

By: Isaac

H.B. No. 4312

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. 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;

LO (2) Curtis Davidson;

11 (3) Ross Allen;

12 (4) Edward Wilhelm; and

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

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

1 SECTION 2. Chapter 8474, 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. 8474.251. 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. 8474.252. 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. 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

1 DEED TO LASALLE HOLDINGS, LTD. AS RECORDED IN VOLUME 3030, PAGE 657,  
2 O.P.R.H.C.T., SAID 419.9-ACRE TRACT BEING MORE PARTICULARLY  
3 DESCRIBED BY METES AND BOUNDS AS FOLLOWS:  
4 BEGINNING at a 1/2-inch iron rod with cap marked "BYRN" found for an  
5 angle point in said apparent west right-of-way line of County Road  
6 158, same being said east line of the 765.035-acre tract, and from  
7 which a 1/2-inch iron rod with cap marked "BYRN" found for an angle  
8 point in said apparent west right-of-way line of County Road 158 and  
9 said east line of the 765.035-acre tract bears N44°30'44"E, a  
10 distance of 9.02 feet;  
11 THENCE with said apparent west right-of-way line of County Road 158  
12 and said east line of the 765.035-acre tract, S46°10'38"E, a  
13 distance of 1,134.71 feet to an angle point and east corner of the  
14 tract described herein;  
15 THENCE leaving said apparent west right-of-way line of County Road  
16 158 and said east line of the 765.035-acre tract, crossing said  
17 765.035-acre tract, the following eight (8) courses and distances:  
18       1) S43°33'39"W, a distance of 551.53 feet to a point of  
19 curvature of a tangent circular curve to the right,  
20       2) with the arc of said curve to the right a distance of  
21 372.28 feet, said curve having a radius of 1,000.00, a central angle  
22 of 21°19'49" and a chord bearing S56°26'13"W, a distance of 370.14  
23 feet to a point of tangency,  
24       3) S67°06'07"W, a distance of 20.00 feet to a point of  
25 curvature of a tangent circular curve to the left,  
26       4) with the arc of said curve to the left a distance of  
27 1,807.51 feet, said curve having a radius of 1,738.00, a central

1   angle of 59°35'14" and a chord bearing S36°34'11"W, a distance of  
2   1,727.15 feet to a point of tangency,  
3        5) S06°46'34"W, a distance 123.00 feet to a point of  
4       curvature of a tangent circular curve to the right;  
5        6) with the arc of said curve to the right a distance of  
6       314.79 feet, said curve having a radius of 1000.00, a central angle  
7       of 18°02'10" and a chord bearing S13°06'47"W, a distance of 313.49  
8       feet to a point of tangency,  
9        7) S22°07'52"W, a distance of 804.54 feet to an angle point,  
10      and  
11        8) S45°37'13"E, a distance of 1,831.04 feet to a point in  
12      said apparent west right-of-way line of County Road 158, same being  
13      said southeast line of the northerly portion of the 765.035-acre  
14      tract;  
15    THENCE with said apparent west right-of-way line of County Road 158  
16    and said southeast line of the northerly portion of the  
17    765.035-acre tract, the following two (2) courses and distances:  
18        1) S42°49'27"W, a distance of 267.87 feet to a 1/2-inch iron  
19      rod found for an angle point, and  
20        2) S42°49'52"W, a distance of 1010.10 feet to a 1/2-inch iron  
21      rod found for an angle point, same being the east corner of said  
22      171.236-acre tract;  
23    THENCE continuing with said apparent west right-of-way line of  
24    County Road 158, with the southeast line of said 171.236-acre  
25    tract, the following four (4) courses and distances:  
26        1) S42°55'59"W, a distance of 1818.65 feet to a 1/2-inch iron  
27      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].

1 [FIELD NOTE DESCRIPTION OF 320.71 ACRES OF LAND OUT OF THE WILLIAM  
2 HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A  
3 PORTION OF THAT CERTAIN (765.035 ACRE) TRACT OF LAND AS CONVEYED TO  
4 LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME  
5 2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,  
6 TOGETHER WITH A PORTION OF THAT CERTAIN (171.236) ACRE) TRACT OF  
7 LAND AS CONVEYED TO LASALLE HOLDINGS, LTD. BY GENERAL WARRANTY DEED  
8 RECORDED IN VOLUME 3030 PAGE 657 OF THE OFFICIAL PUBLIC RECORDS OF  
9 HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES  
10 AND BOUNDS AS FOLLOWS:

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

20 [THENCE leaving the Northeast right-of-way line of Yarrington Road  
21 with a Northwesterly line of said LaSalle Holdings (765.035 acre)  
22 tract, N 44 deg. 14' 37" E 963.10 ft. to a point for the North corner  
23 and PLACE OF BEGINNING of the herein described tract of land;  
24 [THEN continuing with a Northwesterly line of said LaSalle Holdings  
25 (765.035 acre) tract, the following three (3) courses:

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

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

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.