

By: Zaffirini

S.B. No. 2297

A BILL TO BE ENTITLED

AN ACT

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

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections [8474.052](#)(a) and (b), Special District
7 Local Laws Code, are amended to read as follows:

8 (a) The temporary board consists of:

9 (1) Jeremy Mazur;

10 (2) Curtis Davidson;

11 (3) Ross Allen;

12 (4) Edward Wilhelm; and

13 (5) Brent Covert [~~On or after the effective date of the~~
14 ~~Act enacting this chapter, the owner or owners of a majority of the~~
15 ~~assessed value of the real property in the district may submit a~~
16 ~~petition to the commission requesting that the commission appoint~~
17 ~~as temporary directors the five persons named in the petition. The~~
18 ~~commission shall appoint as temporary directors the five persons~~
19 ~~named in the petition].~~

20 (b) Temporary directors serve until the earlier of:

21 (1) the date permanent directors are elected under
22 Section [8474.003](#); or

23 (2) the fourth anniversary of the effective date of
24 their designation [~~the Act enacting this chapter~~].

1 SECTION 2. Section 8474.201, Special District Local Laws
2 Code, is amended to read as follows:

3 Sec. 8474.201. AUTHORITY TO ISSUE BONDS AND OTHER
4 OBLIGATIONS. (a) Except as provided by Subsection (b), the [The]
5 district may issue bonds or other obligations payable wholly or
6 partly from ad valorem taxes, impact fees, revenue, contract
7 payments, grants, or other district money, or any combination of
8 those sources, to pay for any authorized district purpose.

9 (b) The district may not issue bonds payable wholly or
10 partly from assessments.

11 SECTION 3. Chapter 8474, Special District Local Laws Code,
12 is amended by adding Subchapter F to read as follows:

13 SUBCHAPTER F. ASSESSMENTS; APPLICABILITY OF ASSESSMENTS

14 Sec. 8474.251. PETITION REQUIRED FOR FINANCING
15 IMPROVEMENTS AND RECREATIONAL FACILITIES WITH ASSESSMENTS.

16 (a) Except as provided by this subchapter, the board may finance
17 the construction or maintenance of a recreational facility or
18 improvement with assessments on property under this subchapter only
19 if:

20 (1) a written petition requesting that facility or
21 improvement has been filed with the board; and

22 (2) the board holds a hearing on the proposed
23 assessments.

24 (b) The petition must be signed by the owners of a majority
25 of the assessed value of real property in the district subject to
26 assessment according to the most recent certified tax appraisal
27 roll for the county.

1 Sec. 8474.252. MISCELLANEOUS DESIGN, CONSTRUCTION, AND
2 MAINTENANCE. An improvement or recreational facility project may
3 include the planning, design, construction, improvement, and
4 maintenance of:

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

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

23 Sec. 8474.254. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) An
24 assessment or a reassessment imposed under this subchapter by the
25 district, penalties and interest on an assessment or reassessment,
26 an expense of collection, and reasonable attorney's fees incurred
27 by the district:

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

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

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

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

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

17 Sec. 8474.255. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS.

18 The district may not impose an assessment on the property,
19 including the equipment, rights-of-way, facilities, or
20 improvements, of:

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

23 (2) a gas utility as defined by Section 101.003 or
24 121.001, Utilities Code;

25 (3) a telecommunications provider as defined by
26 Section 51.002, Utilities Code; or

27 (4) a person who provides to the public cable

1 television or advanced telecommunications services.

2 SECTION 4. Section 2, Chapter 627, Acts of the 83rd
3 Legislature, Regular Session, 2013, is amended to read as follows:

4 Sec. 2. The LaSalle Municipal Utility District No. 3
5 initially includes all the territory contained in the following
6 area:

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

14 BEGINNING at a 1/2-inch iron rod with cap marked "BYRN" found for an
15 angle point in said apparent west right-of-way line of County Road
16 158, same being said east line of the 765.035-acre tract, and from
17 which a 1/2-inch iron rod with cap marked "BYRN" found for an angle
18 point in said apparent west right-of-way line of County Road 158 and
19 said east line of the 765.035-acre tract bears N44°30'44"E, a
20 distance of 9.02 feet;

21 THENCE with said apparent west right-of-way line of County Road 158
22 and said east line of the 765.035-acre tract, S46°10'38"E, a
23 distance of 1,134.71 feet to an angle point and east corner of the
24 tract described herein;

25 THENCE leaving said apparent west right-of-way line of County Road
26 158 and said east line of the 765.035-acre tract, crossing said
27 765.035-acre tract, the following eight (8) courses and distances:

1 1) S43°33'39"W, a distance of 551.53 feet to a point of
2 curvature of a tangent circular curve to the right,
3 2) with the arc of said curve to the right a distance of
4 372.28 feet, said curve having a radius of 1,000.00, a central angle
5 of 21°19'49" and a chord bearing S56°26'13"W, a distance of 370.14
6 feet to a point of tangency,
7 3) S67°06'07"W, a distance of 20.00 feet to a point of
8 curvature of a tangent circular curve to the left,
9 4) with the arc of said curve to the left a distance of
10 1,807.51 feet, said curve having a radius of 1,738.00, a central
11 angle of 59°35'14" and a chord bearing S36°34'11"W, a distance of
12 1,727.15 feet to a point of tangency,
13 5) S06°46'34"W, a distance 123.00 feet to a point of
14 curvature of a tangent circular curve to the right;
15 6) with the arc of said curve to the right a distance of
16 314.79 feet, said curve having a radius of 1000.00, a central angle
17 of 18°02'10" and a chord bearing S13°06'47"W, a distance of 313.49
18 feet to a point of tangency,
19 7) S22°07'52"W, a distance of 804.54 feet to an angle point,
20 and
21 8) S45°37'13"E, a distance of 1,831.04 feet to a point in
22 said apparent west right-of-way line of County Road 158, same being
23 said southeast line of the northerly portion of the 765.035-acre
24 tract;
25 THENCE with said apparent west right-of-way line of County Road 158
26 and said southeast line of the northerly portion of the
27 765.035-acre tract, the following two (2) courses and distances:

1 1) S42°49'27"W, a distance of 267.87 feet to a 1/2-inch iron
2 rod found for an angle point, and
3 2) S42°49'52"W, a distance of 1010.10 feet to a 1/2-inch iron
4 rod found for an angle point, same being the east corner of said
5 171.236-acre tract;
6 THENCE continuing with said apparent west right-of-way line of
7 County Road 158, with the southeast line of said 171.236-acre
8 tract, the following four (4) courses and distances:
9 1) S42°55'59"W, a distance of 1818.65 feet to a 1/2-inch iron
10 rod with cap marked "4069" found for an angle point,
11 2) S43°46'38"W, a distance of 453.62 feet to a 1/2-inch iron
12 rod with cap marked "4069" found for an angle point,
13 3) S42°37'22"W, a distance of 425.56 feet to a 1/2-inch iron
14 rod found, and
15 4) S44°15'44"W, a distance of 57.00 feet to an angle point;
16 THENCE leaving said apparent west right-of-way line of County Road
17 158 and said southeast line of the 171.236-acre tract, crossing
18 said 171.236-acre tract, N46°54'57"W, passing at a distance of
19 2,013.35 feet point in the northwest line of said 171.236-acre
20 tract, and crossing said 765.035-acre tract an additional distance
21 of 1,346.73 feet, for a cumulative distance of 3,360.08 feet to a
22 point in the northwest line of said 765.035-acre tract, same being
23 the southeast line of said 468.288-acre tract;
24 THENCE with said northwest line of the 765.035-acre tract and said
25 southeast line of the 468.288-acre tract, the following three (3)
26 courses and distances:
27 1) N43°40'32"E, a distance of 3,769.94 feet to a 1/2-inch

1 iron rod found for an angle point,
2 2) N46°10'24"W, a distance of 240.36 feet to a 1/2-inch iron
3 rod found for an angle point, and
4 3) N42°54'40"E, a distance of 2,001.13 feet to a 1/2-inch
5 iron rod found for the east corner of said 468.288-acre tract;
6 THENCE leaving said northwest line of the 765.035-acre tract and
7 said southeast line of the 468.288-acre tract, crossing said
8 765.035-acre tract, N42°53'58"E, a distance of 3,045.94 feet to the
9 POINT OF BEGINNING and containing 419.9 acres [18,289,842 square
10 feet].

11 ~~[FIELD NOTE DESCRIPTION OF 320.71 ACRES OF LAND OUT OF THE WILLIAM~~
12 ~~HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A~~
13 ~~PORTION OF THAT CERTAIN (765.035 ACRE) TRACT OF LAND AS CONVEYED TO~~
14 ~~LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME~~
15 ~~2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,~~
16 ~~TOGETHER WITH A PORTION OF THAT CERTAIN (171.236) ACRE) TRACT OF~~
17 ~~LAND AS CONVEYED TO LASALLE HOLDINGS, LTD. BY GENERAL WARRANTY DEED~~
18 ~~RECORDED IN VOLUME 3030 PAGE 657 OF THE OFFICIAL PUBLIC RECORDS OF~~
19 ~~HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES~~
20 ~~AND BOUNDS AS FOLLOWS:~~

21 ~~[BEGINNING FOR REFERENCE at 1/2" iron rod found in the Northeast~~
22 ~~right-of-way line of Yarrington Road for the most Westerly corner~~
23 ~~of that certain (765.035 acre) tract of land as conveyed to LaSalle~~
24 ~~Holdings, Ltd. By Special Warranty Deed recorded in Volume 2909~~
25 ~~Page 684 of the Official Public Records of Hays County, Texas, and~~
26 ~~for the most Southerly corner of that certain (468.288 acre) tract~~
27 ~~of land described as "Tract 2" in deed to F.M. 158 Land, Ltd. As~~

1 ~~recorded in Volume 2702 Page 613 of the Official Public Records of~~
2 ~~Hays County, Texas;~~

3 ~~[THENCE leaving the Northeast right-of-way line of Yarrington Road~~
4 ~~with a Northwesterly line of said LaSalle Holdings (765.035 acre)~~
5 ~~tract, N 44 deg. 14'37"E 963.10 ft. to a point for the North corner~~
6 ~~and PLACE OF BEGINNING of the herein described tract of land;~~

7 ~~[THEN continuing with a Northwesterly line of said LaSalle Holdings~~
8 ~~(765.035 acre) tract, the following three (3) courses:~~

9 ~~[1) N 44 deg. 14' 37" E 2807.00 ft.;~~

10 ~~[2) N 45 deg. 27' 33" W 240.49 ft.;~~

11 ~~[3) N 43 deg. 28' 18" E 1300.84 ft. to a point for the most~~
12 ~~Northerly corner of this tract, and from which a capped iron rod~~
13 ~~found (marked "Byrn" for an angle corner of said LaSalle Holdings~~
14 ~~(765.035 acre) tract bears N 43 deg. 28' 18" E 700.00 ft.;~~

15 ~~[THENCE crossing the interior of said LaSalle Holdings (765.035~~
16 ~~acre) tract with the Northeast line of this tract, S 45 deg. 39' 03"~~
17 ~~E 3568.62 ft. to a point in the Northwest line of Hays County Road~~
18 ~~No. 158 and in the Southeast line of said LaSalle Holdings (765.035~~
19 ~~acre) tract and being the most Easterly corner of this tract, and~~
20 ~~from which a 1/2" iron rod found in the Northwest line of Hays~~
21 ~~County Road No. 158 and in the Southeast line of said LaSalle~~
22 ~~Holdings (765.035 acre) tract bears N 43 deg. 23' 01" E 1294.66 ft.;~~

23 ~~[THENCE with the Northwest line of Hays County Road No. 158 and with~~
24 ~~the Southeast line of said LaSalle Holdings (765.035 acre) tract,~~
25 ~~the following two (2) courses;~~

26 ~~[1) S 43 deg. 23' 01" W 302.20 ft. to a 1/2" iron rod found;~~

27 ~~[2) S 43 deg. 23' 51" W 1010.30 ft. to a 1/2" iron rod found~~

1 ~~for the most Southerly corner of said LaSalle Holdings (765.035~~
2 ~~acre) tract and for the most Easterly corner of that certain~~
3 ~~(171.236 acre) tract of land as conveyed to LaSalle Holdings, Ltd.~~
4 ~~By General Warranty Deed recorded in Volume 3030 Page 657 of the~~
5 ~~Official Public Records of Hays County, Texas;~~

6 ~~[THENCE with the Northwest line of Hays County Road No. 158 and with~~
7 ~~the Southeast line of said LaSalle Holdings (171.236 acre) tract,~~
8 ~~the following four (4) courses;~~

9 ~~[1) S 43 deg. 29' 43" W 1818.92 ft. to a capped iron rod found~~
10 ~~(marked "4069");~~

11 ~~[2) S 44 deg. 22' 05" W 453.62 ft. to a capped iron rod found~~
12 ~~(marked "4069");~~

13 ~~[3) S 43 deg. 10' 19" W 425.56 ft. to a 1/2" iron rod found;~~

14 ~~[4) S 44 deg. 50' 25" W 57.00 ft. to a point for the West~~
15 ~~corner of this tract and from which a capped iron rod found (marked~~
16 ~~"4069), bears S 44 deg. 50' 25" W 65.22 ft.;~~

17 ~~[THENCE leaving the Northwest line of Hays County Road No. 158 and~~
18 ~~crossing the interiors of said LaSalle Holdings (171.236 acre)~~
19 ~~tract and LaSalle Holdings (765.035 acre) tract with the Northwest~~
20 ~~line of this tract, N 46 deg. 21' 22" W 3360.37 ft. to the PLACE OF~~
21 ~~BEGINNING, containing 320.71 acres of land.]~~

22 SECTION 5. (a) All governmental and proprietary actions of
23 the LaSalle Municipal Utility District No. 3 taken before the
24 effective date of this Act, including the creation of the district,
25 the consent to create the district granted by the City of San
26 Marcos, the consent agreement relating to the district and any
27 amendments to that agreement, and any extension of time in which to

1 hold a confirmation election for the district, are validated,
2 ratified, and confirmed in all respects.

3 (b) This section does not apply to any matter that on the
4 effective date of this Act:

5 (1) is involved in litigation if the litigation
6 ultimately results in the matter being held invalid by a final court
7 judgment; or

8 (2) has been held invalid by a final court judgment.

9 SECTION 6. (a) The legal notice of the intention to
10 introduce this Act, setting forth the general substance of this
11 Act, has been published as provided by law, and the notice and a
12 copy of this Act have been furnished to all persons, agencies,
13 officials, or entities to which they are required to be furnished
14 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
15 Government Code.

16 (b) The governor, one of the required recipients, has
17 submitted the notice and Act to the Texas Commission on
18 Environmental Quality.

19 (c) The Texas Commission on Environmental Quality has filed
20 its recommendations relating to this Act with the governor, the
21 lieutenant governor, and the speaker of the house of
22 representatives within the required time.

23 (d) All requirements of the constitution and laws of this
24 state and the rules and procedures of the legislature with respect
25 to the notice, introduction, and passage of this Act are fulfilled
26 and accomplished.

27 SECTION 7. For purposes of Section 8474.052(b)(2), Special

1 District Local Laws Code, as amended by this Act, the effective date
2 of the temporary directors' designation is the effective date of
3 this Act.

4 SECTION 8. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2017.