

ORDINANCE NO. _____

1 **AN ORDINANCE LEVYING ASSESSMENTS FOR CALENDAR YEAR 2012**
2 **FOR PROPERTY IN THE EAST SIXTH STREET PUBLIC IMPROVEMENT**
3 **DISTRICT.**

4 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

5
6 **PART 1. Findings:** The Council finds that:

- 7 (A) Chapter 372 (*Public Improvement District Assessment Act*) of the Texas
8 Local Government Code (Act) authorized the creation of the East Sixth
9 Street Public Improvement District (District).
- 10 (B) On August 20, 2009, the City Council passed a resolution, which approved
11 the reauthorization of the District in accordance with its findings.
- 12 (C) On December 8, 2011, the City Council approved a calendar year 2012
13 assessment rate, proposed year 2012 assessment roll, and a Service Plan and
14 Budget for the District.
- 15 (D) On January 12, 2012, the City Council held a public hearing, properly
16 noticed under the Act, to consider the levy of the proposed assessments on
17 property within the District for calendar year 2012.
- 18 (E) At the January 12, 2012 public hearing, the City Council heard each
19 objection to a proposed assessment, found in each case that the assessments
20 levied against each parcel are reasonable and consistent with the special
21 benefits conferred by the District, and passed on each objection before it
22 closed the public hearing.
- 23 (F) The assessments set out in Exhibit A, attached to and incorporated in this
24 ordinance:
- 25 (1) should be made and levied against the property and property
26 owners within the District;
- 27 (2) are in proportion to the benefits to the property for the services
28 and improvements in the District; and
- 29 (3) establish substantial justice, equality, and uniformity in the
30 amount assessed against each property owner for the benefits
31 received and burdens imposed.

- 32 (G) In each case, the property assessed is benefited by the services and
33 improvements provided in the District.
- 34 (H) The exclusion of certain property from assessment is reasonable because the
35 excluded property will not receive a benefit from the District that is
36 sufficient to justify an assessment and the exclusions promote efficient
37 management of the District.
- 38 (I) The procedures followed and apportionment of the cost of the services and
39 improvements in the District comply with applicable law and the purpose for
40 which the District was formed.
- 41 (J) The assessments are based on the Travis Central Appraisal District appraised
42 value of property within the District.

43 **PART 2. Exemptions and Exclusions.** The Council exempts the following from
44 payment of the assessment and excludes from the assessment roll:

- 45 (A) City property used for a public purpose;
- 46 (B) property owned by the County, or a political subdivision of the State of
47 Texas and used for a public purpose;
- 48 (C) property exempt from taxation under Section 11.20 (*Religious*
49 *Organizations*) of the Texas Property Tax Code;
- 50 (D) property used exclusively for school purposes, as identified by the Travis
51 Central Appraisal District records;
- 52 (E) property owned by an association engaged in promoting the religious,
53 education, and physical development of boys, girls, young men or young
54 women operating under a state or national organization and used exclusively
55 for such purpose, including property owned by the Austin Independent
56 School District;
- 57 (F) property owned by an institution of purely public charity, as identified by the
58 Travis Central Appraisal District records;
- 59 (G) property used primarily for recreational, park, or scenic purposes during the
60 calendar year immediately preceding the effective date of this ordinance;
- 61 (H) property owned by a utility that is located in a public street or rights-of-way;
- 62 (I) property used as a residence that fits the definition of a homestead in Section
63 41.002 (*Definition of Homestead*) of the Texas Property Code;

64 (J) any hospital; and

65 (K) the valuation over \$500,000 of property liable for assessment.

66 **PART 3. Assessment and Levy.** The assessments shown on Exhibit A are levied and
67 assessed against the property in the District and against the record owner of the property
68 identified by the Travis Central Appraisal District records.

69 **PART 4. Liability of Multiple Owners.** Each owner of property in the District owned
70 by two or more individuals or entities is personally liable for the amount of the
71 assessment equal to the share of the total assessment against the property based on the
72 owner's partial interest in the total property ownership. A property owner's interest in
73 property may be released from an assessment lien if the owner pays the owner's
74 proportionate share of an assessment.

75 **PART 5. Interest and Lien.**

76 (A) An assessment shown on Exhibit A:

77 (1) accrues interest at the rate of 0% from the effective date of this
78 ordinance until March 1, 2012;

79 (2) accrues interest, penalties, and attorney's fees in the same
80 manner as a delinquent ad valorem tax after March 1, 2012,
81 until paid; and

82 (3) is a lien on the property shown in Exhibit "A" and the personal
83 liability of the property owner.

84 (B) A lien executed under this ordinance is the first enforceable lien and claim
85 against the property on which an assessment is levied, and is superior to all
86 other liens and claims except a state, county, school district, or City ad
87 valorem tax.

88 **PART 6. Due Date and Collection.** An assessment is due and payable in full on or
89 before March 1, 2012. If a property owner defaults on payment of an assessment against
90 the owner's property, the city manager may file suit to collect the assessment and may
91 initiate a lien foreclosure, including interest, penalties, costs and attorney's fees.

92 **PART 7. Statutory Authority.** The assessments levied by this ordinance are made
93 under the authority of Chapter 372 (*Public Improvement District Assessment Act*) of the
94 Texas Local Government Code.

