

**ORDINANCE NO. 20081211-120**

**AN ORDINANCE LEVYING ASSESSMENTS FOR CALENDAR YEAR 2009 FOR PROPERTY IN THE EAST SIXTH STREET 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 (*Public Improvement District Assessment Act*) of the Texas Local Government Code (Act) authorized the creation of the East Sixth Street Public Improvement District (District).
- (B) On August 26, 2004, the City Council passed a resolution, which approved the creation of the District in accordance with its findings.
- (C) On November 20, 2008, the City Council approved a calendar year 2009 assessment rate, proposed year 2009 assessment roll, and a Service Plan and Budget for the District.
- (D) On December 11, 2008, 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 2009.
- (E) At the December 11, 2008 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 improvements in the District; and
  - (3) establish substantial justice, equality, and uniformity in the amount assessed against each property owners 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.
- (J) The assessments are based on the Travis Central Appraisal District appraised value of property within the District.

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

- (A) City property used for a public purpose;
- (B) property owned by the County, or a political subdivision of the State of Texas and used for a public purpose;
- (C) property exempt from taxation under Section 11.20 (*Religious Organizations*) of the Texas Property Tax Code;
- (D) property used exclusively for school purposes, as identified by the Travis Central Appraisal District records;
- (E) property owned by an association engaged in promoting the religious, education, and physical development of boys, girls, young men or young women operating under a state or national organization and used exclusively for such purpose, including property owned by the Austin Independent School District;
- (F) property owned by an institution of purely public charity, as identified by the Travis Central Appraisal District records;
- (G) property used primarily for recreational, park, or scenic purposes during the calendar year immediately preceding the effective date of this ordinance;
- (H) property owned by a utility that is located in a public street or rights-of-way;
- (I) property used as a residence that fits the definition of a homestead in Section 41.002 (*Definition of Homestead*) of the Texas Property Code;

(J) any hospital; and

(K) the valuation over \$500,000 of property liable for assessment.

**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.** Each owner of property in the District owned by two or more individuals or entities is personally liable for the amount of the assessment equal to the share of the total assessment against the property based on the owner's partial interest in the total property ownership. A property owner's interest in property 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 February 1, 2009;
- (2) accrues interest, penalties, and attorney's fees in the same manner as a delinquent ad valorem tax after February 1, 2009, until paid; and
- (3) is a lien on the property shown in Exhibit "A" and the personal liability of the property owner.

(B) A lien executed under this ordinance is the first enforceable lien and claim against the property on which an assessment is levied, and is superior to all other liens and claims except a state, county, school district, or City ad valorem tax.

**PART 6. Due Date and Collection.** An assessment is due and payable in full on or before February 1, 2009. If a property owner defaults on payment of an assessment against the owner's property, the city manager may file suit 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. Reassessment.**

- (A) If the Travis Central Appraisal District's appraised value of property in the District is reduced by a court order, not subject to further appeal, or by a final settlement or appeal process of the Travis Central Appraisal District, the city manager shall reduce the assessment on the property, so that the reduction in value reduces an assessment as calculated in accordance with this ordinance, under Section 372.020 (*Reassessment*) of the Texas Local Government Code.
- (B) The city manager shall reimburse a property owner the amount of an excess assessment paid to the City based on the reduction in the Travis Central Appraisal District's appraised value of the property, plus interest on the excess payment at the rate of 1.75 percent per annum.
- (C) The City Manager shall reimburse assessments that have been paid on property that has been approved for a homestead exemption by the Travis Central Appraisal District, for those years for which the Appraisal District has approved a homestead exemption.

**PART 9. Severability.** The provisions of this ordinance are severable. If any provision of this ordinance or its application to a person or circumstance is held to be invalid, the invalidity does not affect other provisions or applications of this ordinance.

**PART 10.** This ordinance takes effect on December 22, 2008.

**PASSED AND APPROVED**

December 11, 2008      §  
   §  
   §      Will Wynn  
   §      Will Wynn  
        Mayor

APPROVED: David Allan Smith      ATTEST: Shirley A. Gentry for  
   David Allan Smith      Shirley A. Gentry  
   City Attorney      City Clerk

**City of Austin  
East Sixth Street Public Improvement District (SID)  
BFY 2009 Assessment**

Prop ID	Property Owner Name	Parcel	Taxable Value	PID Taxable	Assessment
194400	WALTON STACY OFFICE PARTNERS IV L P	02-0603-0613-0000	\$1,675,000	\$500,000	\$500.00
194401	WALTON STACY OFFICE PARTNERS IV L P	02-0603-0615-0000	5,391,443	500,000	500.00
194402	WALTON STACY OFFICE PARTNERS IV L P	02-0603-0616-0000	38,752,019	500,000	500.00
748643	WALTON STACY LF LAND PARTNERS IV LP	02-0603-0617-0000	935,669	500,000	500.00
758727	WALTON STACY LF LAND PARTNERS IV LP	02-0603-0618-0000	7,763,731	500,000	500.00
194403	HVP AUSTIN SCARBROUGHT L P	02-0603-0701-0000	14,448,022	500,000	500.00
194412	WENDLANDT BILL COMPANY INC	02-0603-0711-0000	1,014,055	500,000	500.00
194413	GREAT AMERICAN LIFE INSURANCE CO	02-0603-0712-0000	17,880,281	500,000	500.00
194414	LH BRAZOS HOLDING LP	02-0603-0713-0000	12,417,165	500,000	500.00
194415	JKP BRAZOS 610 FAMILY LIMITED	02-0603-0714-0000	1,061,700	500,000	500.00
194454	HANG EM HIGH SALOON L L C	02-0603-1102-0000	3,080,650	500,000	500.00
194455	GROVE DRUG BUILDING L L C	02-0603-1103-0000	1,306,494	500,000	500.00
194456	RENDON ADOLFO & VALERIE VARGAS	02-0603-1104-0000	612,593	500,000	500.00
194457	LAVES BENARD & HAROLD P LAVES	02-0603-1105-0000	399,633	399,633	399.63
194458	LAVES BENARD & HAROLD	02-0603-1106-0000	507,513	500,000	500.00
194459	LAVES BENARD & HAROLD P LAVES	02-0603-1107-0000	576,117	500,000	500.00
194460	CEREAL BOWL L C	02-0603-1108-0000	514,866	500,000	500.00
194461	TOUCHE INC	02-0603-1109-0000	1,044,039	500,000	500.00
194466	LANDES HR PROPERTIES LP	02-0603-1208-0000	2,023,906	500,000	500.00
194467	REWBOW LLC	02-0603-1209-0000	789,516	500,000	500.00
194468	WHIMSICAL NOTIONS INC	02-0603-1210-0000	1,641,656	500,000	500.00
194469	HANNIG ROW PARTNERSHIP	02-0603-1214-0000	5,519,899	500,000	500.00
194486	CIRKIEL MARTIN & PAMELA	02-0603-1603-0000	1,419,637	500,000	500.00
194487	RADKEY O H	02-0603-1604-0000	472,335	472,335	472.34
194488	AUSTIN APOLLO ENTERTAINMENT INC	02-0603-1605-0000	176,640	176,640	176.64
194489	VALENTINE & FRIENDS INC	02-0603-1606-0000	581,436	500,000	500.00
194490	ROGERS CHONG S	02-0603-1607-0000	172,302	172,302	172.30
194491	SIMMS JOHN LEE & JOAN L MCLEOD	02-0603-1608-0000	145,050	145,050	145.05
194492	SIMMS JOHN LEE & JOAN L MCLEOD	02-0603-1609-0000	263,583	263,583	263.58
194493	DENANCY TRUST	02-0603-1610-0000	368,255	368,255	368.26
194494	SILBERTSTEIN NANCY BETH & DENA	02-0603-1611-0000	540,577	500,000	500.00
194495	321 EAST 6TH ST LTD	02-0603-1612-0000	524,623	500,000	500.00
194496	SHEA TERESA JOSEPH	02-0603-1613-0000	333,488	333,488	333.49
194497	SMITH-HAGE BUILDING L P	02-0603-1614-0000	1,202,255	500,000	500.00
194501	JOSEPH MARY Y	02-0603-1701-0000	237,736	237,736	237.74
194504	PECAN STREET REAL ESTATE HOLDI	02-0603-1706-0000	1,387,325	500,000	500.00
194505	CRADDOCK PROPERTIES L L C	02-0603-1707-0000	1,055,464	500,000	500.00
194506	CRADDOCK PROPERTIES L L C	02-0603-1708-0000	188,400	188,400	188.40
194507	LINN EMMA L	02-0603-1709-0000	543,982	500,000	500.00
194508	MANOS GLORIA ZEGUB &	02-0603-1710-0000	302,927	302,927	302.93
194509	CRADDOCK LARRY J & BETTE C PRE	02-0603-1711-0000	1,303,373	500,000	500.00
194510	JOSEPH JOSEPH & WILLIAMS PARTNERSHIP	02-0603-1712-0000	622,270	500,000	500.00
194511	RAMZI CORP	02-0603-1713-0000	844,990	500,000	500.00
194512	RAMZI CORP	02-0603-1714-0000	729,709	500,000	500.00
194513	JIMENEZ CESAR TRUST	02-0603-1715-0000	603,041	500,000	500.00
194520	ARMSTRONG HAL B III	02-0604-0102-0000	1,319,000	500,000	500.00
194521	FOX SAXON TRUSTEE OF THE FOX TRUST	02-0604-0103-0000	850,000	500,000	500.00
194522	SCHULTZ ENTERPRISE LLC	02-0604-0104-0000	1,022,746	500,000	500.00
194523	DESILVA DAVID IRI	02-0604-0105-0000	1,717,849	500,000	500.00
194524	JABOUR ARTHUR	02-0604-0106-0000	340,203	340,203	340.20
194525	KOURI & KOURI 6TH ST PROPERTIE	02-0604-0107-0000	368,355	368,355	368.36
194526	RATR INC	02-0604-0108-0000	607,390	500,000	500.00
194527	421 SIXTH ST LTD	02-0604-0109-0000	1,037,935	500,000	500.00

**City of Austin  
East Sixth Street Public Improvement District (SID)  
BFY 2009 Assessment**

Prop ID	Property Owner Name	Parcel	Taxable Value	PID Taxable	Assessment
194528	AMITIE L P	02-0604-0110-0000	632,188	500,000	500.00
194529	WOOLDRIDGE ASSOCIATES LLC	02-0604-0201-0000	661,527	500,000	500.00
194530	LAKE INVESTMENT & PRODUCTION	02-0604-0203-0000	353,796	353,796	353.80
194534	JO ME NI	02-0604-0208-0000	950,789	500,000	500.00
194535	418 EAST 6TH STREET LLC & ETAL	02-0604-0209-0000	731,643	500,000	500.00
194536	CARLIN JOE	02-0604-0210-0000	359,001	359,001	359.00
194537	JABOUR THEODORE AND ARTHUR	02-0604-0211-0000	206,658	206,658	206.66
194538	SIMS WILLIAM EARL & JANIE M	02-0604-0212-0000	340,088	340,088	340.09
194540	EAST 6TH STREET-408 L P	02-0604-0214-0000	831,918	500,000	500.00
194541	406 E SIXTH STREET LTD	02-0604-0215-0000	566,515	500,000	500.00
194542	404 E SIXTH STREET LTD	02-0604-0216-0000	470,673	470,673	470.67
194543	402 EAST SIXTH VENTURE INC	02-0604-0217-0000	624,748	500,000	500.00
194544	COHEN GARY SCOTT & ETAL	02-0604-0218-0000	655,081	500,000	500.00
194564	GRIMES DAVID H & ELIZABETH C	02-0604-0501-0000	326,491	326,491	326.49
194565	GRIMES DAVID H & ELIZABETH C	02-0604-0502-0000	451,343	451,343	451.34
194566	GSD ENTERPRISES L P	02-0604-0503-0000	720,996	500,000	500.00
194567	EAST SIXTH STREET LTD	02-0604-0504-0000	1,101,185	500,000	500.00
194568	BOOTHE TERRY E	02-0604-0505-0000	523,461	500,000	500.00
194569	JHMBW L P	02-0604-0506-0000	637,558	500,000	500.00
194570	LAMAR ENTERPRISES INC	02-0604-0507-0000	203,638	203,638	203.64
194571	BERNHARD GARY L & ELIZ	02-0604-0508-0000	194,806	194,806	194.81
194572	CASMARK PROPERTIES LLC	02-0604-0509-0000	349,869	349,869	349.87
194573	3 DH JOINT VENTURE	02-0604-0510-0000	275,460	275,460	275.46
194574	SHELTON MICHAEL L & SHANNON SEDWICK	02-0604-0511-0000	1,103,597	500,000	500.00
194577	MAURO CARMELO & HILARY	02-0604-0514-0000	2,542,240	500,000	500.00
194578	LAMAR ENTERPRISES INC	02-0604-0516-0000	196,658	196,658	196.66
194579	COMPANY 512	02-0604-0517-0000	271,958	271,958	271.96
194584	CARRINGTON GROUP L L C	02-0604-0606-0000	1,464,426	500,000	500.00
194585	OLSON LARUE FAMILY TRUST & M L	02-0604-0607-0000	167,145	167,145	167.15
194586	OLSON LARUE FAMILY TRUST & M L	02-0604-0608-0000	294,604	294,604	294.60
194587	OLSON LARUE FAMILY TRUST & M L	02-0604-0609-0000	393,861	393,861	393.86
194588	508 E SIXTH STREET LTD	02-0604-0610-0000	1,042,151	500,000	500.00
194589	500 E 6TH STREET INC	02-0604-0611-0000	536,411	500,000	500.00
194590	CASTRO FRANK SOLIS	02-0604-0612-0000	366,164	366,164	366.16
194617	GRANT BUILDINGS L P	02-0604-1001-0000	8,853,103	500,000	500.00
194626	DAYWOOD CARL	02-0604-1110-0000	440,471	440,471	440.47
194627	3DH JOINT VENTURE	02-0604-1111-0000	312,102	312,102	312.10
194628	AP3-PPW LTD & MOR/ARR LTD	02-0604-1112-0000	636,718	500,000	500.00
194629	HENDRIX FRANKLIN D	02-0604-1113-0000	192,000	192,000	192.00
194631	HENDRIX FRANK	02-0604-1115-0000	745,984	500,000	500.00
194632	RUSH JOYCE	02-0604-1116-0000	248,314	248,314	248.31
194633	WTF INVESTMENSTS LLC	02-0604-1117-0000	994,118	500,000	500.00
194661	LUNDELL LIMITED PARTNERSHIP	02-0604-1501-0000	1,058,926	500,000	500.00
194664	OGDEN MARY D	02-0604-1504-0000	599,331	500,000	500.00
194665	CHELF JEANETTE	02-0604-1505-0000	305,311	305,311	305.31
194666	LY TAI & CHRISTINA CHAN	02-0604-1506-0000	667,499	500,000	500.00
194667	DREYFUS DOMINIQUE & GEORGE H	02-0604-1507-0000	388,977	388,977	388.98
194668	DREYFUS GEORGE &	02-0604-1508-0000	387,113	387,113	387.11
194669	J H M B W L P	02-0604-1510-0000	291,137	291,137	291.14
194670	J H M B W L P	02-0604-1517-0000	166,264	166,264	166.26
194671	J H M B W L P	02-0604-1518-0000	29,760	29,760	29.76
194673	HH AUSTIN HOTEL ASSOCIATES L P	02-0604-1520-0000	20,199,998	500,000	500.00
194679	MANOS MICKEY &	02-0604-1607-0000	186,623	186,623	186.62

**City of Austin  
East Sixth Street Public Improvement District (SID)  
BFY 2009 Assessment**

Prop ID	Property Owner Name	Parcel	Taxable Value	PID Taxable	Assessment
194680	MANOS MICKEY &	02-0604-1608-0000	142,016	142,016	142.02
194681	MANOS MICKEY &	02-0604-1609-0000	72,457	72,457	72.46
194682	MANOS MICKEY &	02-0604-1610-0000	76,944	76,944	76.94
194683	HABANA 6TH ST PROPERTIES LTD	02-0604-1611-0000	446,966	446,966	446.97
194684	DAYWOOD RUBY TRUSTEE OF	02-0604-1612-0000	560,771	500,000	500.00
	Total		\$199,190,391	\$45,677,573	\$45,678

I Diana Thomas, affirm and attest that this is a true and correct account of all assessments used for the Downtown Public Improvement District as of October 28, 2008 as furnished to the City of Austin by the Travis Central Appraisal District.

  
Diana Thomas, Controller