Chapter 681

S.B. No. 2299

AN ACT
relating to the temporary board of and financing of certain
facilities and improvements by the LaSalle Municipal Utility
District No. 5; providing authority to impose an assessment.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Sections 8476.052(a) and (b), Special District
Local Laws Code, are amended to read as follows:
(a) The temporary board consists of:
(1) Jack Wilhelm;
(2) David Tuckfield;
(3) Jon Cobb;
(4) Bob Ruggio; and
(5) Adam Van Ackeren [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
as 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 8476.003; or
(2) the fourth anniversary of the effective date of
their designation [the Act enacting this chapter].
S.B. No. 2299

SECTION 2. Section 8476.201, Special District Local Laws Code, is amended to read as follows:

Sec. 8476.201. 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 8476, Special District Local Laws Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. ASSESSMENTS; APPLICABILITY OF ASSESSMENTS

Sec. 8476.251. 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. 8476.252. 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. 8476.253. 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. 8476.254. 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:
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. 8476.255. 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
SECTION 4. Section 2, Chapter 503, Acts of the 83rd Legislature, Regular Session, 2013, is amended to read as follows:

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

DESCRIPTION OF A TRACT OF LAND CONTAINING 272.071 ACRES OF
LAND OUT OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221, SITUATED
IN HAYS COUNTY, TEXAS, BEING A PORTION OF THE 811.38 ACRE TRACT
CONVEYED TO LASALLE HOLDINGS LTD., BY DEED OF RECORD IN VOLUME 2909,
PAGE 684, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID
272.071 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND
BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH IRON ROD FOUND AT THE MOST SOUTHERLY
CORNER OF SAID 811.38 ACRE TRACT, SAID POINT BEING THE NORTHERLY
COMMON CORNER OF THE 305 ACRE TRACT CONVEYED TO CEDAR STUMP LP, BY
DEED OF RECORD IN VOLUME 1489, PAGE 800, OF SAID OFFICIAL PUBLIC
RECORDS, AND OF THE 199.17 ACRE TRACT CONVEYED TO KYLE THREE
PARTNERS LP, BY DEED OF RECORD IN VOLUME 2940, PAGE 195, OF SAID
OFFICIAL PUBLIC RECORDS, FOR THE MOST SOUTHERLY CORNER AND POINT OF
BEGINNING HEREOF;

THENCE, ALONG THE COMMON LINE OF SAID 199.17 ACRE TRACT, AND
OF SAID 811.38 ACRE TRACT, GENERALLY WITH A BARBED WIRE FENCE, THE
FOLLOWING THIRTEEN (13) COURSES AND DISTANCES:

1) N54°50'51"W, A DISTANCE OF 771.35 FEET TO A FOUND 1/2-INCH
IRON ROD;

2) S82°34'23"W, A DISTANCE OF 840.87 FEET TO A FOUND 1/2-INCH
S.B. No. 2299

1 IRON ROD;

    3) N52°52'15"W, A DISTANCE OF 690.88 FEET TO A FOUND 1/2-INCH
2 IRON ROD;

    4) N62°34'40"W, A DISTANCE OF 68.98 FEET TO A FOUND 1/2-INCH
3 IRON ROD;

7) N88°42'40"W, A DISTANCE OF 82.89 FEET TO A FOUND 1/2-INCH
8) N8°51'26"W, A DISTANCE OF 427.41 FEET TO A FOUND 1/2-INCH
9 IRON ROD WITH "BYRN" CAP;

10) S89°20'36"W, A DISTANCE OF 252.54 FEET TO A FOUND WOOD
11) N78°22'26"W, A DISTANCE OF 289.01 FEET TO A FOUND WOOD
12) 1/2-INCH IRON ROD;

22) 13) N65°54'03"W, A DISTANCE OF 1059.47 FEET TO A 1/2-INCH
23) IRON ROD FOUND ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF COUNTY
24) ROAD 158 (UNDEDICATED RIGHT-OF-WAY), AS USED ON THE GROUND;
25) THENCE ALONG THE COMMON LINE OF SAID 811.38 ACRE TRACT AND OF
26) THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 158, THE
27) FOLLOWING TWO (2) COURSES AND DISTANCES:
S.B. No. 2299

1) N42°58'24"E, A DISTANCE OF 3,243.10 FEET TO A FOUND 1/2-INCH IRON ROD;

2) N42°52'47"E, A DISTANCE OF 570.78 FEET TO A CALCULATED POINT;

THENCE OVER AND ACROSS SAID 811.38 ACRE TRACT THE FOLLOWING TWO (2) COURSES AND DISTANCES:

1) S45°40'51"E, A DISTANCE OF 942.00 FEET TO A CALCULATED POINT;

2) S46°24'34"E, A DISTANCE OF 3,289.74 FEET TO A CALCULATED POINT ON THE NORTHWESTERLY LINE OF SAID 305 ACRE TRACT;

THENCE ALONG THE COMMON LINE OF SAID 811.38 ACRE TRACT AND OF SAID 305 ACRE TRACT, S43°29'59"W, A DISTANCE OF 1,830.79 FEET THE POINT OF BEGINNING, AND CONTAINING 272.071 ACRES OF LAND, MORE OR LESS.

[FIELD NOTE DESCRIPTION OF 275.81 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 FOR REFERENCE 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 2009 Page 684 of the Official Public Records of Hays County, Texas,
S.B. No. 2299

[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.]

[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 1475.74 ft. to a 1/2" iron rod found for the most Southerly corner of said LaSalle Holdings (811.38 acre) 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 an Easterly angle corner and PLACE OF BEGINNING of the herein described tract of land,

[THENCE continuing with a Southerly or Southeasterly line of said LaSalle Holdings (811.38 acre) tract, S 44 deg. 02' 00" W 1863.28 ft. to a point for the most Southerly corner of this tract,

[THENCE continuing with a Southerly line of said LaSalle Holdings (811.38 acre) tract, the following thirteen (13) courses,

1. N 54 deg. 17' 20" W 771.66 ft.,

2. S 83 deg. 08' 18" W 840.88 ft.]
S.B. No. 2299


[4] N 62 deg. 00' 02" W 69.27 ft.


[7] N 73 deg. 00' 27" W 53.89 ft.

[8] N 78 deg. 17' 31" W 427.31 ft.

[9] N 88 deg. 16' 13" W 82.92 ft.

[10] N 89 deg. 50' 43" W 252.84 ft.


[13] N 65 deg. 20' 24" W 1059.29 ft. to a point in the Southeast line of Hays County Road No. 158 for the most Westerly corner of said LaSalle Holdings (811.38 acre) tract and being the most Westerly corner of this tract,

[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 two (2) courses;

[1] N 43 deg. 32' 03" E 3243.31 ft. to a 1/2" iron rod found;

[2] N 43 deg. 26' 25" E 605.66 ft. to a point for the most Northerly corner of this tract, and from which a capped iron rod found (marked "Byrn") in the Southeast line of Hays County Road No. 158 and in the Northwest line of said LaSalle Holdings (811.38 acre) tract bears N 43 deg. 26' 25" E 482.55 ft.

[THENCE crossing the interior of said LaSalle Holdings (811.38 acre) tract with the Northeast line of this tract, S 45 deg. 39' 03" E 4231.53 ft. to the PLACE OF BEGINNING, containing 275.81 acres of land.]
SECTION 5. (a) All governmental and proprietary actions of
the LaSalle Municipal Utility District No. 5 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.

SECTION 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 8476.052(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.
I hereby certify that S.B. No. 2299 passed the Senate on May 19, 2017, by the following vote: Yeas 29, Nays 2.

I hereby certify that S.B. No. 2299 passed the House on May 24, 2017, by the following vote: Yeas 137, Nays 9, two present not voting.

Approved:

Date

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB2299 by Zaffirini (Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No.5; 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. 5. 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, BM, JGA, GG
TO: Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB2299 by Zaffirini (Relating to the temporary board of and financing of certain facilities and improvements by the LaSalle Municipal Utility District No. 5; 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. 5. 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 ___, ___.

Ronda Young
Notary Public, State of Texas
County Hays 05-24-2020
Notary ID 128959495
NOTICE TO CREDITORS

Hereby given that original Letters test the estate of Michael Smith, Jr., Decedent, were issued January 8, 2017, in Cause No. 16 pending in the County Court at Law, Hays County, Texas, to Eric Morgan.

The having claims against the estate is currently being administered and to present them to the court under the laws of Texas

By: Wall
Professional Center
78004
The 24th day of February, 2017

For Elizabeth L. Morgan

11 He
78004
(512) 258-4545
elmorgan@lawyer.com

NOTICE OF HEARING

Hereby given that a Petition for 2 Depositions to Investigate Claims filed in the Hays County District Court, cause number 17-0101. James Neumann asks on behalf of his attorney for a potential claim of insurance. A hearing on the matter is set for Friday, March 8, 2017 at 9:00am parties who have an interest in the subject matter in the hearing, and to attend the hearing in the manner of the Law.

By: Wall
Professional Center
78004
(512) 258-4545
elmorgan@lawyer.com

PUBLIC NOTICE

By order of the Hays County Commissioners Court, notice is hereby given that on Tuesday, February 28, 2017 at 9 a.m. in the Hays County Courthouse, the Hays County Commissioners Court will hold a public hearing to consider the following:

ESTABLISHING NEW STOP SIGN LOCATIONS ON EAGLE NEST DRIVE & LONGLEY TRACE IN CUMBARRON SUBDIVISION AS A RESULT OF THE COMPLETED CONSTRUCTION OF NEW FM 1626.

General Help Wanted

Newspaper Carriers

Necessary in San Marcos, Huda, Kyle & Wimberley areas. Early morning hours.

512-829-1498

JOBS OPENINGS

Assemblers
Production Workers
Mechanic w/ tools
Tank Technician
Optician
Receptionists

Utilize
Soldier
Opera
Parts
Lead I
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Current job openings in multiple fields:

- Sales
- Marketing
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- Operations
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We provide comprehensive training and support to help you succeed in your new career.

If it is you
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 opposition 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]  

Andrew N. Barrett  

Encl.  

cc: Commissioners Court