

1-1 By: Isaac (Senate Sponsor - Zaffirini) H.B. No. 4314
 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. 5; providing authority to impose an assessment.

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

1-22 SECTION 1. Sections 8476.052(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) Jack Wilhelm;

1-26 (2) David Tuckfield;

1-27 (3) Jon Cobb;

1-28 (4) Bob Ruggio; and

1-29 (5) Adam Van Ackeren [~~On or after the effective date of~~

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

1-31 ~~the 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 8476.003; 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 8476, 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. 8476.251. 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. 8476.252. 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. 8476.253. 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. 8476.254. 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. 8476.255. 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 503, 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. 5
 2-55 initially includes all the territory contained in the following
 2-56 area:

2-57 DESCRIPTION OF A TRACT OF LAND CONTAINING 272.071 ACRES OF
 2-58 LAND OUT OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221, SITUATED
 2-59 IN HAYS COUNTY, TEXAS, BEING A PORTION OF THE 811.38 ACRE TRACT
 2-60 CONVEYED TO LASALLE HOLDINGS LTD., BY DEED OF RECORD IN VOLUME 2909,
 2-61 PAGE 684, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID
 2-62 272.071 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND
 2-63 BOUNDS AS FOLLOWS:

2-64 BEGINNING AT A 1/2-INCH IRON ROD FOUND AT THE MOST SOUTHERLY
 2-65 CORNER OF SAID 811.38 ACRE TRACT, SAID POINT BEING THE NORTHERLY
 2-66 COMMON CORNER OF THE 305 ACRE TRACT CONVEYED TO CEDAR STUMP LP, BY
 2-67 DEED OF RECORD IN VOLUME 1489, PAGE 800, OF SAID OFFICIAL PUBLIC
 2-68 RECORDS, AND OF THE 199.17 ACRE TRACT CONVEYED TO KYLE THREE
 2-69 PARTNERS LP, BY DEED OF RECORD IN VOLUME 2940, PAGE 195, OF SAID

3-1 OFFICIAL PUBLIC RECORDS, FOR THE MOST SOUTHERLY CORNER AND POINT OF
3-2 BEGINNING HEREOF;
3-3 THENCE, ALONG THE COMMON LINE OF SAID 199.17 ACRE TRACT, AND
3-4 OF SAID 811.38 ACRE TRACT, GENERALLY WITH A BARBED WIRE FENCE, THE
3-5 FOLLOWING THIRTEEN (13) COURSES AND DISTANCES:
3-6 1) N54°50'51"W, A DISTANCE OF 771.35 FEET TO A FOUND 1/2-INCH
3-7 IRON ROD;
3-8 2) S82°34'23"W, A DISTANCE OF 840.87 FEET TO A FOUND 1/2-INCH
3-9 IRON ROD;
3-10 3) N52°52'15"W, A DISTANCE OF 690.88 FEET TO A FOUND 1/2-INCH
3-11 IRON ROD;
3-12 4) N62°34'40"W, A DISTANCE OF 68.98 FEET TO A FOUND 1/2-INCH
3-13 IRON ROD;
3-14 5) N68°34'23"W, A DISTANCE OF 56.45 FEET TO A FOUND 1/2-INCH
3-15 IRON ROD;
3-16 6) N72°57'43"W, A DISTANCE OF 88.21 FEET TO A FOUND 1/2-INCH
3-17 IRON ROD;
3-18 7) N73°27'40"W, A DISTANCE OF 53.90 FEET TO A FOUND 1/2-INCH
3-19 IRON ROD;
3-20 8) N78°51'26"W, A DISTANCE OF 427.41 FEET TO A FOUND 1/2-INCH
3-21 IRON ROD WITH "BYRN" CAP;
3-22 9) N88°42'40"W, A DISTANCE OF 82.89 FEET TO A FOUND 1/2-INCH
3-23 IRON ROD WITH "BYRN" CAP;
3-24 10) S89°20'36"W, A DISTANCE OF 252.54 FEET TO A FOUND WOOD
3-25 FENCE POST;
3-26 11) N78°22'26"W, A DISTANCE OF 289.01 FEET TO A FOUND WOOD
3-27 FENCE POST;
3-28 12) N70°19'37"W, A DISTANCE OF 133.26 FEET TO A FOUND
3-29 1/2-INCH IRON ROD;
3-30 13) N65°54'03"W, A DISTANCE OF 1059.47 FEET TO A 1/2-INCH
3-31 IRON ROD FOUND ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF COUNTY
3-32 ROAD 158 (UNDEDICATED RIGHT-OF-WAY), AS USED ON THE GROUND;
3-33 THENCE ALONG THE COMMON LINE OF SAID 811.38 ACRE TRACT AND OF
3-34 THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 158, THE
3-35 FOLLOWING TWO (2) COURSES AND DISTANCES:
3-36 1) N42°58'24"E, A DISTANCE OF 3,243.10 FEET TO A FOUND
3-37 1/2-INCH IRON ROD;
3-38 2) N42°52'47"E, A DISTANCE OF 570.78 FEET TO A CALCULATED
3-39 POINT;
3-40 THENCE OVER AND ACROSS SAID 811.38 ACRE TRACT THE FOLLOWING
3-41 TWO (2) COURSES AND DISTANCES:
3-42 1) S45°40'51"E, A DISTANCE OF 942.00 FEET TO A CALCULATED
3-43 POINT;
3-44 2) S46°24'34"E, A DISTANCE OF 3,289.74 FEET TO A CALCULATED
3-45 POINT ON THE NORTHWESTERLY LINE OF SAID 305 ACRE TRACT;
3-46 THENCE ALONG THE COMMON LINE OF SAID 811.38 ACRE TRACT AND OF
3-47 SAID 305 ACRE TRACT, S43°29'59"W, A DISTANCE OF 1,830.79 FEET THE
3-48 POINT OF BEGINNING, AND CONTAINING 272.071 ACRES OF LAND, MORE OR
3-49 LESS.
3-50 [FIELD NOTE DESCRIPTION OF 275.81 ACRES OF LAND OUT OF THE WILLIAM
3-51 HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A
3-52 PORTION OF THAT CERTAIN (811.38 ACRE) TRACT OF LAND AS CONVEYED TO
3-53 LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME
3-54 2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,
3-55 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
3-56 FOLLOWS:
3-57 [BEGINNING FOR REFERENCE at a capped iron rod found (marked
3-58 "ProTech") in the Northwest line of the Old San Antonio Road for the
3-59 most Easterly corner of that certain (811.38 acre) tract of land as
3-60 conveyed to LaSalle Holdings by Special Warranty Deed recorded in
3-61 Volume 2909 Page 684 of the Official Public Records of Hays County,
3-62 Texas;
3-63 [THENCE with the Southeast line of said LaSalle Holdings (811.38
3-64 acre) tract, S 48 deg. 44' 13" W 178.85 ft. to a capped iron rod
3-65 found (marked "Byrn") at the point of intersection with the curving
3-66 Northwest right-of-way line State Highway No. 21;
3-67 [THENCE with the Northwest right-of-way line of State Highway No.
3-68 21, the following two (2) courses;
3-69 [1) along a curve to the left with a radius of 5779.51 ft. for

4-1 ~~an arc length of 830.52 ft. and which chord bears S 52 deg. 53' 22" W~~
 4-2 ~~829.80 ft. to a PK nail found in a broken concrete monument for a~~
 4-3 ~~point of tangency;~~
 4-4 ~~[2) S 48 deg. 46' 22" W 1475.74 ft. to a 1/2" iron rod found~~
 4-5 ~~for the most Southerly corner of said LaSalle Holdings (811.38~~
 4-6 ~~acre) tract;~~
 4-7 ~~[THENCE leaving the Northwest right-of-way line of State Highway~~
 4-8 ~~No. 21 with a Southerly line of said LaSalle Holdings (811.38 acre)~~
 4-9 ~~tract, the following two (2) courses;~~
 4-10 ~~[1) N 45 deg. 31' 36" W 2950.62 ft.;~~
 4-11 ~~[2) S 44 deg. 02' 00" W 1300.00 ft. to a point for an Easterly~~
 4-12 ~~angle corner and PLACE OF BEGINNING of the herein described tract of~~
 4-13 ~~land;~~
 4-14 ~~[THENCE continuing with a Southerly or Southeasterly line of said~~
 4-15 ~~LaSalle Holdings (811.38 acre) tract, S 44 deg. 02' 00" W 1863.28~~
 4-16 ~~ft. to a point for the most Southerly corner of this tract;~~
 4-17 ~~[THENCE continuing with a Southerly line of said LaSalle Holdings~~
 4-18 ~~(811.38 acre) tract, the following thirteen (13) courses;~~
 4-19 ~~[1) N 54 deg. 17' 20" W 771.66 ft.;~~
 4-20 ~~[2) S 83 deg. 08' 18" W 840.88 ft.;~~
 4-21 ~~[3) N 52 deg. 17' 55" W 690.89 ft.;~~
 4-22 ~~[4) N 62 deg. 00' 02" W 69.27 ft.;~~
 4-23 ~~[5) N 68 deg. 09' 41" W 56.18 ft.;~~
 4-24 ~~[6) N 72 deg. 20' 49" W 88.29 ft.;~~
 4-25 ~~[7) N 73 deg. 00' 27" W 53.89 ft.;~~
 4-26 ~~[8) N 78 deg. 17' 31" W 427.31 ft.;~~
 4-27 ~~[9) N 88 deg. 16' 13" W 82.92 ft.;~~
 4-28 ~~[10) S 89 deg. 50' 43" W 252.84 ft.;~~
 4-29 ~~[11) N 77 deg. 42' 55" W 289.03 ft.;~~
 4-30 ~~[12) N 69 deg. 45' 12" W 133.17 ft.;~~
 4-31 ~~[13) N 65 deg. 20' 24" W 1059.29 ft. to a point in the~~
 4-32 ~~Southeast line of Hays County Road No. 158 for the most Westerly~~
 4-33 ~~corner of said LaSalle Holdings (811.38 acre) tract and being the~~
 4-34 ~~most Westerly corner of this tract;~~
 4-35 ~~[THENCE with the Southeast line of Hays County Road No. 158 and with~~
 4-36 ~~the Northwest line of said LaSalle Holdings (811.38 acre) tract,~~
 4-37 ~~the following two (2) courses;~~
 4-38 ~~[1) N 43 deg. 32' 03" E 3243.31 ft. to a 1/2" iron rod found;~~
 4-39 ~~[2) N 43 deg. 26' 25" E 605.66 ft. to a point for the most~~
 4-40 ~~Northerly corner of this tract, and from which a capped iron rod~~
 4-41 ~~found (marked "Byrn") in the Southeast line of Hays County Road No.~~
 4-42 ~~158 and in the Northwest line of said LaSalle Holdings (811.38 acre)~~
 4-43 ~~tract bears N 43 deg. 26' 25" E 482.55 ft.;~~
 4-44 ~~[THENCE crossing the interior of said LaSalle Holdings (811.38~~
 4-45 ~~acre) tract with the Northeast line of this tract, S 45 deg. 39' 03"~~
 4-46 ~~E 4231.53 ft. to the PLACE OF BEGINNING, containing 275.81 acres of~~
 4-47 ~~land.]~~
 4-48 SECTION 4. (a) All governmental and proprietary actions of
 4-49 the LaSalle Municipal Utility District No. 5 taken before the
 4-50 effective date of this Act, including the creation of the district,
 4-51 the consent to create the district granted by the City of San
 4-52 Marcos, the consent agreement relating to the district and any
 4-53 amendments to that agreement, and any extension of time in which to
 4-54 hold a confirmation election for the district, are validated,
 4-55 ratified, and confirmed in all respects.
 4-56 (b) This section does not apply to any matter that on the
 4-57 effective date of this Act:
 4-58 (1) is involved in litigation if the litigation
 4-59 ultimately results in the matter being held invalid by a final court
 4-60 judgment; or
 4-61 (2) has been held invalid by a final court judgment.
 4-62 SECTION 5. (a) The legal notice of the intention to
 4-63 introduce this Act, setting forth the general substance of this
 4-64 Act, has been published as provided by law, and the notice and a
 4-65 copy of this Act have been furnished to all persons, agencies,
 4-66 officials, or entities to which they are required to be furnished
 4-67 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 4-68 Government Code.
 4-69 (b) The governor, one of the required recipients, has

5-1 submitted the notice and Act to the Texas Commission on
5-2 Environmental Quality.

5-3 (c) The Texas Commission on Environmental Quality has filed
5-4 its recommendations relating to this Act with the governor, the
5-5 lieutenant governor, and the speaker of the house of
5-6 representatives within the required time.

5-7 (d) All requirements of the constitution and laws of this
5-8 state and the rules and procedures of the legislature with respect
5-9 to the notice, introduction, and passage of this Act are fulfilled
5-10 and accomplished.

5-11 SECTION 6. For purposes of Section 8476.052(b)(2), Special
5-12 District Local Laws Code, as amended by this Act, the effective date
5-13 of the temporary directors' designation is the effective date of
5-14 this Act.

5-15 SECTION 7. This Act takes effect immediately if it receives
5-16 a vote of two-thirds of all the members elected to each house, as
5-17 provided by Section 39, Article III, Texas Constitution. If this
5-18 Act does not receive the vote necessary for immediate effect, this
5-19 Act takes effect September 1, 2017.

5-20

* * * * *