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

PART 1. Findings. The Council finds that:

- Date: 7/18/2017 Page 1 of 4 COA Law Department
Estancia Hill Country PID Levying Assessments draft ordinance Responsible Att'y: Maria Sanchez

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

5 (G) In each case, the property assessed is benefited by the services and
6 improvements provided in the District.
7

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

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

17 (J) The assessments are based on the estimated buildout values of the individual
18 properties within a parcel apportioned pro rata from the total estimated value of
19 that parcel.
20

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

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

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

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

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

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

PART 5. Interest and Lien.

(A) An assessment shown on Exhibit A:

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

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

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

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

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

PASSED AND APPROVED

_____, 2017 § _____
§ _____
§ _____

Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk