

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. Chapter 8475, Special District Local Laws Code,  
2 is amended by adding Subchapter F to read as follows:

3 SUBCHAPTER F. ASSESSMENTS; APPLICABILITY OF ASSESSMENTS

4 Sec. 8475.251. PETITION REQUIRED FOR FINANCING  
5 IMPROVEMENTS AND RECREATIONAL FACILITIES WITH ASSESSMENTS. (a)  
6 Except as provided by this subchapter, the board may finance the  
7 construction or maintenance of a recreational facility or  
8 improvement with assessments on property under this subchapter only  
9 if:

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

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

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

18 Sec. 8475.252. MISCELLANEOUS DESIGN, CONSTRUCTION, AND  
19 MAINTENANCE. An improvement or recreational facility project may  
20 include the planning, design, construction, improvement, and  
21 maintenance of:

22 (1) landscaping;

23 (2) marinas and bridges;

24 (3) lighting, banners, and signs;

25 (4) hiking and cycling paths or trails;

26 (5) sidewalks, pedestrian walkways, skywalks,

27 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. 8475.253. 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. 8475.254. 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. 8475.255. 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 628, Acts of the 83rd  
20 Legislature, Regular Session, 2013, is amended to read as follows:

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

24 BEING A 355.7-ACRE [15,494,304 SQUARE FEET] TRACT OF LAND OUT OF THE  
25 WILLIAM HEMPHILL SURVEY, ABSTRACT NUMBER 221, HAYS COUNTY, TEXAS,  
26 SAID 355.7-ACRE TRACT BEING A PORTION OF SAID 765.035-ACRE TRACT,  
27 SAID 355.7-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES

1 AND BOUNDS AS FOLLOWS:

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

8 THENCE leaving said north right-of-way line of State Highway 21,  
9 with the southwest line of said 765.035-acre tract, same being the  
10 northeast line of said 305-acre tract, N46°05'07"W, a distance of  
11 2,948.64 feet to a 1-inch iron rod found for the north corner of  
12 said 305-acre tract;

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

17 THENCE leaving said southwest line of said 765.035-acre tract and  
18 said northwest line of the 305-acre tract, crossing said  
19 765.035-acre tract, the following nine (9) courses and distances:

20 1) N46°24'34"W, a distance of 3,056.52 feet to an angle  
21 point,

22 2) N44°18'44"E, a distance of 586.71 feet to a point of  
23 curvature of a tangent circular curve to the right;

24 3) with the arc of said curve to the right a distance of  
25 2,394.53 feet, said curve having a radius of 1654.00, a central  
26 angle of 82°56'54" and a chord bearing N86°50'23"E, a distance of  
27 2,190.83 feet to a point of tangency,

1        4) S46°24'32"E, a distance of 792.11 feet to an angle point,  
2        5) N43°35'28"E, a distance of 248.47 feet to a point of  
3 curvature of a tangent circular curve to the left,  
4        6) with the arc of said curve to the left a distance of  
5 595.11 feet, said curve having a radius of 512.00, a central angle  
6 of 66°35'45" and a chord bearing N10°17'36"E, a distance of 562.17  
7 feet to a point of tangency,  
8        7) N24°53'03"W, a distance of 156.83 feet to a point of  
9 curvature of a tangent circular curve to the right,  
10       8) with the arc of said curve to the right a distance of  
11 793.02 feet, said curve having a radius of 632.00, a central angle  
12 of 71°53'37" and a chord bearing N10°26'48"E, a distance of 742.01  
13 feet to a point of tangency, and  
14       9) N43°22'06"E, a distance of 190.43 feet to a point in the  
15 east line of said 765.035-acre tract, same being said west line of  
16 the 140.6-acre tract;  
17 THENCE with said east line of the 765.035-acre tract and the west  
18 line of the 140.6-acre tract, S46°43'06"E, a distance of 1,334.98  
19 feet to a 1/2-inch iron rod found for the southwest corner of said  
20 140.6-acre tract, same being the northwest corner of that called  
21 82.86-acre tract described as "Tract Two" in General Warranty Deed  
22 to Robert K. Holdings, L.L.C. as recorded in Volume 5143, Page 808,  
23 O.P.R.H.C.T.;  
24 THENCE continuing with said east line of the 765.035-acre tract,  
25 with the west line of the 82.86-acre tract, S46°36'29"E, a distance  
26 of 930.53 feet to an iron post found for the southwest corner of  
27 said 82.86-acre tract, same being the northwest corner of that

1 called 82.844-acre tract described in General Warranty Deed to  
2 Stork Estates, LLC as recorded in Volume 5390, Page 624,  
3 O.P.R.H.C.T.;

4 THENCE continuing with said east line of the 765.035-acre tract,  
5 with the west line of said 82.844-acre tract, S46°27'06"E, a  
6 distance of 1,203.82 feet to a 1/2-inch iron rod found for the  
7 southwest corner of said 82.844-acre tract, same being the  
8 northwest corner of the remainder of that called 100-acre tract  
9 described to Fred W. Hoffman, Sr., as recorded in Volume 188, Page  
10 499, O.P.R.H.C.T.;

11 THENCE continuing with said east line of the 765.035-acre tract,  
12 same being the west line of the remainder the 100-acre tract,  
13 S46°36'00"E, a distance of 1,031.87 feet to a 5/8-inch iron rod with  
14 cap marked "HOFFMAN" found in said north right-of-way line of State  
15 Highway 21, for the east corner of said 765.035-acre tract and the  
16 east corner of the tract described herein;

17 THENCE leaving said east line of the 765.035-acre tract and said  
18 west line of the remainder the 100-acre tract, with said north  
19 right-of-way line of State Highway 21 and said south line of the  
20 765.035-acre tract, the following three (3) courses and distances:

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

24 2) with the arc of said curve to the left a distance of  
25 830.82 feet, said curve having a radius of 5,779.51 feet, a central  
26 angle of 8°14'11" and a chord bearing S52°21'11"W, a distance of  
27 830.10 feet to a broken TxDOT concrete monument found for a point of

1 non-tangency, and

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

4 ~~[FIELD NOTE DESCRIPTION OF 535.54 ACRES OF LAND OUT OF THE WILLIAM~~  
5 ~~HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A~~  
6 ~~PORTION OF THAT CERTAIN (811.38 ACRE) TRACT OF LAND AS CONVEYED TO~~  
7 ~~LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME~~  
8 ~~2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,~~  
9 ~~AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS~~  
10 ~~FOLLOWS:~~

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

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

23 ~~[THENCE with the Northwest right-of-way line of State Highway No.~~  
24 ~~21, the following two (2) courses,~~

25 ~~[1) along a curve to the left with a radius of 5779.51 ft. for~~  
26 ~~an arc length of 830.52 ft. and which chord bears S 52 deg. 53' 22" W~~  
27 ~~829.80 ft. to a PK nail found in a broken concrete monument for a~~



1 ~~point of tangency,~~

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

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

8 ~~[1) N 45 deg. 31' 36" W 2950.62 ft.,~~

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

11 ~~[THENCE crossing the interior of said LaSalle Holdings (811.38~~  
12 ~~acre) tract with a Southwesterly line of this tract, N 45 deg. 39'~~  
13 ~~03" W 4231.53 ft. to a point in the Southeast line of Hays County~~  
14 ~~Road No. 158 and in the Northwest line of said LaSalle Holdings~~  
15 ~~(811.38 acre) tract and being the most Westerly corner of this~~  
16 ~~tract, and from which a 1/2" iron rod found in the Southeast line of~~  
17 ~~Hays County Road No. 158 and in the Northwest line of said LaSalle~~  
18 ~~Holdings (811.38 acre) tract bears S 43 deg. 26' 25" W 605.66 ft.,~~

19 ~~[THENCE with the Southeast line of Hays County Road No. 158 and with~~  
20 ~~the Northwest line of said LaSalle Holdings (811.38 acre) tract,~~  
21 ~~the following three (3) courses,~~

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

24 ~~[2) N 43 deg. 23' 06" E 1527.54 ft.,~~

25 ~~[3) N 43 deg. 39' 30" E 1505.40 ft. to a capped iron rod found~~  
26 ~~(marked "Byrn") for an angle corner of said LaSalle Holdings~~  
27 ~~(811.38 acre) tract and for the West corner of that certain (1.00~~

1 ~~acre) tract of land as conveyed to Drue B. Ewald, et ux, by deed~~  
2 ~~recorded in Volume 269 Page 202 of the Deed Records of Hays County,~~  
3 ~~Texas;~~

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

7 ~~[1) S 44 deg. 58' 54" E 221.56 ft. to a capped iron rod found~~  
8 ~~(marked "Jones-Carter");~~

9 ~~[2) N 43 deg. 24' 04" E 198.54 ft. to a 1/2" iron rod found for~~  
10 ~~an angle corner of said LaSalle Holdings (811.38 acre) tract and for~~  
11 ~~the East corner of said Ewald (1.00 acre) tract and being angle~~  
12 ~~corner of this tract;~~

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

15 ~~[1) S 46 deg. 09' 07" E 3771.42 ft.;~~

16 ~~[2) S 45 deg. 57' 07" E 2455.99 ft.;~~

17 ~~[3) S 46 deg. 02' 10" E 1031.75 ft. to the PLACE OF BEGINNING,~~  
18 ~~containing 535.54 acres of land.]~~

19 SECTION 4. (a) All governmental and proprietary actions of  
20 the LaSalle Municipal Utility District No. 4 taken before the  
21 effective date of this Act, including the creation of the district,  
22 the consent to create the district granted by the City of San  
23 Marcos, the consent agreement relating to the district and any  
24 amendments to that agreement, and any extension of time in which to  
25 hold a confirmation election for the district, are validated,  
26 ratified, and confirmed in all respects.

27 (b) This section does not apply to any matter that on the

1 effective date of this Act:

2 (1) is involved in litigation if the litigation  
3 ultimately results in the matter being held invalid by a final court  
4 judgment; or

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

6 SECTION 5. (a) The legal notice of the intention to  
7 introduce this Act, setting forth the general substance of this  
8 Act, has been published as provided by law, and the notice and a  
9 copy of this Act have been furnished to all persons, agencies,  
10 officials, or entities to which they are required to be furnished  
11 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
12 Government Code.

13 (b) The governor, one of the required recipients, has  
14 submitted the notice and Act to the Texas Commission on  
15 Environmental Quality.

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

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

24 SECTION 6. For purposes of Section 8475.052(b)(2), Special  
25 District Local Laws Code, as amended by this Act, the effective date  
26 of the temporary directors' designation is the effective date of  
27 this Act.

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