

By: Zaffirini

S.B. No. 2297

A BILL TO BE ENTITLED

AN ACT

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

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

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

(a) The temporary board consists of:

(1) Jeremy Mazur;

(2) Curtis Davidson;

(3) Ross Allen;

(4) Edward Wilhelm; and

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

~~Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition].~~

(b) Temporary directors serve until the earlier of:

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

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

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

SUBCHAPTER F. ASSESSMENTS; APPLICABILITY OF ASSESSMENTS

Sec. 8474.251. PETITION REQUIRED FOR FINANCING IMPROVEMENTS AND RECREATIONAL FACILITIES WITH ASSESSMENTS. (a) Except as provided by this subchapter, the board may finance the construction or maintenance of a recreational facility or improvement with assessments on property under this subchapter only if:

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

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

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

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

(1) landscaping;

(2) marinas and bridges;

(3) lighting, banners, and signs;

(4) hiking and cycling paths or trails;

(5) sidewalks, pedestrian walkways, skywalks, crosswalks, or tunnels;

1 (6) ponds, lakes, recreational facilities, or scenic
2 areas;
3 (7) plazas or pedestrian malls;
4 (8) drainage or navigation improvements; or
5 (9) solid waste, water, sewer, or power facilities,
6 including electrical and gas power facilities.

7 Sec. 8474.253. METHOD OF NOTICE FOR HEARING. The district
8 shall mail notice of the hearing to each property owner in the
9 district who will be subject to the assessment at the current
10 address to be assessed as reflected on the tax rolls. The district
11 may mail the notice by certified or first class United States mail.
12 The board shall determine the method of notice.

13 Sec. 8474.254. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) An
14 assessment or a reassessment imposed under this subchapter by the
15 district, penalties and interest on an assessment or reassessment,
16 an expense of collection, and reasonable attorney's fees incurred
17 by the district:

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

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

23 (3) are the personal liability of and a charge against
24 the owners of the property even if the owners are not named in the
25 assessment proceedings.

26 (b) The lien is effective from the date of the board's
27 resolution imposing the assessment until the date the assessment is

1 paid. The board may enforce the lien in the same manner that the
2 board may enforce an ad valorem tax lien against real property.

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

7 Sec. 8474.255. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS.
8 The district may not impose an assessment on the property,
9 including the equipment, rights-of-way, facilities, or
10 improvements, of:

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

13 (2) a gas utility as defined by Section 101.003 or
14 121.001, Utilities Code;

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

17 (4) a person who provides to the public cable
18 television or advanced telecommunications services.

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

21 Sec. 2. The LaSalle Municipal Utility District No. 3
22 initially includes all the territory contained in the following
23 area:

24 BEING A 419.9-ACRE [18,289,842 SQUARE FEET] TRACT OF LAND OUT OF THE
25 WILLIAM HEMPHILL SURVEY, ABSTRACT NUMBER 221, HAYS COUNTY, TEXAS,
26 SAID 419.9-ACRE TRACT BEING A PORTION OF SAID 765.035-ACRE TRACT
27 AND THAT CALLED 171.236-ACRE TRACT DESCRIBED IN GENERAL WARRANTY

DEED TO LASALLE HOLDINGS, LTD. AS RECORDED IN VOLUME 3030, PAGE 657,
O.P.R.H.C.T., SAID 419.9-ACRE TRACT BEING MORE PARTICULARLY
DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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

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

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

1) S43°33'39"W, a distance of 551.53 feet to a point of
curvature of a tangent circular curve to the right,

2) with the arc of said curve to the right a distance of
372.28 feet, said curve having a radius of 1,000.00, a central angle
of 21°19'49" and a chord bearing S56°26'13"W, a distance of 370.14
feet to a point of tangency,

3) S67°06'07"W, a distance of 20.00 feet to a point of
curvature of a tangent circular curve to the left,

4) with the arc of said curve to the left a distance of
1,807.51 feet, said curve having a radius of 1,738.00, a central

angle of 59°35'14" and a chord bearing S36°34'11"W, a distance of 1,727.15 feet to a point of tangency,

5) S06°46'34"W, a distance 123.00 feet to a point of curvature of a tangent circular curve to the right;

6) with the arc of said curve to the right a distance of 314.79 feet, said curve having a radius of 1000.00, a central angle of 18°02'10" and a chord bearing S13°06'47"W, a distance of 313.49 feet to a point of tangency,

7) S22°07'52"W, a distance of 804.54 feet to an angle point, and

8) S45°37'13"E, a distance of 1,831.04 feet to a point in said apparent west right-of-way line of County Road 158, same being said southeast line of the northerly portion of the 765.035-acre tract;

THENCE with said apparent west right-of-way line of County Road 158 and said southeast line of the northerly portion of the 765.035-acre tract, the following two (2) courses and distances:

1) S42°49'27"W, a distance of 267.87 feet to a 1/2-inch iron rod found for an angle point, and

2) S42°49'52"W, a distance of 1010.10 feet to a 1/2-inch iron rod found for an angle point, same being the east corner of said 171.236-acre tract;

THENCE continuing with said apparent west right-of-way line of County Road 158, with the southeast line of said 171.236-acre tract, the following four (4) courses and distances:

1) S42°55'59"W, a distance of 1818.65 feet to a 1/2-inch iron rod with cap marked "4069" found for an angle point,

1 2) S43°46'38"W, a distance of 453.62 feet to a 1/2-inch iron
2 rod with cap marked "4069" found for an angle point,

3 3) S42°37'22"W, a distance of 425.56 feet to a 1/2-inch iron
4 rod found, and

5 4) S44°15'44"W, a distance of 57.00 feet to an angle point;
6 THENCE leaving said apparent west right-of-way line of County Road
7 158 and said southeast line of the 171.236-acre tract, crossing
8 said 171.236-acre tract, N46°54'57"W, passing at a distance of
9 2,013.35 feet point in the northwest line of said 171.236-acre
10 tract, and crossing said 765.035-acre tract an additional distance
11 of 1,346.73 feet, for a cumulative distance of 3,360.08 feet to a
12 point in the northwest line of said 765.035-acre tract, same being
13 the southeast line of said 468.288-acre tract;

14 THENCE with said northwest line of the 765.035-acre tract and said
15 southeast line of the 468.288-acre tract, the following three (3)
16 courses and distances:

17 1) N43°40'32"E, a distance of 3,769.94 feet to a 1/2-inch
18 iron rod found for an angle point,

19 2) N46°10'24"W, a distance of 240.36 feet to a 1/2-inch iron
20 rod found for an angle point, and

21 3) N42°54'40"E, a distance of 2,001.13 feet to a 1/2-inch
22 iron rod found for the east corner of said 468.288-acre tract;

23 THENCE leaving said northwest line of the 765.035-acre tract and
24 said southeast line of the 468.288-acre tract, crossing said
25 765.035-acre tract, N42°53'58"E, a distance of 3,045.94 feet to the
26 POINT OF BEGINNING and containing 419.9 acres [18,289,842 square
27 feet].

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

~~[BEGINNING FOR REFERENCE at 1/2" iron rod found in the Northeast right-of-way line of Yarrington Road for the most Westerly corner of that certain (765.035 acre) tract of land as conveyed to LaSalle Holdings, Ltd. By Special Warranty Deed recorded in Volume 2909 Page 684 of the Official Public Records of Hays County, Texas, and for the most Southerly corner of that certain (468.288 acre) tract of land described as "Tract 2" in deed to F.M. 158 Land, Ltd. As recorded in Volume 2702 Page 613 of the Official Public Records of Hays County, Texas,~~

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

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

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

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

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1 ~~[3) N 43 deg. 28' 18" E 1300.84 ft. to a point for the most~~
2 ~~Northerly corner of this tract, and from which a capped iron rod~~
3 ~~found (marked "Byrn" for an angle corner of said LaSalle Holdings~~
4 ~~(765.035 acre) tract bears N 43 deg. 28' 18" E 700.00 ft.,~~

5 ~~[THENCE crossing the interior of said LaSalle Holdings (765.035~~
6 ~~acre) tract with the Northeast line of this tract, S 45 deg. 39' 03"~~
7 ~~E 3568.62 ft. to a point in the Northwest line of Hays County Road~~
8 ~~No. 158 and in the Southeast line of said LaSalle Holdings (765.035~~
9 ~~acre) tract and being the most Easterly corner of this tract, and~~
10 ~~from which a 1/2" iron rod found in the Northwest line of Hays~~
11 ~~County Road No. 158 and in the Southeast line of said LaSalle~~
12 ~~Holdings (765.035 acre) tract bears N 43 deg. 23' 01" E 1294.66 ft.,~~

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

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

17 ~~[2) S 43 deg. 23' 51" W 1010.30 ft. to a 1/2" iron rod found~~
18 ~~for the most Southerly corner of said LaSalle Holdings (765.035~~
19 ~~acre) tract and for the most Easterly corner of that certain~~
20 ~~(171.236 acre) tract of land as conveyed to LaSalle Holdings, Ltd.~~
21 ~~By General Warranty Deed recorded in Volume 3030 Page 657 of the~~
22 ~~Official Public Records of Hays County, Texas,~~

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

26 ~~[1) S 43 deg. 29' 43" W 1818.92 ft. to a capped iron rod found~~
27 ~~(marked "4069"),~~

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

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

4 ~~[4) S 44 deg. 50' 25" W 57.00 ft. to a point for the West~~
5 ~~corner of this tract and from which a capped iron rod found (marked~~
6 ~~"4069), bears S 44 deg. 50' 25" W 65.22 ft.,~~

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

12 SECTION 4. (a) All governmental and proprietary actions of
13 the LaSalle Municipal Utility District No. 3 taken before the
14 effective date of this Act, including the creation of the district,
15 the consent to create the district granted by the City of San
16 Marcos, the consent agreement relating to the district and any
17 amendments to that agreement, and any extension of time in which to
18 hold a confirmation election for the district, are validated,
19 ratified, and confirmed in all respects.

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

22 (1) is involved in litigation if the litigation
23 ultimately results in the matter being held invalid by a final court
24 judgment; or

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

26 SECTION 5. (a) The legal notice of the intention to
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a
2 copy of this Act have been furnished to all persons, agencies,
3 officials, or entities to which they are required to be furnished
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5 Government Code.

6 (b) The governor, one of the required recipients, has
7 submitted the notice and Act to the Texas Commission on
8 Environmental Quality.

9 (c) The Texas Commission on Environmental Quality has filed
10 its recommendations relating to this Act with the governor, the
11 lieutenant governor, and the speaker of the house of
12 representatives within the required time.

13 (d) All requirements of the constitution and laws of this
14 state and the rules and procedures of the legislature with respect
15 to the notice, introduction, and passage of this Act are fulfilled
16 and accomplished.

17 SECTION 6. For purposes of Section 8474.052(b)(2), Special
18 District Local Laws Code, as amended by this Act, the effective date
19 of the temporary directors' designation is the effective date of
20 this Act.

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