

1-1 By: Zaffirini S.B. No. 2296
 1-2 (In the Senate - Filed May 12, 2017; May 15, 2017, read
 1-3 first time and referred to Committee on Intergovernmental
 1-4 Relations; May 17, 2017, reported favorably, as amended, by the
 1-5 following vote: Yeas 5, Nays 0; May 17, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Lucio	X			
1-8 Bettencourt	X			
1-9 Campbell			X	
1-10 Garcia	X			
1-11 Huffines	X			
1-12 Menéndez			X	
1-13 Taylor of Collin	X			

1-15 COMMITTEE AMENDMENT NO. 1 By: Bettencourt

1-16 Amend S.B. No. 2296 (introduced version) by adding the
 1-17 following appropriately numbered SECTION to the bill and
 1-18 renumbering SECTIONS of the bill accordingly:
 1-19 SECTION 2. Section 8473.201, Special District Local Laws
 1-20 Code, is amended to read as follows:
 1-21 Sec. 8473.201. AUTHORITY TO ISSUE BONDS AND OTHER
 1-22 OBLIGATIONS. (a) Except as provided by Subsection (b), the [The]
 1-23 district may issue bonds or other obligations payable wholly or
 1-24 partly from ad valorem taxes, impact fees, revenue, contract
 1-25 payments, grants, or other district money, or any combination of
 1-26 those sources, to pay for any authorized district purpose.
 1-27 (b) The district may not issue bonds payable wholly or
 1-28 partly from assessments.

1-29 A BILL TO BE ENTITLED
 1-30 AN ACT

1-31 relating to the temporary board of and financing of certain
 1-32 facilities and improvements by the LaSalle Municipal Utility
 1-33 District No. 2; providing authority to impose an assessment.
 1-34 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-35 SECTION 1. Sections 8473.052(a) and (b), Special District
 1-36 Local Laws Code, are amended to read as follows:
 1-37 (a) The temporary board consists of:
 1-38 (1) Kevin Bales;
 1-39 (2) Tol S. Higginbotham IV;
 1-40 (3) Mark Baldwin;
 1-41 (4) Brannin Prideaux; and
 1-42 (5) Chris Synan [On or after the effective date of the
 1-43 Act enacting this chapter, the owner or owners of a majority of the
 1-44 assessed value of the real property in the district may submit a
 1-45 petition to the commission requesting that the commission appoint
 1-46 as temporary directors the five persons named in the petition. The
 1-47 commission shall appoint as temporary directors the five persons
 1-48 named in the petition].
 1-49 (b) Temporary directors serve until the earlier of:
 1-50 (1) the date permanent directors are elected under
 1-51 Section 8473.003; or
 1-52 (2) the fourth anniversary of the effective date of
 1-53 their designation [the Act enacting this chapter].
 1-54 SECTION 2. Chapter 8473, Special District Local Laws Code,
 1-55 is amended by adding Subchapter F to read as follows:
 1-56 SUBCHAPTER F. ASSESSMENTS; APPLICABILITY OF ASSESSMENTS
 1-57 Sec. 8473.251. PETITION REQUIRED FOR FINANCING
 1-58 IMPROVEMENTS AND RECREATIONAL FACILITIES WITH ASSESSMENTS.
 1-59 (a) Except as provided by this subchapter, the board may finance

2-1 the construction or maintenance of a recreational facility or
2-2 improvement with assessments on property under this subchapter only
2-3 if:

2-4 (1) a written petition requesting that facility or
2-5 improvement has been filed with the board; and

2-6 (2) the board holds a hearing on the proposed
2-7 assessments.

2-8 (b) The petition must be signed by the owners of a majority
2-9 of the assessed value of real property in the district subject to
2-10 assessment according to the most recent certified tax appraisal
2-11 roll for the county.

2-12 Sec. 8473.252. MISCELLANEOUS DESIGN, CONSTRUCTION, AND
2-13 MAINTENANCE. An improvement or recreational facility project may
2-14 include the planning, design, construction, improvement, and
2-15 maintenance of:

2-16 (1) landscaping;

2-17 (2) marinas and bridges;

2-18 (3) lighting, banners, and signs;

2-19 (4) hiking and cycling paths or trails;

2-20 (5) sidewalks, pedestrian walkways, skywalks,
2-21 crosswalks, or tunnels;

2-22 (6) ponds, lakes, recreational facilities, or scenic
2-23 areas;

2-24 (7) plazas or pedestrian malls;

2-25 (8) drainage or navigation improvements; or

2-26 (9) solid waste, water, sewer, or power facilities,
2-27 including electrical and gas power facilities.

2-28 Sec. 8473.253. METHOD OF NOTICE FOR HEARING. The district
2-29 shall mail notice of the hearing to each property owner in the
2-30 district who will be subject to the assessment at the current
2-31 address to be assessed as reflected on the tax rolls. The district
2-32 may mail the notice by certified or first class United States mail.
2-33 The board shall determine the method of notice.

2-34 Sec. 8473.254. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) An
2-35 assessment or a reassessment imposed under this subchapter by the
2-36 district, penalties and interest on an assessment or reassessment,
2-37 an expense of collection, and reasonable attorney's fees incurred
2-38 by the district:

2-39 (1) are a first and prior lien against the property
2-40 assessed;

2-41 (2) are superior to any other lien or claim other than
2-42 a lien or claim for county, school district, or municipal ad valorem
2-43 taxes; and

2-44 (3) are the personal liability of and a charge against
2-45 the owners of the property even if the owners are not named in the
2-46 assessment proceedings.

2-47 (b) The lien is effective from the date of the board's
2-48 resolution imposing the assessment until the date the assessment is
2-49 paid. The board may enforce the lien in the same manner that the
2-50 board may enforce an ad valorem tax lien against real property.

2-51 (c) The board may make a correction to or deletion from the
2-52 assessment roll that does not increase the amount of assessment of
2-53 any parcel of land without providing notice and holding a hearing in
2-54 the manner required for additional assessments.

2-55 Sec. 8473.255. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS.
2-56 The district may not impose an assessment on the property,
2-57 including the equipment, rights-of-way, facilities, or
2-58 improvements, of:

2-59 (1) an electric utility or a power generation company
2-60 as defined by Section 31.002, Utilities Code;

2-61 (2) a gas utility as defined by Section 101.003 or
2-62 121.001, Utilities Code;

2-63 (3) a telecommunications provider as defined by
2-64 Section 51.002, Utilities Code; or

2-65 (4) a person who provides to the public cable
2-66 television or advanced telecommunications services.

2-67 SECTION 3. Section 2, Chapter 626, Acts of the 83rd
2-68 Legislature, Regular Session, 2013, is amended to read as follows:

2-69 Sec. 2. The LaSalle Municipal Utility District No. 2

3-1 initially includes all the territory contained in the following
 3-2 area:

3-3 BEING TWO PARTS TOTALLING 389.6 ACRES: PART 1, A 206.1-ACRE
 3-4 [8,978,157 SQUARE FEET] TRACT OF LAND AND PART 2, A 183.5-ACRE
 3-5 [7,994,178 SQUARE FEET] TRACT OF LAND OUT OF THE WILLIAM HEMPHILL
 3-6 SURVEY, ABSTRACT NUMBER 221, HAYS COUNTY, TEXAS, SAID 206.1-ACRE
 3-7 TRACT AND SAID 183.5-ACRE TRACT BEING PORTIONS OF SAID 765.035-ACRE
 3-8 TRACT, SAID 206.1-ACRE TRACT AND SAID 183.5-ACRE TRACT BEING MORE
 3-9 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

3-10 PART 1:
 3-11 BEGINNING at a 1/2-inch iron rod found in the apparent west
 3-12 right-of-way line of County Road 158 (no record information found)
 3-13 for the southeast corner of the northerly portion of said
 3-14 765.035-acre tract and southeast corner of the tract described
 3-15 herein;

3-16 THENCE with said apparent west right-of-way line of County
 3-17 Road 158, same being the southeast line of said northerly portion of
 3-18 the 765.035-acre tract, the following three (3) courses and
 3-19 distances:

3-20 1) S42°49'29"W, a distance of 1,989.07 feet to a 1/2-inch
 3-21 iron rod with cap marked "BYRN" found for an angle point,

3-22 2) S42°48'42"W, a distance of 365.86 feet to a 1/2-inch iron
 3-23 rod with cap marked "BYRN" found for an angle point, and

3-24 3) S42°49'22"W, a distance of 1,989.07 feet to an angle point
 3-25 for the south corner of the tract described herein;

3-26 THENCE leaving said apparent west right-of-way line of County
 3-27 Road 158 and said southeast line of the northerly portion of the
 3-28 765.035-acre tract, crossing said northerly portion of the
 3-29 765.035-acre tract, the following eight (8) courses and distances:

3-30 1) N45°37'13"W, a distance of 1,831.04 feet to the west
 3-31 corner of the tract described herein,

3-32 2) N22°07'52"E, a distance of 804.54 feet to a point of
 3-33 curvature of a tangent circular curve to the left,

3-34 3) with the arc of said curve to the left a distance of
 3-35 314.79 feet, said curve having a radius of 1000.00, a central angle
 3-36 of 18°02'10" and a chord bearing N13°06'47"E, a distance of 313.49
 3-37 feet to a point of tangency,

3-38 4) N06°46'34"E, a distance 123.00 feet to a point of
 3-39 curvature of a tangent circular curve to the right;

3-40 5) with the arc of said curve to the right a distance of
 3-41 1,807.51 feet, said curve having a radius of 1,738.00, a central
 3-42 angle of 59°35'14" and a chord bearing N36°34'11"E, a distance of
 3-43 1,727.15 feet to a point of tangency,

3-44 6) N67°06'07"E, a distance of 20.00 feet to a point of
 3-45 curvature of a tangent circular curve to the left,

3-46 7) with the arc of said curve to the left a distance of
 3-47 372.28 feet, said curve having a radius of 1,000.00, a central angle
 3-48 of 21°19'49" and a chord bearing N56°26'13"E, a distance of 370.14
 3-49 feet to a point of tangency, and

3-50 8) N43°33'39"E, a distance of 551.53 feet to a point in said
 3-51 apparent west right-of-way line of County Road 158, same being the
 3-52 northeast line of said northerly portion of the 765.035-acre tract;

3-53 THENCE with said apparent west right-of-way line of County
 3-54 Road 158 and said northeast line of the northerly portion of the
 3-55 765.035-acre tract, the following four (4) courses and distances:

3-56 1) S46°10'38"E, a distance of 1,429.22 feet to a 1/2-inch
 3-57 iron rod found for an angle point,

3-58 2) S28°54'35"E, a distance of 181.07 feet to a 1/2-inch iron
 3-59 rod found for an angle point,

3-60 3) S46°09'48"E, a distance of 787.55 feet to a 1/2-inch iron
 3-61 rod found for an angle point, and

3-62 4) S01°21'32"E, a distance of 56.98 feet to said POINT OF
 3-63 BEGINNING of PART 1, and containing 206.1 acres [8,978,157 square
 3-64 feet].

3-65 PART 2:

3-66 BEGINNING at a 1/2-inch iron rod with cap marked "BYRN" found
 3-67 in the apparent east right-of-way line of said County Road 158 for
 3-68 the northwest corner of the southerly portion of said 765.035-acre
 3-69 tract, same being the west corner of that called 1.00-acre tract

4-1 described to Drue B. Ewald and wife, Alice H. Ewald, as recorded in
 4-2 Volume 269, Page 202 of the Hays County Deed Records [H.C.D.R.], and
 4-3 the northwest corner of the tract described herein, and from which
 4-4 said 1/2-iron rod found for the point of beginning of Part 1 bears
 4-5 $N47^{\circ}10'31''W$, a distance of 47.12 feet and $N42^{\circ}49'29''E$, a distance of
 4-6 134.89 feet;

4-7 THENCE with the southwest line of said 1.00-acre tract, same
 4-8 being the north line of said southerly portion of the 765.035-acre
 4-9 tract, $S45^{\circ}26'51''E$, a distance of 221.84 feet to a 1/2-inch iron rod
 4-10 found for an angle point;

4-11 THENCE with the southeast line of said 1.00-acre tract,
 4-12 continuing with the north line of said southerly portion of the
 4-13 765.035-acre tract, $N43^{\circ}57'39''E$, a distance of 198.71 feet to a
 4-14 1/2-inch iron rod found in the east line of said 765.035-acre tract,
 4-15 same being the southwest line of that called 140.6-acre tract
 4-16 described in Special Warranty Deed to Cynthia G. Meyer, as recorded
 4-17 in Volume 1769, Page 435, O.P.R.H.C.T., said 140.6-acre tract being
 4-18 further described in Volume 205, Page 109, H.C.D.R.;

4-19 THENCE with said east line of the 765.035-acre tract and said
 4-20 southwest line of the 140.6-acre tract, $S46^{\circ}43'06''E$, a distance of
 4-21 2,436.01 feet to the east corner of the tract described herein;

4-22 THENCE leaving said east line of the 765.035-acre tract and
 4-23 said southwest line of the 140.6-acre tract, crossing said
 4-24 765.035-acre tract, the following ten (10) courses and distances:

4-25 1) $S43^{\circ}22'06''W$, a distance of 190.43 feet to a point of
 4-26 curvature of a tangent circular curve to the left,

4-27 2) with the arc of said curve to the left a distance of
 4-28 793.02 feet, said curve having a radius of 632.00, a central angle
 4-29 of $71^{\circ}53'37''$ and a chord bearing $S10^{\circ}26'48''W$, a distance of 742.01
 4-30 feet to a point of tangency,

4-31 3) $S24^{\circ}53'03''E$, a distance of 156.83 feet to a point of
 4-32 curvature of a tangent circular curve to the right,

4-33 4) with the arc of said curve to the right a distance of
 4-34 595.11 feet, said curve having a radius of 512.00, a central angle
 4-35 of $66^{\circ}35'45''$ and a chord bearing $S10^{\circ}17'36''W$, a distance of 562.17
 4-36 feet to a point of tangency,

4-37 5) $S43^{\circ}35'28''W$, a distance of 248.47 feet to an angle point
 4-38 for the southeast corner of the tract described herein,

4-39 6) $N46^{\circ}24'32''W$ a distance of 792.11' to a point of curvature
 4-40 of a tangent circular curve to the left,

4-41 7) with the arc of said curve to the left a distance of
 4-42 2,394.53 feet, said curve having a radius of 1,654.00 feet, a
 4-43 central angle of $82^{\circ}56'54''$ and a chord bearing $S86^{\circ}50'23''W$, a
 4-44 distance of 2,190.83 feet to a point of tangency,

4-45 8) $S44^{\circ}18'44''W$, a distance of 586.71' to an angle point for
 4-46 the southwest corner of the tract described herein,

4-47 9) $N46^{\circ}24'34''W$, a distance of 233.22 feet to an angle point,

4-48 and

4-49 10) $N45^{\circ}40'51''W$, a distance of 942.00' feet to a point in
 4-50 said apparent east right-of-way line of County Road 158, same being
 4-51 the north line of said southerly portion of the 765.035-acre tract,
 4-52 for the west corner of the tract described herein;

4-53 THENCE with said apparent east right-of-way line of County
 4-54 Road 158 and said north line of the southerly portion of the
 4-55 765.035-acre tract, the following three (3) courses and distances:

4-56 1) $N42^{\circ}52'47''E$, a distance of 517.38 feet to a 1/2-inch iron
 4-57 rod with cap marked "BYRN" found for an angle point;

4-58 2) $N42^{\circ}49'25''E$, a distance of 1,527.56 feet to an angle
 4-59 point, and

4-60 3) $N43^{\circ}05'04''E$, a distance of 1505.23 feet to the POINT OF
 4-61 BEGINNING of PART 2, and containing 183.5 acres [7,994,178 square
 4-62 feet].

4-63 [FIELD NOTE DESCRIPTION OF 305.41 ACRES OF LAND OUT OF THE WILLIAM
 4-64 HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A
 4-65 PORTION OF THAT CERTAIN (765.035 ACRE) TRACT OF LAND AS CONVEYED TO
 4-66 LASALLE HOLDINGS, LTD. BY SPECIAL WARRANTY DEED RECORDED IN VOLUME
 4-67 2909 PAGE 684 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,
 4-68 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
 4-69 FOLLOWS:

5-1 ~~[BEGINNING at a 1/2" iron rod found in the Southwest line of Hays~~
 5-2 ~~County Road No. 158 and for an angle corner in the Northeast line of~~
 5-3 ~~that certain (765.035 acre) tract of land as conveyed to LaSalle~~
 5-4 ~~Holdings, Ltd. by Special Warranty Deed recorded in Volume 2909~~
 5-5 ~~Page 684 of the Official Public Records of Hays County, Texas, and~~
 5-6 ~~being the most Northerly corner and PLACE OF BEGINNING of the herein~~
 5-7 ~~described tract of land, and from which a capped iron rod found~~
 5-8 ~~(marked "Byrn") for an angle corner in the Northeast line of said~~
 5-9 ~~LaSalle Holdings (765.035 acre) tract bears N 44 deg. 12' 41" E 9.20~~
 5-10 ~~ft.;~~

5-11 ~~[THENCE with the Southwest line of Hays County Road No. 158 and with~~
 5-12 ~~the Northeast line of said LaSalle Holdings (765.035 acre) tract,~~
 5-13 ~~the following four (4) courses;~~

5-14 ~~[1) S 45 deg. 36' 48" E 2564.23 ft. to a 1/2" iron rod found;~~
 5-15 ~~[2) S 28 deg. 19' 21" E 180.67 ft. to a 1/2" iron rod found;~~
 5-16 ~~[3) S 45 deg. 36' 07" E 787.93 ft. to a 1/2" iron rod found;~~
 5-17 ~~[4) S 00 deg. 52' 46" E 57.01 ft. to a 1/2" iron rod found for~~
 5-18 ~~an Easterly angle corner of said~~

5-19 ~~[LaSalle Holdings (765.035 acre) tract and being an~~
 5-20 ~~Easterly angle corner of this tract;~~

5-21 ~~[THENCE with the Northwest line of Hays County Road No. 158 and with~~
 5-22 ~~the Southeast line of said LaSalle Holdings (765.035 acre) tract,~~
 5-23 ~~the following two (2) courses;~~

5-24 ~~[1) S 43 deg. 23' 26" W 2355.38 ft. to a 1/2" iron rod found;~~
 5-25 ~~[2) S 43 deg. 23' 01" W 1294.66 ft. to a point for the most~~
 5-26 ~~Southerly corner of this tract and from which a 1/2" iron rod found~~
 5-27 ~~in the Northwest line of Hays County Road No. 158 and in the~~
 5-28 ~~Southeast line of said LaSalle Holdings (765.035 acre) tract bears~~
 5-29 ~~S 43 deg. 23' 01" W 302.20 ft.;~~

5-30 ~~[THENCE leaving the Northwest line of Hays County Road No. 158 and~~
 5-31 ~~crossing the interior of said LaSalle Holdings (765.035 acre) tract~~
 5-32 ~~with the Southwest line of this tract, N 45 deg. 39' 03" W 3568.62~~
 5-33 ~~ft. to a point in a Northwesterly line of said LaSalle Holdings~~
 5-34 ~~(765.035 acre) tract for the most Westerly Northwest corner of this~~
 5-35 ~~tract;~~

5-36 ~~[THENCE with a Northwesterly line of said LaSalle Holdings (765.035~~
 5-37 ~~acre) tract, N 43 deg. 28' 18" E 700.00 ft. to a capped iron rod~~
 5-38 ~~found (marked "Byrn") for an angle corner of said LaSalle Holdings~~
 5-39 ~~(765.035 acre) tract and being an angle corner of this tract, and~~
 5-40 ~~from which a 1" iron pipe found for an angle corner in a~~
 5-41 ~~Southwesterly line of said LaSalle Holdings (765.035 acre) tract~~
 5-42 ~~bears N 45 deg. 13' 18" W 487.22 ft.;~~

5-43 ~~[THENCE re-crossing the interior of said LaSalle Holdings (765.035~~
 5-44 ~~acre) tract with the Northwest line of this tract, N 43 deg. 27' 55"~~
 5-45 ~~E 3046.28 ft. to the PLACE OF BEGINNING, containing 305.41 acres of~~
 5-46 ~~land.]~~

5-47 SECTION 4. (a) All governmental and proprietary actions of
 5-48 the LaSalle Municipal Utility District No. 2 taken before the
 5-49 effective date of this Act, including the creation of the district,
 5-50 the consent to create the district granted by the City of San
 5-51 Marcos, the consent agreement relating to the district and any
 5-52 amendments to that agreement, and any extension of time in which to
 5-53 hold a confirmation election for the district, are validated,
 5-54 ratified, and confirmed in all respects.

5-55 (b) This section does not apply to any matter that on the
 5-56 effective date of this Act:

5-57 (1) is involved in litigation if the litigation
 5-58 ultimately results in the matter being held invalid by a final court
 5-59 judgment; or

5-60 (2) has been held invalid by a final court judgment.

5-61 SECTION 5. (a) The legal notice of the intention to
 5-62 introduce this Act, setting forth the general substance of this
 5-63 Act, has been published as provided by law, and the notice and a
 5-64 copy of this Act have been furnished to all persons, agencies,
 5-65 officials, or entities to which they are required to be furnished
 5-66 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 5-67 Government Code.

5-68 (b) The governor, one of the required recipients, has
 5-69 submitted the notice and Act to the Texas Commission on

6-1 Environmental Quality.

6-2 (c) The Texas Commission on Environmental Quality has filed
6-3 its recommendations relating to this Act with the governor, the
6-4 lieutenant governor, and the speaker of the house of
6-5 representatives within the required time.

6-6 (d) All requirements of the constitution and laws of this
6-7 state and the rules and procedures of the legislature with respect
6-8 to the notice, introduction, and passage of this Act are fulfilled
6-9 and accomplished.

6-10 SECTION 6. For purposes of Section 8473.052(b)(2), Special
6-11 District Local Laws Code, as amended by this Act, the effective date
6-12 of the temporary directors' designation is the effective date of
6-13 this Act.

6-14 SECTION 7. This Act takes effect immediately if it receives
6-15 a vote of two-thirds of all the members elected to each house, as
6-16 provided by Section 39, Article III, Texas Constitution. If this
6-17 Act does not receive the vote necessary for immediate effect, this
6-18 Act takes effect September 1, 2017.

6-19

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