

**ORDINANCE NO. 20120112-103**

**AN ORDINANCE LEVYING ASSESSMENTS FOR CALENDAR YEAR 2012 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 December 8, 2011, the City Council approved a calendar year 2012 assessment rate, proposed year 2012 assessment roll, and a Service Plan and Budget for the District.
- (D) On January 12, 2012, 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 2012.
- (E) At the January 12, 2012 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 March 1, 2012;
- (2) accrues interest, penalties, and attorney's fees in the same manner as a delinquent ad valorem tax after March 1, 2012, 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 March 1, 2012. 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.

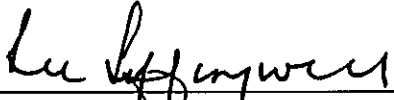
**PART 9. Severability.** The provisions of this ordinance are severable. If any provision of this ordinance or its application to a person or circumstance is held to be invalid, the invalidity does not affect other provisions or applications of this ordinance.

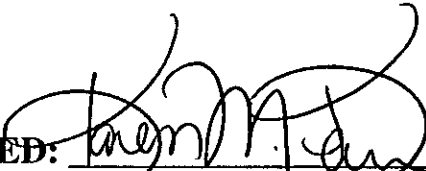
**PART 10.** This ordinance takes effect on January 23, 2012

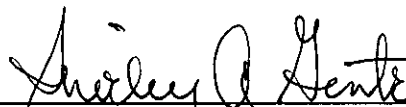
**PASSED AND APPROVED**

January 12, 2012

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Lee Melfingwell  
Mayor

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

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

City of Austin  
East Sixth Street Public Improvement District (SID)  
2012 Assessment.

prop id	parcel	py owner name	taxable val	sid taxable	Assessment
194400	02-0603-0613-0000	WALTON STACY OFFICE PARTNERS IV L P	3,544,000	500,000	750.00
194401	02-0603-0615-0000	WALTON STACY OFFICE PARTNERS IV L P	5,551,712	500,000	750.00
194402	02-0603-0616-0000	WALTON STACY 515 PARTNERS IV LP	42,081,859	500,000	750.00
748643	02-0603-0617-0000	WALTON STACY LF LAND PARTNERS IV LP	2,105,255	500,000	750.00
758727	02-0603-0618-0000	WALTON STACY LF LAND PARTNERS IV LP	8,294,745	500,000	750.00
194403	02-0603-0701-0000	HVP AUSTIN SCARBROUGHT L P	14,475,715	500,000	750.00
194412	02-0603-0711-0000	IMOB LLC	1,448,715	500,000	750.00
194413	02-0603-0712-0000	GREAT AMERICAN LIFE INSURANCE CO	19,261,356	500,000	750.00
194414	02-0603-0713-0000	LH-JV DRISKILL HOLDING LP	13,376,561	500,000	750.00
194415	02-0603-0714-0000	JLKP BRAZOS 610 FAMILY LIMITED	1,006,373	500,000	750.00
194454	02-0603-1102-0000	HANG EM HIGH SALOON L L C	2,614,240	500,000	750.00
194455	02-0603-1103-0000	GROVE DRUG BUILDING L L C	1,245,767	500,000	750.00
194456	02-0603-1104-0000	RENDON ADOLFO & VALERIE VARGAS	626,592	500,000	750.00
194457	02-0603-1105-0000	LAVES BENARD & HAROLD P LAVES	477,041	477,041	715.56
194458	02-0603-1106-0000	LAVES BENARD & HAROLD	592,178	500,000	750.00
194459	02-0603-1107-0000	LAVES BENARD & HAROLD P LAVES	673,948	500,000	750.00
194460	02-0603-1108-0000	CEREAL BOWL L C	588,690	500,000	750.00
194461	02-0603-1109-0000	TOUCHE INC	1,271,092	500,000	750.00
194466	02-0603-1208-0000	LANDES HR PROPERTIES LP	1,817,322	500,000	750.00
194467	02-0603-1209-0000	REWBOW LLC	932,191	500,000	750.00
194468	02-0603-1210-0000	WHIMSICAL NOTIONS INC	1,487,799	500,000	750.00
194469	02-0603-1214-0000	HANNIG ROW PARTNERSHIP	6,195,300	500,000	750.00
194486	02-0603-1603-0000	CIRKEL MARTIN & PAMELA	1,605,590	500,000	750.00
194487	02-0603-1604-0000	RADKEY O H & EDITH INGRID	593,419	500,000	750.00
194488	02-0603-1605-0000	AUSTIN APOLLO ENTERTAINMENT INC	323,840	323,840	485.76
194489	02-0603-1606-0000	VALENTINE & FRIENDS INC	689,454	500,000	750.00
194490	02-0603-1607-0000	LEAGUE ENTERPRISES LLC	235,124	235,124	352.69
194491	02-0603-1608-0000	SIMMS JOHN LEE & JOAN L MCLEOD	215,760	215,760	323.64
194492	02-0603-1609-0000	SIMMS JOHN LEE & JOAN L MCLEOD	420,996	420,996	631.49
194493	02-0603-1610-0000	DENANCY TRUST	526,806	500,000	750.00
194494	02-0603-1611-0000	SILBERTSTEIN NANCY BETH & DENA	576,208	500,000	750.00
194495	02-0603-1612-0000	321 EAST 6TH ST LTD	556,772	500,000	750.00
194496	02-0603-1613-0000	SHEA WILLIAM D JR	358,954	358,954	538.43
194497	02-0603-1614-0000	SMITH-HAGE BUILDING L P	1,195,343	500,000	750.00
194501	02-0603-1701-0000	HOTI AGIM & MARY	407,001	407,001	610.50
194504	02-0603-1706-0000	PECAN STREET REAL ESTATE	1,681,725	500,000	750.00
194505	02-0603-1707-0000	CRADDOCK PROPERTIES L L C	939,030	500,000	750.00
194506	02-0603-1708-0000	CRADDOCK PROPERTIES L L C	345,400	345,400	518.10
194507	02-0603-1709-0000	316 E SIXTH LLC	614,801	500,000	750.00
194508	02-0603-1710-0000	MANOS GLORIA ZEGUB &	500,006	500,000	750.00
194509	02-0603-1711-0000	CRADDOCK LARRY J & BETTE C PRE	1,326,771	500,000	750.00
194510	02-0603-1712-0000	JOSEPH JOSEPH & WILLIAMS PARTNERSHIP	649,484	500,000	750.00
194511	02-0603-1713-0000	RAMZI CORP	907,350	500,000	750.00
194512	02-0603-1714-0000	RAMZI CORP	779,636	500,000	750.00
194513	02-0603-1715-0000	JIMENEZ-HERRERA LILIA	808,826	500,000	750.00
194520	02-0604-0102-0000	ARMSTRONG HAL B III	1,382,455	500,000	750.00
194521	02-0604-0103-0000	SIXTH EAST HOLDINGS LLC	1,177,264	500,000	750.00
194522	02-0604-0104-0000	SCHULTZ ENTERPRISE LLC	1,141,210	500,000	750.00
194523	02-0604-0105-0000	DESILVA DAVID IRI	1,697,793	500,000	750.00
194524	02-0604-0106-0000	JABOUR ARTHUR	338,346	338,346	507.52
194525	02-0604-0107-0000	KOURI & KOURI 6TH ST PROPERTIE	413,006	413,006	619.51
194526	02-0604-0108-0000	RATR INC	689,165	500,000	750.00
194527	02-0604-0109-0000	421 SIXTH ST LTD	1,095,567	500,000	750.00
194528	02-0604-0110-0000	AMITIE L P	730,875	500,000	750.00
194529	02-0604-0201-0000	WOOLDRIDGE ASSOCIATES LLC	717,269	500,000	750.00
194530	02-0604-0203-0000	LAKE INVESTMENT & PRODUCTION	462,600	462,600	693.90
194534	02-0604-0208-0000	JO ME NI	1,112,730	500,000	750.00
194535	02-0604-0209-0000	418 EAST 6TH STREET LLC & ETAL	747,000	500,000	750.00
194536	02-0604-0210-0000	CARLIN JOE	409,948	409,948	614.92
194537	02-0604-0211-0000	JABOUR THEODORE AND ARTHUR	296,188	296,188	444.28

194538	02-0604-0212-0000	SIMS WILLIAM EARL & JANIE M	354,679	354,679	532.02
194539	02-0604-0213-0000	GRAEBER DAVID C	735,124	500,000	750.00
194540	02-0604-0214-0000	EAST 6TH STREET-408 L P	762,757	500,000	750.00
194541	02-0604-0215-0000	406 E SIXTH STREET LTD	611,159	500,000	750.00
194542	02-0604-0216-0000	404 E SIXTH STREET LTD	528,515	500,000	750.00
194543	02-0604-0217-0000	402 EAST SIXTH VENTURE INC	617,831	500,000	750.00
194544	02-0604-0218-0000	COHEN GARY SCOTT & ETAL	629,296	500,000	750.00
194564	02-0604-0501-0000	GRIMES DAVID H & ELIZABETH C	382,851	382,851	574.28
194565	02-0604-0502-0000	GRIMES DAVID H & ELIZABETH C	449,633	449,633	674.45
194566	02-0604-0503-0000	GSD ENTERPRISES L P	770,006	500,000	750.00
194567	02-0604-0504-0000	EAST SIXTH STREET LTD	1,048,682	500,000	750.00
194568	02-0604-0505-0000	BOOTHE TERRY E	552,014	500,000	750.00
194569	02-0604-0506-0000	505-507 SIXTH LLC	761,068	500,000	750.00
194570	02-0604-0507-0000	LAMAR ENTERPRISES INC	263,378	263,378	395.07
194571	02-0604-0508-0000	BERNHARD GARY L & ELIZ	312,716	312,716	469.07
194572	02-0604-0509-0000	CASMARK PROPERTIES LLC	426,229	426,229	639.34
194573	02-0604-0510-0000	3 DH JOINT VENTURE	282,029	282,029	423.04
194574	02-0604-0511-0000	SHELTON MICHAEL L & SHANNON SEDWICK	1,343,168	500,000	750.00
194577	02-0604-0514-0000	MAURO CARMELO & HILARY	3,051,170	500,000	750.00
194578	02-0604-0516-0000	LAMAR ENTERPRISES INC	267,144	267,144	400.72
194579	02-0604-0517-0000	COMPANY 512	292,825	292,825	439.24
194584	02-0604-0606-0000	CARRINGTON GROUP L L C	1,866,203	500,000	750.00
194585	02-0604-0607-0000	OLSON LARUE FAMILY TRUST & M L	283,898	283,898	425.85
194586	02-0604-0608-0000	OLSON LARUE FAMILY TRUST & M L	306,759	306,759	460.14
194587	02-0604-0609-0000	OLSON LARUE FAMILY TRUST & M L	299,474	299,474	449.21
194588	02-0604-0610-0000	508 E SIXTH STREET LTD	1,416,833	500,000	750.00
194589	02-0604-0611-0000	500 E 6TH STREET INC	563,549	500,000	750.00
194590	02-0604-0612-0000	CASTRO FRANK SOLIS	384,982	384,982	577.47
194617	02-0604-1001-0000	GRANT BUILDINGS L P	8,749,434	500,000	750.00
194626	02-0604-1110-0000	DAYWOOD CARL	518,044	500,000	750.00
194627	02-0604-1111-0000	3DH JOINT VENTURE	329,762	329,762	494.64
194628	02-0604-1112-0000	AP3-PPW LTD & MOR/ARR LTD	797,019	500,000	750.00
194629	02-0604-1113-0000	HENDRIX FRANKLIN D	369,567	369,567	554.35
194631	02-0604-1115-0000	HENDRIX FRANK	1,077,000	500,000	750.00
194632	02-0604-1116-0000	BURLESON JOYCE ANN	325,513	325,513	488.27
194633	02-0604-1117-0000	600 ESIX LC	1,227,678	500,000	750.00
194661	02-0604-1501-0000	LUNDELL LIMITED PARTNERSHIP	1,279,434	500,000	750.00
194664	02-0604-1504-0000	OGDEN ROBERT L & MARY D	628,902	500,000	750.00
194665	02-0604-1505-0000	CHELF JEANETTE	375,672	375,672	563.51
194666	02-0604-1506-0000	LY TAI & CHRISTINA CHAN	665,546	500,000	750.00
194667	02-0604-1507-0000	DREYFUS DOMINIQUE & GEORGE H	473,013	473,013	709.52
194668	02-0604-1508-0000	DREYFUS GEORGE &	471,682	471,682	707.52
194669	02-0604-1510-0000	723 SIXTH LC	277,064	277,064	415.60
194670	02-0604-1517-0000	723 SIXTH LC	197,216	197,216	295.82
194671	02-0604-1518-0000	723 SIXTH LC	63,612	63,612	95.42
194673	02-0604-1520-0000	HH AUSTIN HOTEL ASSOCIATES L P	23,601,311	500,000	750.00
194679	02-0604-1607-0000	PARKING LOT SIXTH LC	395,923	395,923	593.88
194680	02-0604-1608-0000	PARKING LOT SIXTH LC	301,084	301,084	451.63
194681	02-0604-1609-0000	PARKING LOT SIXTH LC	153,675	153,675	230.51
194682	02-0604-1610-0000	PARKING LOT SIXTH LC	163,167	163,167	244.75
194683	02-0604-1611-0000	HABANA 8TH ST PROPERTIES LTD	613,339	500,000	750.00
194684	02-0604-1612-0000	DAYWOOD RUBY TRUSTEE OF	663,100	500,000	750.00

221,418,892 49,407,751 74,111.63

I Diana Thomas, affirm and attest that this is a true and correct account of all assessments used for the East Sixth Street Public Improvement District as of October 27, 2011 as furnished to the City of Austin by the Travis Central Appraisal District.

  
Diana Thomas, CPA, Controller