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- 34 (F) On August 31, 2023, the City Council held a public hearing, properly
35 noticed under the Act, to consider the levy of the proposed assessments on
36 property within Improvement Area #3 of the District.
- 37 (G) At the August 31, 2023, public hearing, the City Council heard each
38 objection to a proposed assessment, found in each case that the assessments
39 levied against each parcel are reasonable and consistent with the special
40 benefits conferred by the District, and passed on each objection before it
41 closed the public hearing.
- 42 (H) The assessments set out in the Improvement Area #3 Assessment Roll,
43 attached as Exhibit B:
- 44 (1) should be made and levied against the property and property owners
45 within Improvement Area #3 of the District as a special assessment on
46 the Improvement Area #3 Assessed Parcels;
- 47 (2) are in proportion to the benefits to the property for the services and
48 public improvements in Improvement Area #3 of the District; and
- 49 (3) establish substantial justice, equality, and uniformity in the amount
50 assessed against each property owner for the benefits received and
51 burdens imposed.

52 **PART 2. 2023 Amended and Restated Service and Assessment Plan.** The 2023
53 Amended and Restated Service and Assessment Plan, attached as Exhibit A, is hereby
54 approved.

- 55 (A) In each case, the property assessed is benefited by the services and
56 improvements provided in Improvement Area #3 of the District.
- 57 (B) The exclusion of certain property from assessment is reasonable because the
58 excluded property will not receive a benefit from Improvement Area #3 of
59 the District that is sufficient to justify an assessment and the exclusions
60 promote efficient management of the District.
- 61 (C) The procedures followed and apportionment of the cost of the services and
62 improvements in the District comply with applicable law and the purpose for
63 which the District was formed.

64 **PART 3. Exemptions and Exclusions.** The City Council exempts the following from
65 payment of the assessment and excludes from the roll:

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- (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 4. Assessment and Levy. The respective assessments shown on Exhibit B are levied and assessed against the property in Improvement Area #3 of the District and against the record owners of the property identified by the Travis Central Appraisal District records.

- (A) The levy of the Improvement Area #3 Assessments shall be effective on effective date of this Ordinance levying Improvement Area #3 Assessments and strictly in accordance with the terms of the 2023 Amended and Restated Service and Assessment Plan and the Act.
- (B) The collection of the Improvement Area #3 Assessments shall be as described in the 2023 Amended and Restated Service and Assessment Plan and the Act.
- (C) Each Improvement Area #3 Assessment may be paid in a lump sum at any time or may be paid in annual installments (Annual Installments) pursuant to the terms of the 2023 Amended and Restated Service and Assessment Plan.
- (D) Each Improvement Area #3 Assessment shall bear interest at the rate or rates specified in the 2023 Amended and Restated Service and Assessment Plan.
- (E) Each Annual Installment shall be collected each year in the manner set forth in the 2023 Amended and Restated Service and Assessment Plan.
- (F) The Annual Collection Costs for Improvement Area #3 Assessed Parcels shall be calculated and collected pursuant to the terms of the 2023 Amended and Restated Service and Assessment Plan.

PART 5. Due Date and Collection. The first annual installment of the assessment is due and payable in full on or before January 31, 2024. 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, as set forth in the 2023 Amended and Restated Service and Assessment Plan and as allowed by law.

PART 6. Statutory Authority. The assessments levied by this ordinance are made under the authority of the Act.

PART 7. 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 8. Declaring an Emergency. Section 372.018 of the Act provides that an assessment creates a lien against the property assessed that is effective from the date of the ordinance levying the assessment, which is prior to the standard effective date of an ordinance, and the City Council finds this constitutes an emergency. Because of this emergency, this ordinance takes effect immediately upon its passage for the immediate preservation of the public peace, health, and safety.

PART 9. Capitalized Terms. All capitalized terms not otherwise defined herein shall have the meanings set forth in the 2023 Amended and Restated Service and Assessment Plan.

PART 10. This ordinance takes effect on August 31, 2023.

PASSED AND APPROVED

_____, 2023 §
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 § _____
 Kirk Watson
 Mayor

APPROVED: _____ **ATTEST:** _____
 Anne L. Morgan Myrna Rios
 City Attorney City Clerk