

ORDINANCE NO. 20141211-

**AN ORDINANCE LEVYING ASSESSMENTS FOR CALENDAR YEAR 2015
FOR PROPERTY IN THE WHISPER VALLEY 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 Whisper Valley Public Improvement District (District).
- (B) On August 5, 2010, the City Council passed a resolution, which approved the creation of the District in accordance with its findings.
- (C) On November 20, 2014, the City Council approved a calendar year 2015 assessment, proposed year 2015 assessment roll, and a Service Plan and Budget for the District.
- (D) On December 11, 2014, 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 2015.
- (E) At the December 11, 2014 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 each parcel owners pro rata share of the Assessable Acres.

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

- (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 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 January 31, 2015 for the portion of the assessment due on January 31, 2015;
- (2) accrues interest at the rate of 0% from the effective date of this ordinance until July 1, 2015 for the portion of the assessment due on July 1, 2015;
- (3) accrues interest, penalties, and attorney's fees in the same manner as a delinquent ad valorem tax after January 31, 2015 and July 1, 2015, respectively, until paid; and
- (4) is a lien on the property shown in Exhibit "A" and the personal liability of the property owner.

PART 6. Due Date and Collection. An assessment is due and payable in full on or before the due dates (January 31, 2015 and July 1, 2015). 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. 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 9. This ordinance takes effect on December __, 2014.

PASSED AND APPROVED

_____, December 11 _____, 2014

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Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk