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2 **ORDINANCE NO.**

3 **AN ORDINANCE LEVYING ASSESSMENTS FOR CALENDAR YEAR 2016**  
4 **FOR PROPERTY IN THE WHISPER VALLEY PUBLIC IMPROVEMENT**  
5 **DISTRICT.**

6 **BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

7 **PART 1. Findings:** The Council finds that:

- 8 (A) Chapter 372 (*Public Improvement District Assessment Act*) of the Texas Local  
9 Government Code (Act) authorized the creation of the Whisper Valley Public  
10 Improvement District (District).
- 11 (B) On August 5, 2010, the City Council passed a resolution, which approved the  
12 creation of the District in accordance with its findings.
- 13 (C) On November 19, 2015, the City Council approved a calendar year 2016  
14 assessment, proposed year 2016 assessment roll, and a service plan and budget  
15 for the District.
- 16
- 17 (D) On December 10, 2015, the City Council held a public hearing, properly  
18 noticed under the Act, to consider the levy of the proposed assessments on  
19 property within the District for calendar year 2016.
- 20
- 21 (E) At the December 10, 2015 public hearing, the City Council heard each  
22 objection to a proposed assessment, found in each case that the assessments  
23 levied against each parcel are reasonable and consistent with the special  
24 benefits conferred by the District, and passed on each objection before it closed  
25 the public hearing.
- 26
- 27 (F) The assessments set out in Exhibit A, attached to and incorporated in this  
28 ordinance:
- 29
- 30 (1) should be made and levied against the property and property owners  
31 within the District;

- 1
- 2 (2) are in proportion to the benefits to the property for the services and
- 3 improvements in the District; and
- 4
- 5 (3) establish substantial justice, equality, and uniformity in the amount
- 6 assessed against each property owner for the benefits received and
- 7 burdens imposed.
- 8
- 9 (G) In each case, the property assessed is benefited by the services and
- 10 improvements provided in the District.
- 11
- 12 (H) The exclusion of certain property from assessment is reasonable because the
- 13 excluded property will not receive a benefit from the District that is sufficient
- 14 to justify an assessment and the exclusions promote efficient management of
- 15 the District.
- 16
- 17 (I) The procedures followed and apportionment of the cost of the services and
- 18 improvements in the District comply with applicable law and the purpose for
- 19 which the District was formed.
- 20
- 21 (J) The assessments are based on each parcel owners pro rata share of the
- 22 Assessable Acres.
- 23

24 **PART 2. Exemptions and Exclusions.** The Council exempts the following from

25 payment of the assessment and excludes from the roll:

- 26 (A) property of the City used for public purpose;
- 27 (B) property owned by the County and property owned by political subdivisions of
- 28 the State of Texas and used for public purpose; and
- 29 (C) other property that is excluded by law or by agreement of the City and the
- 30 petitioners.

1 **PART 3. Assessment and Levy.** The assessments shown on Exhibit A are levied and  
2 assessed against the property in the District and against the record owner of the property  
3 identified by the Travis Central Appraisal District records.

4 **PART 4. Liability of Multiple Owners.** Each owner of property in the District owned  
5 by two or more individuals or entities is personally liable for the amount of the  
6 assessment equal to the share of the total assessment against the property based on the  
7 owner's partial interest in the total property ownership. A property owner's interest in  
8 property may be released from an assessment lien if the owner pays the owner's  
9 proportionate share of an assessment.

10 **PART 5. Interest and Lien.**

11 (A) An assessment shown on Exhibit A:

- 12 (1) accrues interest at the rate of 0% from the effective date of this ordinance  
13 until January 31, 2016 for the portion of the assessment due on January 31,  
14 2016;
- 15 (2) accrues interest at the rate of 0% from the effective date of this ordinance  
16 until July 1, 2016 for the portion of the assessment due on July 1, 2016;
- 17 (3) accrues interest, penalties, and attorney's fees in the same manner as a  
18 delinquent ad valorem tax after January 31, 2016 and July 1, 2016,  
19 respectively, until paid; and
- 20 (4) is a lien on the property shown in Exhibit "A" and the personal liability of  
21 the property owner.

22 **PART 6. Due Date and Collection.** An assessment is due and payable in full on or  
23 before the due dates (January 31, 2016 and July 1, 2016). If a property owner defaults on  
24 payment of an assessment against the owner's property, the city manager may file suit to  
25 collect the assessment and may initiate a lien foreclosure, including interest, penalties,  
26 costs and attorney's fees.

27 **PART 7. Statutory Authority.** The assessments levied by this ordinance are made  
28 under the authority of Chapter 372 (*Public Improvement District Assessment Act*) of the  
29 Texas Local Government Code.

1 **PART 8. Severability.** The provisions of this ordinance are severable. If any provision  
2 of this ordinance or its application to any person or circumstances is held invalid, the  
3 invalidity does not affect other provisions or applications of this ordinance.

4 **PART 9.** This ordinance takes effect on \_\_\_\_\_, 2015.

5 **PASSED AND APPROVED**

6  
7 §  
8 §  
9 \_\_\_\_\_, 2015 § \_\_\_\_\_  
10 Steve Adler  
11 Mayor  
12  
13

14 **APPROVED:** \_\_\_\_\_ **ATTEST:** \_\_\_\_\_  
15 Anne L. Morgan Jannette S. Goodall  
16 City Attorney City Clerk  
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18  
19  
20  
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