## AN ORDINANCE LEVYING ASSESSMENTS 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 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 June 28, 2018, the City Council approved the proposed update to 2019 Master PID Assessment Roll, the proposed Improvement Area #1 Assessment Roll, and Preliminary 2018 Addendum to the Service and Assessment Plan for the District.
- (D) On August 9, 2018, 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.
- (E) At the August 9, 2018 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;
  - (2) are in proportion to the benefits to the property for the services and public improvements in the District; and
  - (3) establish substantial justice, equality, and uniformity in the amount assessed against each property owner for the benefits received and burdens imposed.

- (G) The 2018 Addendum to the Service and Assessment Plan for the District, attached hereto as Exhibit B, is hereby approved.
- (H) In each case, the property assessed is benefited by the services and improvements provided in the District.
- (I) The exclusion of certain property from assessment is reasonable because the excluded property will not receive a benefit from the District that is sufficient to justify an assessment and the exclusions promote efficient management of the District.
- (J) The procedures followed and apportionment of the cost of the services and improvements in the District comply with applicable law and the purpose for which the District was formed.
- **PART 2. Exemptions and Exclusions.** The Council exempts the following from payment of the assessment and excludes from the roll:
  - (A) property of the City used for public purpose;
  - (B) property owned by the County and property owned by political subdivisions of the State of Texas and used for public purpose; and
  - (C) other property that is excluded by law or by agreement of the City and the petitioners.
- **PART 3.** Assessment and Levy. The respective assessments shown on Exhibit A are levied and assessed against the property in the District and against the record owner of the property identified by the Travis Central Appraisal District records.
- **PART 4. Liability of Multiple Owners.** If property in the District is owned by two or more individuals or entities, each owner is personally liable for the amount of the assessment based on the owner's partial interest in the total property ownership. A property owner may be released from an assessment lien if the owner pays the owner's proportionate share of an assessment.

COA Law Department

PART 5. Interest and Lien.	
(A) An assessment shown on Exhibit	t A:
(1) accrues interest at the rate of until January 31, 2019;	70% from the effective date of this ordinance
	nd attorney's fees in the same manner as a ter January 31, 2019, until paid; and
(3) is a lien on the property show the property owner.	vn in Exhibit "A" and the personal liability of
January 31, 2019. If a property owner def owner's property, the City Manager's desig	sessment is due and payable in full on or before aults on payment of an assessment against the nee may file suit on behalf of the City to collect closure, including interest, penalties, costs and
PART 7. Statutory Authority. The assess under the authority of the Act.	ssments levied by this ordinance are made
<b>PART 8. Severability.</b> The provisions of of this ordinance or its application to any poinvalidity does not affect other provisions of	
PART 9. This ordinance takes effect on _	, 2018.
PASSED AND APPROVED	
TABBED AND ATTROVED	§
	§
, 2018	§
	Steve Adler
	Mayor
APPROVED:	ATTEST:
Anne L. Morgan	Jannette S. Goodall
City Attorney	City Clerk
Date: 7/25/2018 Page 3 of Whisper Valley PID Levying Assessments draft ordinance	of 3 COA Law Department Responsible Att'y: Maria Sanchez