

ORDINANCE NO.

**AN ORDINANCE LEVYING ASSESSMENTS FOR PROPERTY IN THE
WHISPER VALLEY PUBLIC IMPROVEMENT DISTRICT.**

PART 1. Findings: The Council finds that:

- COA Law Department
Responsible Att'y: Maria Sanchez

30 (G) The 2018 Addendum to the Service and Assessment Plan for the District,
31 attached hereto as Exhibit B, is hereby approved.

32 (H) In each case, the property assessed is benefited by the services and
33 improvements provided in the District.

34 (I) The exclusion of certain property from assessment is reasonable because the
35 excluded property will not receive a benefit from the District that is sufficient to
36 justify an assessment and the exclusions promote efficient management of the
37 District.

38 (J) 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 **PART 2. Exemptions and Exclusions.** The Council exempts the following from payment
42 of the assessment and excludes from the roll:

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

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

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

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

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

57 **PART 5. Interest and Lien.**

58 (A) An assessment shown on Exhibit A:

- 59 (1) accrues interest at the rate of 0% from the effective date of this ordinance
60 until January 31, 2019;
- 61 (2) accrues interest, penalties, and attorney's fees in the same manner as a
62 delinquent ad valorem tax after January 31, 2019, until paid; and
- 63 (3) is a lien on the property shown in Exhibit "A" and the personal liability of
64 the property owner.

65 **PART 6. Due Date and Collection.** An assessment is due and payable in full on or before
66 January 31, 2019. If a property owner defaults on payment of an assessment against the
67 owner's property, the City Manager's designee may file suit on behalf of the City to collect
68 the assessment and may initiate a lien foreclosure, including interest, penalties, costs and
69 attorney's fees.

70 **PART 7. Statutory Authority.** The assessments levied by this ordinance are made
71 under the authority of the Act.

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

75 **PART 9.** This ordinance takes effect on _____, 2018.

76 **PASSED AND APPROVED**

77 §

78 §

79 § _____

_____, 2018

80 Steve Adler
81 Mayor

82
83
84 **APPROVED:** _____

85 Anne L. Morgan
86 City Attorney

ATTEST: _____

Jannette S. Goodall
City Clerk