

By: Zaffirini

S.B. No. 2298

A BILL TO BE ENTITLED

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

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

6 SECTION 1. Sections 8475.052(a) and (b), Special District
7 Local Laws Code, are amended to read as follows:

8 (a) The temporary board consists of:

9 (1) Curby Ohnheiser;

10 (2) Bill Zukaukas;

11 (3) James Hines;

12 (4) Sam Siddons; and

13 (5) Terry Zrubek [~~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 8475.003; or

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

1 SECTION 2. Section 8475.201, Special District Local Laws
2 Code, is amended to read as follows:

3 Sec. 8475.201. 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 8475, 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. 8475.251. 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. 8475.252. 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. 8475.253. 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. 8475.254. 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. 8475.255. 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 628, Acts of the 83rd
3 Legislature, Regular Session, 2013, is amended to read as follows:

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

7 BEING A 355.7-ACRE [15,494,304 SQUARE FEET] TRACT OF LAND OUT OF THE
8 WILLIAM HEMPHILL SURVEY, ABSTRACT NUMBER 221, HAYS COUNTY, TEXAS,
9 SAID 355.7-ACRE TRACT BEING A PORTION OF SAID 765.035-ACRE TRACT,
10 SAID 355.7-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES
11 AND BOUNDS AS FOLLOWS:

12 BEGINNING at a 1/2-inch iron rod with cap marked "BYRN" found in the
13 north right-of-way line of State Highway 21, a varying-width
14 right-of-way, for the south corner of said 765.035-acre tract, same
15 being the east corner of that called 305-acre tract described as
16 "Tract 2" in Special Warranty Deed to Cedar Stump Limited
17 Partnership, as recorded in Volume 1489, Page 800, H.C.D.R.;

18 THENCE leaving said north right-of-way line of State Highway 21,
19 with the southwest line of said 765.035-acre tract, same being the
20 northeast line of said 305-acre tract, N46°05'07"W, a distance of
21 2,948.64 feet to a 1-inch iron rod found for the north corner of
22 said 305-acre tract;

23 THENCE continuing with the southwest line of said 765.035-acre
24 tract, with the northwest line of said 305-acre tract, S43°29'59"W,
25 a distance of 1,332.70 feet to the southwest corner of the tract
26 described herein;

27 THENCE leaving said southwest line of said 765.035-acre tract and

1 said northwest line of the 305-acre tract, crossing said
2 765.035-acre tract, the following nine (9) courses and distances:
3 1) N46°24'34"W, a distance of 3,056.52 feet to an angle
4 point,
5 2) N44°18'44"E, a distance of 586.71 feet to a point of
6 curvature of a tangent circular curve to the right;
7 3) with the arc of said curve to the right a distance of
8 2,394.53 feet, said curve having a radius of 1654.00, a central
9 angle of 82°56'54" and a chord bearing N86°50'23"E, a distance of
10 2,190.83 feet to a point of tangency,
11 4) S46°24'32"E, a distance of 792.11 feet to an angle point,
12 5) N43°35'28"E, a distance of 248.47 feet to a point of
13 curvature of a tangent circular curve to the left,
14 6) with the arc of said curve to the left a distance of
15 595.11 feet, said curve having a radius of 512.00, a central angle
16 of 66°35'45" and a chord bearing N10°17'36"E, a distance of 562.17
17 feet to a point of tangency,
18 7) N24°53'03"W, a distance of 156.83 feet to a point of
19 curvature of a tangent circular curve to the right,
20 8) with the arc of said curve to the right a distance of
21 793.02 feet, said curve having a radius of 632.00, a central angle
22 of 71°53'37" and a chord bearing N10°26'48"E, a distance of 742.01
23 feet to a point of tangency, and
24 9) N43°22'06"E, a distance of 190.43 feet to a point in the
25 east line of said 765.035-acre tract, same being said west line of
26 the 140.6-acre tract;
27 THENCE with said east line of the 765.035-acre tract and the west

1 line of the 140.6-acre tract, S46°43'06"E, a distance of 1,334.98
2 feet to a 1/2-inch iron rod found for the southwest corner of said
3 140.6-acre tract, same being the northwest corner of that called
4 82.86-acre tract described as "Tract Two" in General Warranty Deed
5 to Robert K. Holdings, L.L.C. as recorded in Volume 5143, Page 808,
6 O.P.R.H.C.T.;
7 THENCE continuing with said east line of the 765.035-acre tract,
8 with the west line of the 82.86-acre tract, S46°36'29"E, a distance
9 of 930.53 feet to an iron post found for the southwest corner of
10 said 82.86-acre tract, same being the northwest corner of that
11 called 82.844-acre tract described in General Warranty Deed to
12 Stork Estates, LLC as recorded in Volume 5390, Page 624,
13 O.P.R.H.C.T.;
14 THENCE continuing with said east line of the 765.035-acre tract,
15 with the west line of said 82.844-acre tract, S46°27'06"E, a
16 distance of 1,203.82 feet to a 1/2-inch iron rod found for the
17 southwest corner of said 82.844-acre tract, same being the
18 northwest corner of the remainder of that called 100-acre tract
19 described to Fred W. Hoffman, Sr., as recorded in Volume 188, Page
20 499, O.P.R.H.C.T.;
21 THENCE continuing with said east line of the 765.035-acre tract,
22 same being the west line of the remainder the 100-acre tract,
23 S46°36'00"E, a distance of 1,031.87 feet to a 5/8-inch iron rod with
24 cap marked "HOFFMAN" found in said north right-of-way line of State
25 Highway 21, for the east corner of said 765.035-acre tract and the
26 east corner of the tract described herein;
27 THENCE leaving said east line of the 765.035-acre tract and said

1 west line of the remainder the 100-acre tract, with said north
2 right-of-way line of State Highway 21 and said south line of the
3 765.035-acre tract, the following three (3) courses and distances:

4 1) S48°11'06"W, a distance of 178.89 feet to a 1/2-inch iron
5 rod with cap marked "BYRN" found for a point of curvature of a
6 non-tangent circular curve to the left;

7 2) with the arc of said curve to the left a distance of
8 830.82 feet, said curve having a radius of 5,779.51 feet, a central
9 angle of 8°14'11" and a chord bearing S52°21'11"W, a distance of
10 830.10 feet to a broken TxDOT concrete monument found for a point of
11 non-tangency, and

12 3) S48°11'24"W, a distance of 1,475.12 feet to the POINT OF
13 BEGINNING, and containing 355.7 acres [15,494,304 square feet].

14 ~~[FIELD NOTE DESCRIPTION OF 535.54 ACRES OF LAND OUT OF THE WILLIAM~~
15 ~~HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A~~
16 ~~PORTION OF THAT CERTAIN (811.38 ACRE) TRACT OF LAND AS CONVEYED TO~~
17 ~~LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME~~
18 ~~2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,~~
19 ~~AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS~~
20 ~~FOLLOWS:~~

21 ~~[BEGINNING at a capped iron rod found (marked "ProTech") in the~~
22 ~~Northwest line of the Old San Antonio Road for the most Easterly~~
23 ~~corner of that certain (811.38 acre) tract of land as conveyed to~~
24 ~~LaSalle Holdings by Special Warranty Deed recorded in Volume 2909~~
25 ~~Page 684 of the Official Public Records of Hays County, Texas, and~~
26 ~~being the most Easterly corner and PLACE OF BEGINNING of the herein~~
27 ~~described tract of land,~~

1 ~~[THENCE with the Southeast line of said LaSalle Holdings (811.38~~
2 ~~acre) tract, S 48 deg. 44' 13" W 178.85 ft. to a capped iron rod~~
3 ~~found (marked "Byrn") at the point of intersection with the curving~~
4 ~~Northwest right-of-way line State Highway No. 21 for an angle~~
5 ~~corner of this tract,~~

6 ~~[THENCE with the Northwest right-of-way line of State Highway No.~~
7 ~~21, the following two (2) courses,~~

8 ~~[1] along a curve to the left with a radius of 5779.51 ft. for~~
9 ~~an arc length of 830.52 ft. and which chord bears S 52 deg. 53' 22" W~~
10 ~~829.80 ft. to a PK nail found in a broken concrete monument for a~~
11 ~~point of tangency,~~

12 ~~[2] S 48 deg. 46' 22" W 1475.74 ft. to a 1/2" iron rod found~~
13 ~~for the most Southerly corner of said LaSalle Holdings (811.38~~
14 ~~acre) tract and for the most Southerly corner of this tract,~~

15 ~~[THENCE leaving the Northwest right-of-way line of State Highway~~
16 ~~No. 21 with a Southerly line of said LaSalle Holdings (811.38 acre)~~
17 ~~tract, the following two (2) courses,~~

18 ~~[1] N 45 deg. 31' 36" W 2950.62 ft.,~~

19 ~~[2] S 44 deg. 02' 00" W 1300.00 ft. to a point for a~~
20 ~~Southwesterly angle corner of this tract,~~

21 ~~[THENCE crossing the interior of said LaSalle Holdings (811.38~~
22 ~~acre) tract with a Southwesterly line of this tract, N 45 deg. 39'~~
23 ~~03" W 4231.53 ft. to a point in the Southeast line of Hays County~~
24 ~~Road No. 158 and in the Northwest line of said LaSalle Holdings~~
25 ~~(811.38 acre) tract and being the most Westerly corner of this~~
26 ~~tract, and from which a 1/2" iron rod found in the Southeast line of~~
27 ~~Hays County Road No. 158 and in the Northwest line of said LaSalle~~

1 ~~Holdings (811.38 acre) tract bears S 43 deg. 26' 25" W 605.66 ft.,~~
2 ~~[THENCE with the Southeast line of Hays County Road No. 158 and with~~
3 ~~the Northwest line of said LaSalle Holdings (811.38 acre) tract,~~
4 ~~the following three (3) courses,~~

5 ~~[1] N 43 deg. 26' 25" E 482.55 ft. to a capped iron rod found~~
6 ~~(marked "Byrn"),~~

7 ~~[2] N 43 deg. 23' 06" E 1527.54 ft.,~~

8 ~~[3] N 43 deg. 39' 30" E 1505.40 ft. to a capped iron rod found~~
9 ~~(marked "Byrn") for an angle corner of said LaSalle Holdings~~
10 ~~(811.38 acre) tract and for the West corner of that certain (1.00~~
11 ~~acre) tract of land as conveyed to Druc B. Ewald, et ux, by deed~~
12 ~~recorded in Volume 269 Page 202 of the Deed Records of Hays County,~~
13 ~~Texas,~~

14 ~~[THENCE leaving the Southeast line of Hays County Road No. 158 with~~
15 ~~the common line of said LaSalle Holdings (811.38 acre) tract, the~~
16 ~~following two (2) courses,~~

17 ~~[1] S 44 deg. 58' 54" E 221.56 ft. to a capped iron rod found~~
18 ~~(marked "Jones-Carter"),~~

19 ~~[2] N 43 deg. 24' 04" E 198.54 ft. to a 1/2" iron rod found for~~
20 ~~an angle corner of said LaSalle Holdings (811.38 acre) tract and for~~
21 ~~the East corner of said Ewald (1.00 acre) tract and being angle~~
22 ~~corner of this tract,~~

23 ~~[THENCE with the Northeast line of said LaSalle Holdings (811.38~~
24 ~~acre) tract, the following three (3) courses,~~

25 ~~[1] S 46 deg. 09' 07" E 3771.42 ft.,~~

26 ~~[2] S 45 deg. 57' 07" E 2455.99 ft.,~~

27 ~~[3] S 46 deg. 02' 10" E 1031.75 ft. to the PLACE OF BEGINNING,~~

1 ~~containing 535.54 acres of land.]~~

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

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

12 (1) is involved in litigation if the litigation
13 ultimately results in the matter being held invalid by a final court
14 judgment; or

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

16 SECTION 6. (a) The legal notice of the intention to
17 introduce this Act, setting forth the general substance of this
18 Act, has been published as provided by law, and the notice and a
19 copy of this Act have been furnished to all persons, agencies,
20 officials, or entities to which they are required to be furnished
21 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
22 Government Code.

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

26 (c) The Texas Commission on Environmental Quality has filed
27 its recommendations relating to this Act with the governor, the

1 lieutenant governor, and the speaker of the house of
2 representatives within the required time.

3 (d) All requirements of the constitution and laws of this
4 state and the rules and procedures of the legislature with respect
5 to the notice, introduction, and passage of this Act are fulfilled
6 and accomplished.

7 SECTION 7. For purposes of Section [8475.052\(b\)\(2\)](#), Special
8 District Local Laws Code, as amended by this Act, the effective date
9 of the temporary directors' designation is the effective date of
10 this Act.

11 SECTION 8. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section [39](#), Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2017.