

**ORDINANCE NO. 20091210-090**

**AN ORDINANCE LEVYING ASSESSMENTS FOR CALENDAR YEAR 2010 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 20, 2009, the City Council passed a resolution, which approved the reauthorization of the District in accordance with its findings.
- (C) On November 19, 2009, the City Council approved a calendar year 2010 assessment rate, proposed year 2010 assessment roll, and a Service Plan and Budget for the District.
- (D) On December 10, 2009, 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 2010.
- (E) At the December 10, 2009 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, 2010;
  - (2) accrues interest, penalties, and attorney's fees in the same manner as a delinquent ad valorem tax after February 1, 2010, 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, 2010. 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.

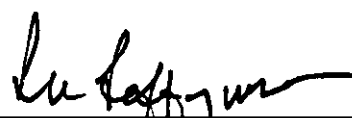
**PART 9. Severability.** The provisions of this ordinance are severable. If any provision of this ordinance or its application to a person or circumstance is held to be invalid, the invalidity does not affect other provisions or applications of this ordinance.

**PART 10.** This ordinance takes effect on December 21, 2009.

**PASSED AND APPROVED**

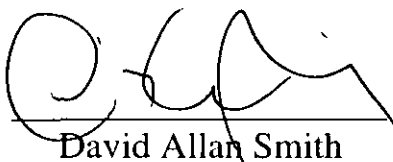
December 10, 2009

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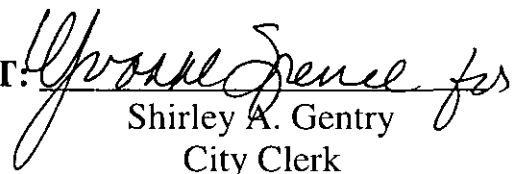
Lee Lettingwell  
Mayor

**APPROVED:**



David Allan Smith  
City Attorney

**ATTEST:**



Shirley A. Gentry  
City Clerk

# EXHIBIT A

## City of Austin East Sixth Street Public Improvement District (SID) BFY 2010 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	750.00
194401	WALTON STACY OFFICE PARTNERS IV L P	02-0603-0615-0000	5,085,158	500,000	750.00
194402	WALTON STACY OFFICE PARTNERS IV L P	02-0603-0616-0000	39,894,183	500,000	750.00
748643	WALTON STACY LF LAND PARTNERS IV LP	02-0603-0617-0000	935,669	500,000	750.00
758727	WALTON STACY LF LAND PARTNERS IV LP	02-0603-0618-0000	7,291,523	500,000	750.00
194403	HVP AUSTIN SCARBROUGHT L P	02-0603-0701-0000	14,975,000	500,000	750.00
194412	WENDLANDT BILL COMPANY INC	02-0603-0711-0000	1,466,330	500,000	750.00
194413	GREAT AMERICAN LIFE INSURANCE CO	02-0603-0712-0000	18,726,890	500,000	750.00
194414	LH BRAZOS HOLDING LP	02-0603-0713-0000	13,005,069	500,000	750.00
194415	JLKP BRAZOS 610 FAMILY LIMITED	02-0603-0714-0000	1,201,012	500,000	750.00
194454	HANG EM HIGH SALOON L L C	02-0603-1102-0000	3,375,356	500,000	750.00
194455	GROVE DRUG BUILDING L L C	02-0603-1103-0000	1,398,863	500,000	750.00
194456	RENDON ADOLFO & VALERIE VARGAS	02-0603-1104-0000	630,000	500,000	750.00
194457	LAVES BENARD & HAROLD P LAVES	02-0603-1105-0000	414,794	414,794	622.19
194458	LAVES BENARD & HAROLD	02-0603-1106-0000	507,513	500,000	750.00
194459	LAVES BENARD & HAROLD P LAVES	02-0603-1107-0000	604,900	500,000	750.00
194460	CEREAL BOWL L C	02-0603-1108-0000	561,006	500,000	750.00
194461	TOUCHE INC	02-0603-1109-0000	1,182,397	500,000	750.00
194466	LANDES HR PROPERTIES LP	02-0603-1208-0000	2,199,900	500,000	750.00
194467	REWBOW LLC	02-0603-1209-0000	877,178	500,000	750.00
194468	WHIMSICAL NOTIONS INC	02-0603-1210-0000	1,681,709	500,000	750.00
194469	HANNIG ROW PARTNERSHIP	02-0603-1214-0000	6,172,000	500,000	750.00
194486	CIRKIEL MARTIN & PAMELA	02-0603-1603-0000	1,603,010	500,000	750.00
194487	RADKEY O H	02-0603-1604-0000	528,850	500,000	750.00
194488	AUSTIN APOLLO ENTERTAINMENT INC	02-0603-1605-0000	176,640	176,640	264.96
194489	VALENTINE & FRIENDS INC	02-0603-1606-0000	646,278	500,000	750.00
194490	ROGERS CHONG S	02-0603-1607-0000	184,433	184,433	276.65
194491	SIMMS JOHN LEE & JOAN L MCLEOD	02-0603-1608-0000	153,217	153,217	229.83
194492	SIMMS JOHN LEE & JOAN L MCLEOD	02-0603-1609-0000	279,568	279,568	419.35
194493	DENANCY TRUST	02-0603-1610-0000	397,203	397,203	595.80
194494	SILBERTSTEIN NANCY BETH & DENA	02-0603-1611-0000	554,000	500,000	750.00
194495	321 EAST 6TH ST LTD	02-0603-1612-0000	533,000	500,000	750.00
194496	SHEA TERESA JOSEPH	02-0603-1613-0000	338,600	338,600	507.90
194497	SMITH-HAGE BUILDING L P	02-0603-1614-0000	1,341,684	500,000	750.00
194501	HOTI AGIM & MARY	02-0603-1701-0000	472,500	472,500	708.75
194504	PECAN STREET REAL ESTATE HOLDI	02-0603-1706-0000	1,387,325	500,000	750.00
194505	CRADDOCK PROPERTIES L L C	02-0603-1707-0000	989,531	500,000	750.00
194506	CRADDOCK PROPERTIES L L C	02-0603-1708-0000	188,400	188,400	282.60
194507	LINN EMMA L	02-0603-1709-0000	565,141	500,000	750.00
194508	MANOS GLORIA ZEGUB &	02-0603-1710-0000	385,000	385,000	577.50
194509	CRADDOCK LARRY J & BETTE C PRE	02-0603-1711-0000	1,344,995	500,000	750.00
194510	JOSEPH JOSEPH & WILLIAMS PARTNERSHIP	02-0603-1712-0000	690,270	500,000	750.00
194511	RAMZI CORP	02-0603-1713-0000	895,970	500,000	750.00
194512	RAMZI CORP	02-0603-1714-0000	751,945	500,000	750.00
194513	JIMENEZ ELISA & LILIA JIMENEZ-HERRERA	02-0603-1715-0000	693,099	500,000	750.00
194520	ARMSTRONG HAL B III	02-0604-0102-0000	1,511,313	500,000	750.00
194521	SIXTH EAST HOLDINGS LLC	02-0604-0103-0000	1,843,000	500,000	750.00
194522	SCHULTZ ENTERPRISE LLC	02-0604-0104-0000	1,062,486	500,000	750.00
194523	DESILVA DAVID IRI	02-0604-0105-0000	1,763,697	500,000	750.00
194524	JABOUR ARTHUR	02-0604-0106-0000	354,500	354,500	531.75
194525	KOURI & KOURI 6TH ST PROPERTIE	02-0604-0107-0000	405,619	405,619	608.43
194526	RATR INC	02-0604-0108-0000	607,390	500,000	750.00
194527	421 SIXTH ST LTD	02-0604-0109-0000	1,091,196	500,000	750.00
194528	AMITIE L P	02-0604-0110-0000	685,693	500,000	750.00

**City of Austin  
East Sixth Street Public Improvement District (SID)  
BFY 2010 Assessment**

Prop ID	Property Owner Name	Parcel	Taxable Value	PID Taxable	Assessment
194529	WOOLDRIDGE ASSOCIATES LLC	02-0604-0201-0000	750,000	500,000	750.00
194530	LAKE INVESTMENT & PRODUCTION	02-0604-0203-0000	308,400	308,400	462.60
194534	JO ME NI	02-0604-0208-0000	1,041,937	500,000	750.00
194535	418 EAST 6TH STREET LLC & ETAL	02-0604-0209-0000	802,338	500,000	750.00
194536	CARLIN JOE	02-0604-0210-0000	373,600	373,600	560.40
194537	JABOUR THEODORE AND ARTHUR	02-0604-0211-0000	215,495	215,495	323.24
194538	SIMS WILLIAM EARL & JANIE M	02-0604-0212-0000	350,895	350,895	526.34
194539	GRAEBER DAVID C	02-0604-0213-0000	716,349	500,000	750.00
194540	EAST 6TH STREET-408 L P	02-0604-0214-0000	831,918	500,000	750.00
194541	406 E SIXTH STREET LTD	02-0604-0215-0000	590,000	500,000	750.00
194542	404 E SIXTH STREET LTD	02-0604-0216-0000	490,000	490,000	735.00
194543	402 EAST SIXTH VENTURE INC	02-0604-0217-0000	632,274	500,000	750.00
194544	COHEN GARY SCOTT & ETAL	02-0604-0218-0000	709,946	500,000	750.00
194564	GRIMES DAVID H & ELIZABETH C	02-0604-0501-0000	326,491	326,491	489.74
194565	GRIMES DAVID H & ELIZABETH C	02-0604-0502-0000	461,094	461,094	691.64
194566	GSD ENTERPRISES L P	02-0604-0503-0000	784,912	500,000	750.00
194567	EAST SIXTH STREET LTD	02-0604-0504-0000	927,772	500,000	750.00
194568	BOOTHE TERRY E	02-0604-0505-0000	545,000	500,000	750.00
194569	JHMBW L P	02-0604-0506-0000	693,813	500,000	750.00
194570	LAMAR ENTERPRISES INC	02-0604-0507-0000	219,028	219,028	328.54
194571	BERNHARD GARY L & ELIZ	02-0604-0508-0000	200,811	200,811	301.22
194572	CASMARK PROPERTIES LLC	02-0604-0509-0000	350,000	350,000	525.00
194573	3 DH JOINT VENTURE	02-0604-0510-0000	288,809	288,809	433.21
194574	SHELTON MICHAEL L & SHANNON SEDWICK	02-0604-0511-0000	1,118,011	500,000	750.00
194577	MAURO CARMELO & HILARY	02-0604-0514-0000	2,570,000	500,000	750.00
194578	LAMAR ENTERPRISES INC	02-0604-0516-0000	208,508	208,508	312.76
194579	COMPANY 512	02-0604-0517-0000	289,673	289,673	434.51
194584	CARRINGTON GROUP L L C	02-0604-0606-0000	1,686,295	500,000	750.00
194585	OLSON LARUE FAMILY TRUST & M L	02-0604-0607-0000	167,145	167,145	250.72
194586	OLSON LARUE FAMILY TRUST & M L	02-0604-0608-0000	268,300	268,300	402.45
194587	OLSON LARUE FAMILY TRUST & M L	02-0604-0609-0000	305,697	305,697	458.55
194588	508 E SIXTH STREET LTD	02-0604-0610-0000	1,079,672	500,000	750.00
194589	500 E 6TH STREET INC	02-0604-0611-0000	540,000	500,000	750.00
194590	CASTRO FRANK SOLIS	02-0604-0612-0000	401,939	401,939	602.91
194617	GRANT BUILDINGS L P	02-0604-1001-0000	9,540,155	500,000	750.00
194626	DAYWOOD CARL	02-0604-1110-0000	440,471	440,471	660.71
194627	3DH JOINT VENTURE	02-0604-1111-0000	340,778	340,778	511.17
194628	AP3-PPW LTD & MOR/ARR LTD	02-0604-1112-0000	636,718	500,000	750.00
194629	HENDRIX FRANKLIN D	02-0604-1113-0000	192,000	192,000	288.00
194631	HENDRIX FRANK	02-0604-1115-0000	779,403	500,000	750.00
194632	RUSH JOYCE	02-0604-1116-0000	266,775	266,775	400.16
194633	WTF INVESTMENSTS LLC	02-0604-1117-0000	1,303,114	500,000	750.00
194661	LUNDELL LIMITED PARTNERSHIP	02-0604-1501-0000	1,522,639	500,000	750.00
194664	OGDEN MARY D	02-0604-1504-0000	658,893	500,000	750.00
194665	CHELF JEANETTE	02-0604-1505-0000	332,981	332,981	499.47
194666	LY TAI & CHRISTINA CHAN	02-0604-1506-0000	807,810	500,000	750.00
194667	DREYFUS DOMINIQUE & GEORGE H	02-0604-1507-0000	502,043	500,000	750.00
194668	DREYFUS GEORGE &	02-0604-1508-0000	500,047	500,000	750.00
194669	J H M B W L P	02-0604-1510-0000	315,516	315,516	473.27
194670	J H M B W L P	02-0604-1517-0000	181,053	181,053	271.58
194671	J H M B W L P	02-0604-1518-0000	29,760	29,760	44.64
194673	HH AUSTIN HOTEL ASSOCIATES L P	02-0604-1520-0000	22,885,826	500,000	750.00
194679	MANOS MICKEY &	02-0604-1607-0000	186,623	186,623	279.93
194680	MANOS MICKEY &	02-0604-1608-0000	142,016	142,016	213.02

City of Austin  
East Sixth Street Public Improvement District (SID)  
BFY 2010 Assessment

Prop ID	Property Owner Name	Parcel	Taxable Value	PID Taxable	Assessment
194681	MANOS MICKEY &	02-0604-1609-0000	72,457	72,457	108.69
194682	MANOS MICKEY &	02-0604-1610-0000	76,944	76,944	115.42
194683	HABANA 6TH ST PROPERTIES LTD	02-0604-1611-0000	472,673	472,673	709.01
194684	DAYWOOD RUBY TRUSTEE OF	02-0604-1612-0000	636,129	500,000	750.00
	<b>Total</b>		212,355,949	47,026,406	70,539.61

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 27, 2009 as furnished to the City of Austin by the Travis Central Appraisal District.

  
Diana Thomas, Controller