

1-1 By: Isaac (Senate Sponsor - Zaffirini) H.B. No. 4313
 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 6, Nays 0, 1 present not voting; May 23, 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. 4; providing authority to impose an assessment.

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

1-22 SECTION 1. Sections 8475.052(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) Curby Ohnheiser;

1-26 (2) Bill Zukaukas;

1-27 (3) James Hines;

1-28 (4) Sam Siddons; and

1-29 (5) Terry Zrubek ~~[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 8475.003; 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 8475, 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. 8475.251. 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. 8475.252. 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. 8475.253. 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. 8475.254. 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. 8475.255. 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 628, 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. 4
 2-55 initially includes all the territory contained in the following
 2-56 area:

2-57 BEING A 355.7-ACRE [15,494,304 SQUARE FEET] TRACT OF LAND OUT OF THE
 2-58 WILLIAM HEMPHILL SURVEY, ABSTRACT NUMBER 221, HAYS COUNTY, TEXAS,
 2-59 SAID 355.7-ACRE TRACT BEING A PORTION OF SAID 765.035-ACRE TRACT,
 2-60 SAID 355.7-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES
 2-61 AND BOUNDS AS FOLLOWS:

2-62 BEGINNING at a 1/2-inch iron rod with cap marked "BYRN" found in the
 2-63 north right-of-way line of State Highway 21, a varying-width
 2-64 right-of-way, for the south corner of said 765.035-acre tract, same
 2-65 being the east corner of that called 305-acre tract described as
 2-66 "Tract 2" in Special Warranty Deed to Cedar Stump Limited
 2-67 Partnership, as recorded in Volume 1489, Page 800, H.C.D.R.;
 2-68 THENCE leaving said north right-of-way line of State Highway 21,
 2-69 with the southwest line of said 765.035-acre tract, same being the

3-1 northeast line of said 305-acre tract, N46°05'07"W, a distance of
 3-2 2,948.64 feet to a 1-inch iron rod found for the north corner of
 3-3 said 305-acre tract;
 3-4 THENCE continuing with the southwest line of said 765.035-acre
 3-5 tract, with the northwest line of said 305-acre tract, S43°29'59"W,
 3-6 a distance of 1,332.70 feet to the southwest corner of the tract
 3-7 described herein;
 3-8 THENCE leaving said southwest line of said 765.035-acre tract and
 3-9 said northwest line of the 305-acre tract, crossing said
 3-10 765.035-acre tract, the following nine (9) courses and distances:
 3-11 1) N46°24'34"W, a distance of 3,056.52 feet to an angle
 3-12 point,
 3-13 2) N44°18'44"E, a distance of 586.71 feet to a point of
 3-14 curvature of a tangent circular curve to the right;
 3-15 3) with the arc of said curve to the right a distance of
 3-16 2,394.53 feet, said curve having a radius of 1654.00, a central
 3-17 angle of 82°56'54" and a chord bearing N86°50'23"E, a distance of
 3-18 2,190.83 feet to a point of tangency,
 3-19 4) S46°24'32"E, a distance of 792.11 feet to an angle point,
 3-20 5) N43°35'28"E, a distance of 248.47 feet to a point of
 3-21 curvature of a tangent circular curve to the left,
 3-22 6) with the arc of said curve to the left a distance of
 3-23 595.11 feet, said curve having a radius of 512.00, a central angle
 3-24 of 66°35'45" and a chord bearing N10°17'36"E, a distance of 562.17
 3-25 feet to a point of tangency,
 3-26 7) N24°53'03"W, a distance of 156.83 feet to a point of
 3-27 curvature of a tangent circular curve to the right,
 3-28 8) with the arc of said curve to the right a distance of
 3-29 793.02 feet, said curve having a radius of 632.00, a central angle
 3-30 of 71°53'37" and a chord bearing N10°26'48"E, a distance of 742.01
 3-31 feet to a point of tangency, and
 3-32 9) N43°22'06"E, a distance of 190.43 feet to a point in the
 3-33 east line of said 765.035-acre tract, same being said west line of
 3-34 the 140.6-acre tract;
 3-35 THENCE with said east line of the 765.035-acre tract and the west
 3-36 line of the 140.6-acre tract, S46°43'06"E, a distance of 1,334.98
 3-37 feet to a 1/2-inch iron rod found for the southwest corner of said
 3-38 140.6-acre tract, same being the northwest corner of that called
 3-39 82.86-acre tract described as "Tract Two" in General Warranty Deed
 3-40 to Robert K. Holdings, L.L.C. as recorded in Volume 5143, Page 808,
 3-41 O.P.R.H.C.T.;
 3-42 THENCE continuing with said east line of the 765.035-acre tract,
 3-43 with the west line of the 82.86-acre tract, S46°36'29"E, a distance
 3-44 of 930.53 feet to an iron post found for the southwest corner of
 3-45 said 82.86-acre tract, same being the northwest corner of that
 3-46 called 82.844-acre tract described in General Warranty Deed to
 3-47 Stork Estates, LLC as recorded in Volume 5390, Page 624,
 3-48 O.P.R.H.C.T.;
 3-49 THENCE continuing with said east line of the 765.035-acre tract,
 3-50 with the west line of said 82.844-acre tract, S46°27'06"E, a
 3-51 distance of 1,203.82 feet to a 1/2-inch iron rod found for the
 3-52 southwest corner of said 82.844-acre tract, same being the
 3-53 northwest corner of the remainder of that called 100-acre tract
 3-54 described to Fred W. Hoffman, Sr., as recorded in Volume 188, Page
 3-55 499, O.P.R.H.C.T.;
 3-56 THENCE continuing with said east line of the 765.035-acre tract,
 3-57 same being the west line of the remainder the 100-acre tract,
 3-58 S46°36'00"E, a distance of 1,031.87 feet to a 5/8-inch iron rod with
 3-59 cap marked "HOFFMAN" found in said north right-of-way line of State
 3-60 Highway 21, for the east corner of said 765.035-acre tract and the
 3-61 east corner of the tract described herein;
 3-62 THENCE leaving said east line of the 765.035-acre tract and said
 3-63 west line of the remainder the 100-acre tract, with said north
 3-64 right-of-way line of State Highway 21 and said south line of the
 3-65 765.035-acre tract, the following three (3) courses and distances:
 3-66 1) S48°11'06"W, a distance of 178.89 feet to a 1/2-inch iron
 3-67 rod with cap marked "BYRN" found for a point of curvature of a
 3-68 non-tangent circular curve to the left;
 3-69 2) with the arc of said curve to the left a distance of

4-1 830.82 feet, said curve having a radius of 5,779.51 feet, a central
4-2 angle of 8°14'11" and a chord bearing S52°21'11"W, a distance of
4-3 830.10 feet to a broken TxDOT concrete monument found for a point of
4-4 non-tangency, and
4-5 3) S48°11'24"W, a distance of 1,475.12 feet to the POINT OF
4-6 BEGINNING, and containing 355.7 acres [15,494,304 square feet].
4-7 ~~[FIELD NOTE DESCRIPTION OF 535.54 ACRES OF LAND OUT OF THE WILLIAM~~
4-8 ~~HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A~~
4-9 ~~PORTION OF THAT CERTAIN (811.38 ACRE) TRACT OF LAND AS CONVEYED TO~~
4-10 ~~LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME~~
4-11 ~~2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,~~
4-12 ~~AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS~~
4-13 ~~FOLLOWS:~~
4-14 ~~[BEGINNING at a capped iron rod found (marked "ProTech") in the~~
4-15 ~~Northwest line of the Old San Antonio Road for the most Easterly~~
4-16 ~~corner of that certain (811.38 acre) tract of land as conveyed to~~
4-17 ~~LaSalle Holdings by Special Warranty Deed recorded in Volume 2909~~
4-18 ~~Page 684 of the Official Public Records of Hays County, Texas, and~~
4-19 ~~being the most Easterly corner and PLACE OF BEGINNING of the herein~~
4-20 ~~described tract of land;~~
4-21 ~~[THENCE with the Southeast line of said LaSalle Holdings (811.38~~
4-22 ~~acre) tract, S 48 deg. 44' 13" W 178.85 ft. to a capped iron rod~~
4-23 ~~found (marked "Byrn") at the point of intersection with the curving~~
4-24 ~~Northwest right-of-way line State Highway No. 21 for an angle~~
4-25 ~~corner of this tract;~~
4-26 ~~[THENCE with the Northwest right-of-way line of State Highway No.~~
4-27 ~~21, the following two (2) courses;~~
4-28 ~~[1] along a curve to the left with a radius of 5779.51 ft. for~~
4-29 ~~an arc length of 830.52 ft. and which chord bears S 52 deg. 53' 22" W~~
4-30 ~~829.80 ft. to a PK nail found in a broken concrete monument for a~~
4-31 ~~point of tangency;~~
4-32 ~~[2] S 48 deg. 46' 22" W 1475.74 ft. to a 1/2" iron rod found~~
4-33 ~~for the most Southerly corner of said LaSalle Holdings (811.38~~
4-34 ~~acre) tract and for the most Southerly corner of this tract;~~
4-35 ~~[THENCE leaving the Northwest right-of-way line of State Highway~~
4-36 ~~No. 21 with a Southerly line of said LaSalle Holdings (811.38 acre)~~
4-37 ~~tract, the following two (2) courses;~~
4-38 ~~[1] N 45 deg. 31' 36" W 2950.62 ft.;~~
4-39 ~~[2] S 44 deg. 02' 00" W 1300.00 ft. to a point for a~~
4-40 ~~Southwesterly angle corner of this tract;~~
4-41 ~~[THENCE crossing the interior of said LaSalle Holdings (811.38~~
4-42 ~~acre) tract with a Southwesterly line of this tract, N 45 deg. 39'~~
4-43 ~~03" W 4231.53 ft. to a point in the Southeast line of Hays County~~
4-44 ~~Road No. 158 and in the Northwest line of said LaSalle Holdings~~
4-45 ~~(811.38 acre) tract and being the most Westerly corner of this~~
4-46 ~~tract, and from which a 1/2" iron rod found in the Southeast line of~~
4-47 ~~Hays County Road No. 158 and in the Northwest line of said LaSalle~~
4-48 ~~Holdings (811.38 acre) tract bears S 43 deg. 26' 25" W 605.66 ft.;~~
4-49 ~~[THENCE with the Southeast line of Hays County Road No. 158 and with~~
4-50 ~~the Northwest line of said LaSalle Holdings (811.38 acre) tract,~~
4-51 ~~the following three (3) courses;~~
4-52 ~~[1] N 43 deg. 26' 25" E 482.55 ft. to a capped iron rod found~~
4-53 ~~(marked "Byrn");~~
4-54 ~~[2] N 43 deg. 23' 06" E 1527.54 ft.;~~
4-55 ~~[3] N 43 deg. 39' 30" E 1505.40 ft. to a capped iron rod found~~
4-56 ~~(marked "Byrn") for an angle corner of said LaSalle Holdings~~
4-57 ~~(811.38 acre) tract and for the West corner of that certain (1.00~~
4-58 ~~acre) tract of land as conveyed to Drue B. Ewald, et ux, by deed~~
4-59 ~~recorded in Volume 269 Page 202 of the Deed Records of Hays County,~~
4-60 ~~Texas;~~
4-61 ~~[THENCE leaving the Southeast line of Hays County Road No. 158 with~~
4-62 ~~the common line of said LaSalle Holdings (811.38 acre) tract, the~~
4-63 ~~following two (2) courses;~~
4-64 ~~[1] S 44 deg. 58' 54" E 221.56 ft. to a capped iron rod found~~
4-65 ~~(marked "Jones-Carter");~~
4-66 ~~[2] N 43 deg. 24' 04" E 198.54 ft. to a 1/2" iron rod found for~~
4-67 ~~an angle corner of said LaSalle Holdings (811.38 acre) tract and for~~
4-68 ~~the East corner of said Ewald (1.00 acre) tract and being angle~~
4-69 ~~corner of this tract;~~

5-1 [~~THENCE with the Northeast line of said LaSalle Holdings (811.38~~
5-2 ~~acre) tract, the following three (3) courses;~~
5-3 ~~[1) S 46 deg. 09' 07" E 3771.42 ft.;~~
5-4 ~~[2) S 45 deg. 57' 07" E 2455.99 ft.;~~
5-5 ~~[3) S 46 deg. 02' 10" E 1031.75 ft. to the PLACE OF BEGINNING,~~
5-6 ~~containing 535.54 acres of land.]~~

5-7 SECTION 4. (a) All governmental and proprietary actions of
5-8 the LaSalle Municipal Utility District No. 4 taken before the
5-9 effective date of this Act, including the creation of the district,
5-10 the consent to create the district granted by the City of San
5-11 Marcos, the consent agreement relating to the district and any
5-12 amendments to that agreement, and any extension of time in which to
5-13 hold a confirmation election for the district, are validated,
5-14 ratified, and confirmed in all respects.

5-15 (b) This section does not apply to any matter that on the
5-16 effective date of this Act:

5-17 (1) is involved in litigation if the litigation
5-18 ultimately results in the matter being held invalid by a final court
5-19 judgment; or

5-20 (2) has been held invalid by a final court judgment.

5-21 SECTION 5. (a) The legal notice of the intention to
5-22 introduce this Act, setting forth the general substance of this
5-23 Act, has been published as provided by law, and the notice and a
5-24 copy of this Act have been furnished to all persons, agencies,
5-25 officials, or entities to which they are required to be furnished
5-26 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-27 Government Code.

5-28 (b) The governor, one of the required recipients, has
5-29 submitted the notice and Act to the Texas Commission on
5-30 Environmental Quality.

5-31 (c) The Texas Commission on Environmental Quality has filed
5-32 its recommendations relating to this Act with the governor, the
5-33 lieutenant governor, and the speaker of the house of
5-34 representatives within the required time.

5-35 (d) All requirements of the constitution and laws of this
5-36 state and the rules and procedures of the legislature with respect
5-37 to the notice, introduction, and passage of this Act are fulfilled
5-38 and accomplished.

5-39 SECTION 6. For purposes of Section 8475.052(b)(2), Special
5-40 District Local Laws Code, as amended by this Act, the effective date
5-41 of the temporary directors' designation is the effective date of
5-42 this Act.

5-43 SECTION 7. This Act takes effect immediately if it receives
5-44 a vote of two-thirds of all the members elected to each house, as
5-45 provided by Section 39, Article III, Texas Constitution. If this
5-46 Act does not receive the vote necessary for immediate effect, this
5-47 Act takes effect September 1, 2017.

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