
5-29 state and the rules and procedures of the legislature with respect
5-30 to the notice, introduction, and passage of this Act are fulfilled
5-31 and accomplished.

5-32 SECTION 6. For purposes of Section 8474.052(b)(2), Special
5-33 District Local Laws Code, as amended by this Act, the effective date
5-34 of the temporary directors' designation is the effective date of
5-35 this Act.

5-36 SECTION 7. This Act takes effect immediately if it receives
5-37 a vote of two-thirds of all the members elected to each house, as
5-38 provided by Section 39, Article III, Texas Constitution. If this
5-39 Act does not receive the vote necessary for immediate effect, this
5-40 Act takes effect September 1, 2017.

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