Chapter 680

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

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

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

(a) The temporary board consists of:
(1) Curby Ohnheiser;
(2) Bill Zukaukas;
(3) James Hines;
(4) Sam Siddons; and
(5) Terry Zrubek [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
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 8475.003; or
(2) the fourth anniversary of the effective date of
their designation [the Act enacting this chapter].
SECTION 2. Section 8475.201, Special District Local Laws Code, is amended to read as follows:

Sec. 8475.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) Except as provided by Subsection (b), the district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

(b) The district may not issue bonds payable wholly or partly from assessments.

SECTION 3. Chapter 8475, Special District Local Laws Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. ASSESSMENTS; APPLICABILITY OF ASSESSMENTS

Sec. 8475.251. 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. 8475.252. 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;
(6) ponds, lakes, recreational facilities, or scenic areas;
(7) plazas or pedestrian malls;
(8) drainage or navigation improvements; or
(9) solid waste, water, sewer, or power facilities, including electrical and gas power facilities.

Sec. 8475.253. METHOD OF NOTICE FOR HEARING. The district shall mail notice of the hearing to each property owner in the district who will be subject to the assessment at the current address to be assessed as reflected on the tax rolls. The district may mail the notice by certified or first class United States mail. The board shall determine the method of notice.

Sec. 8475.254. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) An assessment or a reassessment imposed under this subchapter by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:
(1) are a first and prior lien against the property assessed;

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

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

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

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

Sec. 8475.255. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS. The district may not impose an assessment on the property, including the equipment, rights-of-way, facilities, or improvements, of:

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

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

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

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

SECTION 4. Section 2, Chapter 628, Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

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

BEING A 355.7-ACRE [15,494,304 SQUARE FEET] TRACT OF LAND OUT OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NUMBER 221, HAYS COUNTY, TEXAS, SAID 355.7-ACRE TRACT BEING A PORTION OF SAID 765.035-ACRE TRACT, SAID 355.7-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 in the north right-of-way line of State Highway 21, a varying-width right-of-way, for the south corner of said 765.035-acre tract, same being the east corner of that called 305-acre tract described as "Tract 2" in Special Warranty Deed to Cedar Stump Limited Partnership, as recorded in Volume 1489, Page 800, H.C.D.R.; THENCE leaving said north right-of-way line of State Highway 21, with the southwest line of said 765.035-acre tract, same being the northeast line of said 305-acre tract, N46°05'07"W, a distance of 2,948.64 feet to a 1-inch iron rod found for the north corner of said 305-acre tract; THENCE continuing with the southwest line of said 765.035-acre tract, with the northwest line of said 305-acre tract, S43°29'59"W, a distance of 1,332.70 feet to the southwest corner of the tract described herein; THENCE leaving said southwest line of said 765.035-acre tract and
said northwest line of the 305-acre tract, crossing said
765.035-acre tract, the following nine (9) courses and distances:

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

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

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

4) S46°24'32"E, a distance of 792.11 feet to an angle point,

5) N43°35'28"E, a distance of 248.47 feet to a
point of
curvature of a tangent circular curve to the left,

6) with the arc of said curve to the left a distance of
595.11 feet, said curve having a radius of 512.00, a central angle
of 66°35'45" and a chord bearing N10°17'36"E, a distance of 562.17
feet to a point of tangency,

7) N24°53'03"W, a distance of 156.83 feet to a point of
curvature of a tangent circular curve to the right,

8) with the arc of said curve to the right a distance of
793.02 feet, said curve having a radius of 632.00, a central angle
of 71°53'37" and a chord bearing N10°26'48"E, a distance of 742.01
feet to a point of tangency, and

9) N43°22'06"E, a distance of 190.43 feet to a point in the
east line of said 765.035-acre tract, same being said west line of
the 140.6-acre tract;

THENCE with said east line of the 765.035-acre tract and the west
line of the 140.6-acre tract, S46° 43'06"E, a distance of 1,334.98 feet to a 1/2-inch iron rod found for the southwest corner of said 140.6-acre tract, same being the northwest corner of that called 82.86-acre tract described as "Tract Two" in General Warranty Deed to Robert K. Holdings, L.L.C. as recorded in Volume 5143, Page 808, O.P.R.H.C.T.;

THENCE continuing with said east line of the 765.035-acre tract, with the west line of the 82.86-acre tract, S46° 36'29"E, a distance of 930.53 feet to an iron post found for the southwest corner of said 82.86-acre tract, same being the northwest corner of that called 82.844-acre tract described in General Warranty Deed to Stork Estates, LLC as recorded in Volume 5390, Page 624, O.P.R.H.C.T.;

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

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

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

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

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

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

FIELD NOTE DESCRIPTION OF 535.54 ACRES OF LAND OUT OF THE WILLIAM
HEMPHILL SURVEY ABSTRACT No. 221 IN HAYS COUNTY, TEXAS, BEING A
PORTION OF THAT CERTAIN (811.38 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 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
FOLLOWS:

BEGINNING at a capped iron rod found (marked "ProTech") in the
Northwest line of the Old San Antonio Road for the most Easterly
corner of that certain (811.38 acre) tract of land as conveyed to
LaSalle Holdings by Special Warranty Deed recorded in Volume 2909
Page 684 of the Official Public Records of Hays County, Texas, and
being the most Easterly corner and PLACE OF BEGINNING of the herein
described tract of land.
S.B. No. 2298

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

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

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

2. S 48 deg. 46' 22" W 1475.71 ft. to a 1/2" iron rod found for the most Southerly corner of said LaSalle Holdings (811.38 acre) tract and for the most Southerly corner of this tract;

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

1. N 45 deg. 31' 36" W 2950.62 ft.;

2. S 44 deg. 02' 00" W 1300.00 ft. to a point for a Southwesterly angle corner of this tract;

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

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

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

2. N 43 deg. 23' 06" E 1527.54 ft.

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

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

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

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

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

1. S 46 deg. 09' 07" E 3771.42 ft.

2. S 45 deg. 57' 07" E 2455.99 ft.

3. S 46 deg. 02' 10" E 1031.75 ft. to the PLACE OF BEGINNING.
SEC. 5. (a) All governmental and proprietary actions of the LaSalle Municipal Utility District No. 4 taken before the effective date of this Act, including the creation of the district, the consent to create the district granted by the City of San Marcos, the consent agreement relating to the district and any amendments to that agreement, and any extension of time in which to hold a confirmation election for the district, are validated, ratified, and confirmed in all respects.

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

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

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

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

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

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

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

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

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.
S.B. No. 2298

President of the Senate

I hereby certify that S.B. No. 2298 passed the Senate on May 19, 2017, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

I hereby certify that S.B. No. 2298 passed the House on May 24, 2017, by the following vote: Yeas 137, Nays 9, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor
TO: Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB2298 by Zaffirini (Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 4; providing authority to impose an assessment.), Committee Report 1st House, As Amended

No fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code relating to the LaSalle Municipal Utility District No. 4. The district would have authority to impose assessments on property. The district would have authority to issue bonds and other obligations.

The bill would take effect immediately if the bill receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:
LBB Staff: UP, JGA, GG, BM
TO: Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB2298 by Zaffirini (Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 4; providing authority to impose an assessment.), As Introduced

No fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code relating to the LaSalle Municipal Utility District No. 4. The district would have authority to impose assessments on property.

The bill would take effect immediately if the bill receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:
LBB Staff: UP, JGA, GG, BM
The State of Texas  
County of Hays  

Before me, the undersigned, holding the office of Notary Public in and for Hays County, Texas, personally appeared who states under oath that he is the publisher of the San Marcos Daily Record, a newspaper which has been regularly and continuously published in San Marcos, Hays County, Texas, for a period of more than one year immediately preceding the date of publication of this notice and that the Notice by Publication hereto attached was published in the regular edition of said newspaper for a period of on the following dates

The said publisher states that the rate charged for this publication is the lowest rate charged commercial advertising for the same class of advertising for a like amount of space.

(Signed)  
Publisher

Subscribed and sworn to before me this  
day of  
20

Roma Young  
Notary Public, State of Texas  
County of Hays  
Notary ID: 12809495
NOTICE:

The Monett County Commission is seeking applicants for the position of maintenance worker. Applicants must have a valid CDL and be willing to work a flexible schedule. Applications can be picked up at the county office or submitted online at www.monettcounty.com. Applications are due by October 15, 2023. For more information, please contact the county office at 573-345-3456.
NOTICE OF THE OFFICIAL PUBLIC RECORDS OF Hays
County Texas
MUD No. 4
355.70 acres out of the William Hemphill Survey, Abstract No. 791 Hays County, Texas, being a portion of that called
811.56 acres tract conveyed to Ladsite Holdings, Ltd. by deed recorded on 145056 in Volume
2609. Page 684 of the Official Public
Records of Hays County Texas
MUD No 5
272.07 acres out of the William Hemphill Survey, Abstract No 221 Hays County, Texas, being a portion of that called
811.56 acres tract conveyed to Ladsite Holdings, Ltd. by deed recorded on Volume
2609. Page 684 of the Official Public
Records of Hays County Texas

PUBLIC NOTICE
By order of the Hays County Commissi-
oners Court, notice is hereby given that on
Tuesday, February 28, 2017 at 9 a.m. in the Hays County Courthouse on E San Antonio Street, the Hays County Commisso-
ers Court will hold a public hearing to consider
ESTABLISHING NEW STOP SIGN LOCATIONS ON EAGLE NEST DRIVE & LONGLEY TRACE IN CARRIAGE PARK SUBDIVISION AS A RESULT OF COMPLETED CONSTRUCTION OF NEW FM 1628.

General Help
Wanted

NEWSPAPER CARRIERS
Needed in San Marcos, Hutto, Kyle & Wimberley
areas. Early morning hours.
512-829-1498

JOB OPENINGS!
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LaSalle Holdings, Ltd.
C/O Mr. Mike Schroeder
110 San Antonio Street
#1907
Austin, Texas 78701

Re: Draft Legislation related to LaSalle MUDs Nos. 1-5

Dear Mr. Schroeder:

As you are aware, we are seeking legislation related to amending LaSalle Municipal Utility Districts Nos. 1-5. These Districts, of course, are on property that LaSalle Holdings Ltd. owns. The draft legislation, among other matters, reconfigures LaSalle MUD Nos. 2-5 and also amends financing powers by allowing the Districts to assess property within the Districts to purchase, construct and maintain, among other matters, recreational facilities. This letter is to give you notice of that legislation.

We understand that LaSalle Holdings Ltd. is already familiar with the proposed legislative amendments as there have been discussions regarding development and that LaSalle Holdings, Ltd. supports such amendments.

We are happy to discuss any questions you might have.

Very truly yours,

Andrew N. Barrett
The Honorable Bert Cobb  
Hays County Judge  
111 E. San Antonio Street, Suite 100  
San Marcos, Texas 78666  

RE: LaSalle Municipal Utility Districts Nos. 1-5 proposed legislation

Dear Judge Cobb,

This letter is to provide you notice, on behalf of the Hays County Commissioners Court, of proposed legislation that relates to, among other matters, LaSalle Municipal Utility Districts Nos. 1-5 and its proposed powers, rights, duties, and obligations, and possible reconfiguration of the districts. I have enclosed a copy of the proposed legislation for your reference. Notice of the proposed legislation was published in the San Marcos Daily Record on or about February 28, 2017.

The County may file its written consent or objection to the proposed bill. By copy of this letter, all Commissioners on the Court will be notified. I am happy to discuss this matter with you in further detail at your convenience. Please do not hesitate to contact me at 512-600-3800.

Very truly yours,

[Signature]

Andrea N. Barrett

Encl.

cc: Commissioners Court