

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

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

PART 1. Findings. The Council finds that:

- Date: 7/18/2017
Whisper Valley PID Levying Assessments draft ordinance

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

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

6 (H) The exclusion of certain property from assessment is reasonable because the
7 excluded property will not receive a benefit from the District that is sufficient to
8 justify an assessment and the exclusions promote efficient management of the
9 District.

10 (I) The procedures followed and apportionment of the cost of the services and
11 improvements in the District comply with applicable law and the purpose for
12 which the District was formed.

13 (J) The assessment is based on two methods of apportionment: (1) an assessable
14 acres ratio method; and (2) within Improvement Area 1, an estimated buildout
15 value method.

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

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

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

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

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

26 **PART 4. Liability of Multiple Owners.** If property in the District is owned by two or
27 more individuals or entities, each owner is personally liable for the amount of the
28 assessment based on the owner's partial interest in the total property ownership. A property
29 owner may be released from an assessment lien if the owner pays the owner's proportionate
30 share of an assessment.

1 **PART 5. Interest and Lien.**

2 (A) An assessment shown on Exhibit A:

- 3 (1) accrues interest at the rate of 0% from the effective date of this ordinance
4 until January 31, 2018;
- 5 (2) accrues interest, penalties, and attorney's fees in the same manner as a
6 delinquent ad valorem tax after January 31, 2018, until paid; and
- 7 (3) is a lien on the property shown in Exhibit A and the personal liability of
8 the property owner.

9 **PART 6. Due Date and Collection.** An assessment is due and payable in full on or before
10 January 31, 2018. If a property owner defaults on payment of an assessment against the
11 owner's property, the City Manager's designee may file suit on behalf of the City to collect
12 the assessment and may initiate a lien foreclosure, including interest, penalties, costs and
13 attorney's fees.

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

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

20 **PART 9.** This ordinance takes effect on _____, 2017.

21 **PASSED AND APPROVED**

22 §

23 §

24 §

25 _____, 2017

26 Steve Adler
27 Mayor

28
29
30 **APPROVED:** _____

31 Anne L. Morgan
32 City Attorney

ATTEST: _____

Jannette S. Goodall
City Clerk