

**ORDINANCE NO. 20101209-077**

**AN ORDINANCE LEVYING ASSESSMENTS FOR CALENDAR YEAR 2011 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 18, 2010, the City Council approved a calendar year 2011 assessment rate, proposed year 2011 assessment roll, and a Service Plan and Budget for the District.
- (D) On December 9, 2010, 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 2011.
- (E) At the December 9, 2010 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 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.
- (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, 2011;
- (2) accrues interest, penalties, and attorney's fees in the same manner as a delinquent ad valorem tax after February 1, 2011, 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, 2011. 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 20, 2010.

## **PASSED AND APPROVED**

\_\_\_\_\_, December 9, 2010      §  
                                                                 §  
                                                                 §      Lee Leffingwell  
                                                                                         Lee Leffingwell  
                                                                                         Mayor

**APPROVED:** Karen M. Kennard  
                                                                                         Karen M. Kennard  
                                                                                         Acting City Attorney

**ATTEST:** Shirley A. Gentry  
                                                                                         Shirley A. Gentry  
                                                                                         City Clerk

**Exhibit A**  
**City of Austin**  
**East Sixth Street Public Improvement District (SID)**  
**2011 Assessment**

prop id	parcel	py owner name	taxable val	SID Taxable	Assessment
194400	02-0603-0613-0000	WALTON STACY OFFICE PARTNERS IV L P	2,893,400.00	500,000	750.00
194401	02-0603-0615-0000	WALTON STACY OFFICE PARTNERS IV L P	5,501,712.00	500,000	750.00
194402	02-0603-0616-0000	WALTON STACY OFFICE PARTNERS IV L P	40,748,119.00	500,000	750.00
748643	02-0603-0617-0000	WALTON STACY LF LAND PARTNERS IV LP	1,684,204.00	500,000	750.00
758727	02-0603-0618-0000	WALTON STACY LF LAND PARTNERS IV LP	8,407,081.00	500,000	750.00
194403	02-0603-0701-0000	HVP AUSTIN SCARBROUGHT L P	14,975,000.00	500,000	750.00
194412	02-0603-0711-0000	WENDLANDT WILLIAM GEORGE	1,476,773.00	500,000	750.00
194413	02-0603-0712-0000	GREAT AMERICAN LIFE INSURANCE CO	18,341,119.00	500,000	750.00
194414	02-0603-0713-0000	LH BRAZOS HOLDING LP	12,733,663.00	500,000	750.00
194415	02-0603-0714-0000	JLKP BRAZOS 610 FAMILY LIMITED	960,835.00	500,000	750.00
194454	02-0603-1102-0000	HANG EM HIGH SALOON L L C	3,259,223.00	500,000	750.00
194455	02-0603-1103-0000	GROVE DRUG BUILDING L L C	1,221,421.00	500,000	750.00
194456	02-0603-1104-0000	RENDON ADOLFO & VALERIE VARGAS	620,504.00	500,000	750.00
194457	02-0603-1105-0000	LAVES BENARD & HAROLD P LAVES	402,762.00	402,762	604.14
194458	02-0603-1106-0000	LAVES BENARD & HAROLD P	507,513.00	500,000	750.00
194459	02-0603-1107-0000	LAVES BENARD & HAROLD P LAVES	613,163.00	500,000	750.00
194460	02-0603-1108-0000	CEREAL BOWL L C	531,729.00	500,000	750.00
194461	02-0603-1109-0000	TOUCHE INC	1,162,412.00	500,000	750.00
194466	02-0603-1208-0000	LANDES HR PROPERTIES LP	1,878,952.00	500,000	750.00
194467	02-0603-1209-0000	REWBOW LLC	885,658.00	500,000	750.00
194468	02-0603-1210-0000	WHIMSICAL NOTIONS INC	1,593,684.00	500,000	750.00
194469	02-0603-1214-0000	HANNIG ROW PARTNERSHIP	6,027,859.00	500,000	750.00
194486	02-0603-1603-0000	CIRKIEL MARTIN & PAMELA	1,555,956.00	500,000	750.00
194487	02-0603-1604-0000	RADKEY O H	450,556.00	450,556	675.83
194488	02-0603-1605-0000	AUSTIN APOLLO ENTERTAINMENT INC	176,640.00	176,640	264.96
194489	02-0603-1606-0000	VALENTINE & FRIENDS INC	625,644.00	500,000	750.00
194490	02-0603-1607-0000	ROGERS CHONG S	179,512.00	179,512	269.27
194491	02-0603-1608-0000	SIMMS JOHN LEE & JOAN L MCLEOD	149,902.00	149,902	224.85
194492	02-0603-1609-0000	SIMMS JOHN LEE & JOAN L MCLEOD	254,944.00	254,944	382.42
194493	02-0603-1610-0000	DENANCY TRUST	385,922.00	385,922	578.88
194494	02-0603-1611-0000	SILBERTSTEIN NANCY BETH & DENA	570,922.00	500,000	750.00
194495	02-0603-1612-0000	321 EAST 6TH ST LTD	554,622.00	500,000	750.00
194496	02-0603-1613-0000	SHEA TERESA JOSEPH	349,619.00	349,619	524.43
194497	02-0603-1614-0000	SMITH-HAGE BUILDING L P	1,164,336.00	500,000	750.00
194501	02-0603-1701-0000	HOTI AGIM & MARY	460,451.00	460,451	690.68
194504	02-0603-1706-0000	PECAN STREET REAL ESTATE HOLDI	1,387,325.00	500,000	750.00
194505	02-0603-1707-0000	CRADDOCK PROPERTIES L L C	992,655.00	500,000	750.00
194506	02-0603-1708-0000	CRADDOCK PROPERTIES L L C	188,400.00	188,400	282.60
194507	02-0603-1709-0000	316 E SIXTH LLC	554,176.00	500,000	750.00
194508	02-0603-1710-0000	MANOS GLORIA ZEGUB &	410,171.00	410,171	615.26
194509	02-0603-1711-0000	CRADDOCK LARRY J & BETTE C PRE	1,420,151.00	500,000	750.00
194510	02-0603-1712-0000	JOSEPH JOSEPH & WILLIAMS PARTNERSHIP	663,805.00	500,000	750.00
194511	02-0603-1713-0000	RAMZI CORP	903,974.00	500,000	750.00
194512	02-0603-1714-0000	RAMZI CORP	780,574.00	500,000	750.00
194513	02-0603-1715-0000	JIMENEZ-HERRERA LILIA	730,534.00	500,000	750.00
194520	02-0604-0102-0000	ARMSTRONG HAL B III	1,516,480.00	500,000	750.00
194521	02-0604-0103-0000	SIXTH EAST HOLDINGS LLC	1,549,802.00	500,000	750.00
194522	02-0604-0104-0000	SCHULTZ ENTERPRISE LLC	1,141,210.00	500,000	750.00
194523	02-0604-0105-0000	DESILVA DAVID IRI	1,755,795.00	500,000	750.00
194524	02-0604-0106-0000	JABOUR ARTHUR	305,942.00	305,942	458.91
194525	02-0604-0107-0000	KOURI & KOURI 6TH ST PROPERTIE	390,691.00	390,691	586.04
194526	02-0604-0108-0000	RATR INC	641,806.00	500,000	750.00
194527	02-0604-0109-0000	421 SIXTH ST LTD	1,135,958.00	500,000	750.00
194528	02-0604-0110-0000	AMITIE L P	663,964.00	500,000	750.00
194529	02-0604-0201-0000	WOOLDRIDGE ASSOCIATES LLC	773,881.00	500,000	750.00
194530	02-0604-0203-0000	LAKE INVESTMENT & PRODUCTION	308,400.00	308,400	462.60
194534	02-0604-0208-0000	JO ME NI	1,006,451.00	500,000	750.00
194535	02-0604-0209-0000	418 EAST 6TH STREET LLC & ETAL	774,830.00	500,000	750.00
194536	02-0604-0210-0000	CARLIN JOE	407,906.00	407,906	611.86
194537	02-0604-0211-0000	JABOUR THEODORE AND ARTHUR	211,915.00	211,915	317.87
194538	02-0604-0212-0000	SIMS WILLIAM EARL & JANIE M	344,820.00	344,820	517.23

**Exhibit A**  
**City of Austin**  
**East Sixth Street Public Improvement District (SID)**  
**2011 Assessment**

194539	02-0604-0213-0000	GRAEBER DAVID C	710,792.00	500,000	750.00
194540	02-0604-0214-0000	EAST 6TH STREET-408 L P	870,103.00	500,000	750.00
194541	02-0604-0215-0000	406 E SIXTH STREET LTD	600,544.00	500,000	750.00
194542	02-0604-0216-0000	404 E SIXTH STREET LTD	495,321.00	495,321	742.98
194543	02-0604-0217-0000	402 EAST SIXTH VENTURE INC	594,405.00	500,000	750.00
194544	02-0604-0218-0000	COHEN GARY SCOTT & ETAL	626,901.00	500,000	750.00
194564	02-0604-0501-0000	GRIMES DAVID H & ELIZABETH C	315,657.00	315,657	473.49
194565	02-0604-0502-0000	GRIMES DAVID H & ELIZABETH C	435,676.00	435,676	653.51
194566	02-0604-0503-0000	GSD ENTERPRISES L P	749,365.00	500,000	750.00
194567	02-0604-0504-0000	EAST SIXTH STREET LTD	1,052,040.00	500,000	750.00
194568	02-0604-0505-0000	BOOTHE TERRY E	549,792.00	500,000	750.00
194569	02-0604-0506-0000	505-507 SIXTH LLC	671,832.00	500,000	750.00
194570	02-0604-0507-0000	LAMAR ENTERPRISES INC	213,048.00	213,048	319.57
194571	02-0604-0508-0000	BERNHARD GARY L & ELIZ	201,502.00	201,502	302.25
194572	02-0604-0509-0000	CASMARK PROPERTIES LLC	353,859.00	353,859	530.79
194573	02-0604-0510-0000	3 DH JOINT VENTURE	283,000.00	283,000	424.50
194574	02-0604-0511-0000	SHELTON MICHAEL L & SHANNON SEDWICK	1,106,722.00	500,000	750.00
194577	02-0604-0514-0000	MAURO CARMELO & HILARY	2,272,043.00	500,000	750.00
194578	02-0604-0516-0000	LAMAR ENTERPRISES INC	203,712.00	203,712	305.57
194579	02-0604-0517-0000	COMPANY 512	282,520.00	282,520	423.78
194584	02-0604-0606-0000	CARRINGTON GROUP L L C	1,593,011.00	500,000	750.00
194585	02-0604-0607-0000	OLSON LARUE FAMILY TRUST & M L	167,204.00	167,204	250.81
194586	02-0604-0608-0000	OLSON LARUE FAMILY TRUST & M L	268,300.00	268,300	402.45
194587	02-0604-0609-0000	OLSON LARUE FAMILY TRUST & M L	298,980.00	298,980	448.47
194588	02-0604-0610-0000	508 E SIXTH STREET LTD	1,069,408.00	500,000	750.00
194589	02-0604-0611-0000	500 E 6TH STREET INC	542,915.00	500,000	750.00
194590	02-0604-0612-0000	CASTRO FRANK SOLIS	387,908.00	387,908	581.86
194617	02-0604-1001-0000	GRANT BUILDINGS L P	10,074,234.00	500,000	750.00
194626	02-0604-1110-0000	DAYWOOD CARL	440,471.00	440,471	660.71
194627	02-0604-1111-0000	3DH JOINT VENTURE	329,762.00	329,762	494.64
194628	02-0604-1112-0000	AP3-PPW LTD & MOR/ARR LTD	616,813.00	500,000	750.00
194629	02-0604-1113-0000	HENDRIX FRANKLIN D	192,000.00	192,000	288.00
194631	02-0604-1115-0000	HENDRIX FRANK	769,132.00	500,000	750.00
194632	02-0604-1116-0000	BURLESON JOYCE ANN	259,291.00	259,291	388.94
194633	02-0604-1117-0000	600 ESIX LC	1,276,179.00	500,000	750.00
194661	02-0604-1501-0000	LUNDELL LIMITED PARTNERSHIP	1,445,759.00	500,000	750.00
194664	02-0604-1504-0000	OGDEN ROBERT L & MARY D	636,002.00	500,000	750.00
194665	02-0604-1505-0000	CHELF JEANETTE	321,881.00	321,881	482.82
194666	02-0604-1506-0000	LY TAI & CHRISTINA CHAN	807,810.00	500,000	750.00
194667	02-0604-1507-0000	DREYFUS DOMINIQUE & GEORGE H	502,043.00	500,000	750.00
194668	02-0604-1508-0000	DREYFUS GEORGE &	500,047.00	500,000	750.00
194669	02-0604-1510-0000	723 SIXTH LC	220,731.00	220,731	331.10
194670	02-0604-1517-0000	723 SIXTH LC	175,066.00	175,066	262.60
194671	02-0604-1518-0000	723 SIXTH LC	29,760.00	29,760	44.64
194673	02-0604-1520-0000	HH AUSTIN HOTEL ASSOCIATES L P	21,832,670.00	500,000	750.00
194679	02-0604-1607-0000	MANOS MICKEY &	186,623.00	186,623	279.93
194680	02-0604-1608-0000	MANOS MICKEY &	142,016.00	142,016	213.02
194681	02-0604-1609-0000	MANOS MICKEY &	72,457.00	72,457	108.69
194682	02-0604-1610-0000	MANOS MICKEY &	76,944.00	76,944	115.42
194683	02-0604-1611-0000	HABANA 6TH ST PROPERTIES LTD	454,567.00	454,567	681.85
194684	02-0604-1612-0000	DAYWOOD RUBY TRUSTEE OF	615,474.00	500,000	750.00
		Totals:	213,161,720.00	46686809	70,030.21