

- 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
- 29
- 30
- 31
- 32
- 33
- 34

**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 Estancia Hill Country Public Improvement District (District).
- (B) On June 6, 2013, 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 2019 assessment roll, and the 2019 Service and Assessment Plan Update 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 for calendar year 2019.
- (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) In each case, the property assessed is benefited by the services and improvements provided in the District.

(H) 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.

(I) 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 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.

**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, 2019;

- 66 (2) accrues interest, penalties, and attorney's fees in the same manner as a  
67 delinquent ad valorem tax after January 31, 2019, until paid; and
- 68 (3) is a lien on the property shown in Exhibit "A" and the personal liability of  
69 the property owner.

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

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

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

80 **PART 9.** This ordinance takes effect on \_\_\_\_\_, 2018.

81 **PASSED AND APPROVED**

82 §  
83 §  
84 §  
85 §

\_\_\_\_\_, 2018

86 Steve Adler  
87 Mayor

88  
89  
90 **APPROVED:** \_\_\_\_\_  
91 Anne L. Morgan  
92 City Attorney

90 **ATTEST:** \_\_\_\_\_  
91 Jannette S. Goodall  
92 City Clerk