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ORDINANCE NO.

AN ORDINANCE LEVYING ASSESSMENTS FOR CALENDAR YEAR 2016 FOR PROPERTY IN THE WHISPER VALLEY PUBLIC IMPROVEMENT DISTRICT.

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

PART 1. Findings: The Council finds that:

- (A) Chapter 372 (*Public Improvement District Assessment Act*) of the Texas Local Government Code (Act) authorized the creation of the Whisper Valley Public Improvement District (District).
- (B) On August 5, 2010, the City Council passed a resolution, which approved the creation of the District in accordance with its findings.
- (C) On November 19, 2015, the City Council approved a calendar year 2016 assessment, proposed year 2016 assessment roll, and a service plan and budget for the District.
- (D) On December 10, 2015, the City Council held a public hearing, properly noticed under the Act, to consider the levy of the proposed assessments on property within the District for calendar year 2016.
- (E) At the December 10, 2015 public hearing, the City Council heard each objection to a proposed assessment, found in each case that the assessments levied against each parcel are reasonable and consistent with the special benefits conferred by the District, and passed on each objection before it closed the public hearing.
- (F) The assessments set out in Exhibit A, attached to and incorporated in this ordinance:
 - (1) should be made and levied against the property and property owners within the District;

1
2 (2) are in proportion to the benefits to the property for the services and
3 improvements in the District; and

4
5 (3) establish substantial justice, equality, and uniformity in the amount
6 assessed against each property owner for the benefits received and
7 burdens imposed.

8
9 (G) In each case, the property assessed is benefited by the services and
10 improvements provided in the District.

11
12 (H) The exclusion of certain property from assessment is reasonable because the
13 excluded property will not receive a benefit from the District that is sufficient
14 to justify an assessment and the exclusions promote efficient management of
15 the District.

16
17 (I) The procedures followed and apportionment of the cost of the services and
18 improvements in the District comply with applicable law and the purpose for
19 which the District was formed.

20
21 (J) The assessments are based on each parcel owners pro rata share of the
22 Assessable Acres.

23
24 **PART 2. Exemptions and Exclusions.** The Council exempts the following from
25 payment of the assessment and excludes from the roll:

26 (A) property of the City used for public purpose;

27 (B) property owned by the County and property owned by political subdivisions of
28 the State of Texas and used for public purpose; and

29 (C) other property that is excluded by law or by agreement of the City and the
30 petitioners.

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

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

10 **PART 5. Interest and Lien.**

11 (A) An assessment shown on Exhibit A:

- 12 (1) accrues interest at the rate of 0% from the effective date of this ordinance
13 until January 31, 2016 for the portion of the assessment due on January 31,
14 2016;
- 15 (2) accrues interest at the rate of 0% from the effective date of this ordinance
16 until July 1, 2016 for the portion of the assessment due on July 1, 2016;
- 17 (3) accrues interest, penalties, and attorney's fees in the same manner as a
18 delinquent ad valorem tax after January 31, 2016 and July 1, 2016,
19 respectively, until paid; and
- 20 (4) is a lien on the property shown in Exhibit "A" and the personal liability of
21 the property owner.

22 **PART 6. Due Date and Collection.** An assessment is due and payable in full on or
23 before the due dates (January 31, 2016 and July 1, 2016). If a property owner defaults on
24 payment of an assessment against the owner's property, the city manager may file suit to
25 collect the assessment and may initiate a lien foreclosure, including interest, penalties,
26 costs and attorney's fees.

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

1 **PART 8. Severability.** The provisions of this ordinance are severable. If any provision
2 of this ordinance or its application to any person or circumstances is held invalid, the
3 invalidity does not affect other provisions or applications of this ordinance.

4 **PART 9.** This ordinance takes effect on _____, 2015.

5 **PASSED AND APPROVED**

6
7 §
8 §
9 _____, 2015 § _____
10 Steve Adler
11 Mayor

12
13
14 **APPROVED:** _____ **ATTEST:** _____
15 Anne L. Morgan Jannette S. Goodall
16 City Attorney City Clerk
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