

ORDINANCE NO. 20160128-079

AN ORDINANCE LEVYING ASSESSMENTS FOR CALENDAR YEAR 2016 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 7, 2014, the City Council passed a resolution, which approved the reauthorization of the District in accordance with its findings.
- (C) On December 17, 2015, the City Council approved a calendar year 2016 assessment rate, proposed year 2016 assessment roll, and a Service Plan and Budget for the District.
- (D) On January 28, 2016, 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 2016.
- (E) At the January 28, 2016 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, 2016;
- (2) accrues interest, penalties, and attorney's fees in the same manner as a delinquent ad valorem tax after March 1, 2016, 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, 2016. 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.

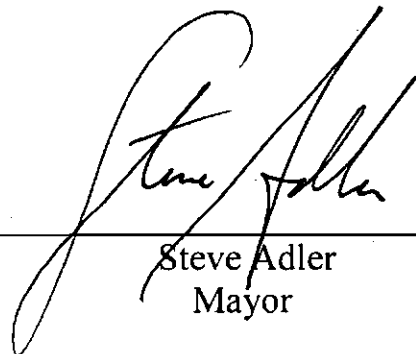
PART 9. Severability. The provisions of this ordinance are severable. If any provision of this ordinance or its application to a person or circumstance is held to be invalid, the invalidity does not affect other provisions or applications of this ordinance.

PART 10. This ordinance takes effect on February 8, 2016.

PASSED AND APPROVED


_____, January 28, 2016

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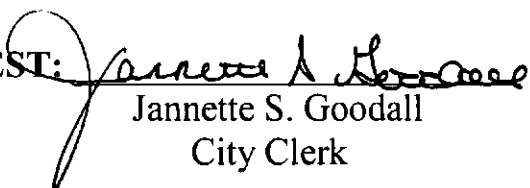
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk

"EXHIBIT A"

City of Austin East Sixth Street Public Improvement District (SID) 2016 Certified Assessment Roll

PropID	Parcel Number	Owner Name	TCAD Taxable Value	SID Taxable Value	SID Assessment
194400	02-0603-0613-0000	6TH & CONGRESS PROPERTIES LLC	\$ 6,936,689	\$ 500,000	\$ 950.00
194401	02-0603-0615-0000	6TH & CONGRESS PROPERTIES LLC	\$ 20,605,499	\$ 500,000	\$ 950.00
194402	02-0603-0616-0000	6TH & CONGRESS PROPERTIES LLC	\$ 85,123,538	\$ 500,000	\$ 950.00
194403	02-0603-0701-0000	601 CONGRESS LP	\$ 30,184,489	\$ 500,000	\$ 950.00
194412	02-0603-0711-0000	P & W VENTURES LLC	\$ 2,082,749	\$ 500,000	\$ 950.00
194413	02-0603-0712-0000	GREAT AMERICAN LIFE INSURANCE CO	\$ 43,070,000	\$ 500,000	\$ 950.00
194414	02-0603-0713-0000	H E DRISKILL LLC	\$ 29,930,000	\$ 500,000	\$ 950.00
194415	02-0603-0714-0000	JKP BRAZOS 610 FAMILY LIMITED	\$ 1,274,661	\$ 500,000	\$ 950.00
194454	02-0603-1102-0000	201 EAST 6TH STREET LLC	\$ 3,091,465	\$ 500,000	\$ 950.00
194455	02-0603-1103-0000	GROVE DRUG BUILDING LLC	\$ 1,477,995	\$ 500,000	\$ 950.00
194456	02-0603-1104-0000	RENDON ADOLFO & VALERIE VARGAS	\$ 669,005	\$ 500,000	\$ 950.00
194457	02-0603-1105-0000	LAVES BENARD & HAROLD P LAVES	\$ 550,248	\$ 500,000	\$ 950.00
194458	02-0603-1106-0000	LAVES BENARD & HAROLD	\$ 726,943	\$ 500,000	\$ 950.00
194459	02-0603-1107-0000	LAVES BENARD & HAROLD P LAVES	\$ 747,353	\$ 500,000	\$ 950.00
194460	02-0603-1108-0000	CEREAL BOWL LC	\$ 643,569	\$ 500,000	\$ 950.00
194461	02-0603-1109-0000	TOUCHE INC	\$ 1,449,281	\$ 500,000	\$ 950.00
194466	02-0603-1208-0000	WC 6TH AND SAN JACINTO LP	\$ 2,012,660	\$ 500,000	\$ 950.00
194467	02-0603-1209-0000	REWBOW LLC	\$ 1,052,380	\$ 500,000	\$ 950.00
194468	02-0603-1210-0000	WHIMSICAL NOTIONS INC	\$ 1,676,265	\$ 500,000	\$ 950.00
194469	02-0603-1214-0000	HANNIG ROW PARTNERSHIP	\$ 10,210,936	\$ 500,000	\$ 950.00
194486	02-0603-1603-0000	CIRKIEL MARTIN & PAMELA	\$ 2,492,280	\$ 500,000	\$ 950.00
194487	02-0603-1604-0000	RADKEY EDITH INGRID	\$ 575,304	\$ 500,000	\$ 950.00
194488	02-0603-1605-0000	AUSTIN APOLLO ENTERTAINMENT INC	\$ 548,958	\$ 500,000	\$ 950.00
194489	02-0603-1606-0000	VALENTINE & FRIENDS INC	\$ 778,537	\$ 500,000	\$ 950.00
194490	02-0603-1607-0000	LEAGUE ENTERPRISES LLC	\$ 271,354	\$ 271,354	\$ 515.57
194491	02-0603-1608-0000	SIMMS JOHN LEE & JOAN L MCLEOD	\$ 249,850	\$ 249,850	\$ 474.72
194492	02-0603-1609-0000	PECAN STREET PROPERTY LLC	\$ 473,583	\$ 473,583	\$ 899.81
194493	02-0603-1610-0000	SILBERSTEIN JONAS & JUANITA	\$ 610,225	\$ 500,000	\$ 950.00
194494	02-0603-1611-0000	SILBERSTEIN NANCY BETH & JONAS &	\$ 653,157	\$ 500,000	\$ 950.00
194495	02-0603-1612-0000	321 EAST 6TH ST LTD	\$ 587,120	\$ 500,000	\$ 950.00
194496	02-0603-1613-0000	323 E 6TH ST LLC	\$ 379,275	\$ 379,275	\$ 720.62
194497	02-0603-1614-0000	SMITH-HAGE BUILDING L P	\$ 1,346,376	\$ 500,000	\$ 950.00
194501	02-0603-1701-0000	HOTI LLC	\$ 466,564	\$ 466,564	\$ 886.47
194504	02-0603-1706-0000	PECAN STREET REAL ESTATE	\$ 2,138,653	\$ 500,000	\$ 950.00
194505	02-0603-1707-0000	CRADDOCK PROPERTIES L L C	\$ 1,076,748	\$ 500,000	\$ 950.00
194506	02-0603-1708-0000	CRADDOCK PROPERTIES L L C	\$ 408,200	\$ 408,200	\$ 775.58
194507	02-0603-1709-0000	316 E SIXTH LLC	\$ 762,611	\$ 500,000	\$ 950.00
194508	02-0603-1710-0000	MANOS GLORIA ZEGUB &	\$ 574,614	\$ 500,000	\$ 950.00
194509	02-0603-1711-0000	CRADDOCK VENTURES LLC	\$ 1,574,280	\$ 500,000	\$ 950.00
194510	02-0603-1712-0000	JOSEPH JOSEPH & WILLIAMS PARTNERSHIP	\$ 737,730	\$ 500,000	\$ 950.00
194511	02-0603-1713-0000	RAMZI CORP	\$ 1,018,980	\$ 500,000	\$ 950.00
194512	02-0603-1714-0000	RAMZI CORP	\$ 874,882	\$ 500,000	\$ 950.00
194513	02-0603-1715-0000	JIMENEZ-HERRERA LILIA	\$ 896,965	\$ 500,000	\$ 950.00
194520	02-0604-0102-0000	ARMSTRONG HAL B III	\$ 1,549,454	\$ 500,000	\$ 950.00
194521	02-0604-0103-0000	SIXTH EAST HOLDINGS LLC	\$ 1,300,955	\$ 500,000	\$ 950.00
194522	02-0604-0104-0000	SCHULTZ ENTERPRISE LLC	\$ 1,266,655	\$ 500,000	\$ 950.00
194523	02-0604-0105-0000	409 FIRST FLOOR LLC	\$ 2,023,942	\$ 500,000	\$ 950.00
194524	02-0604-0106-0000	JABOUR ARTHUR & JESSE &	\$ 363,125	\$ 363,125	\$ 689.94
194525	02-0604-0107-0000	KOURI & KOURI 6TH ST PROPERTIE	\$ 471,387	\$ 471,387	\$ 896.64
194526	02-0604-0108-0000	RATR INC	\$ 919,662	\$ 500,000	\$ 950.00
194527	02-0604-0109-0000	421 SIXTH ST LTD	\$ 1,075,000	\$ 500,000	\$ 950.00
194528	02-0604-0110-0000	AMITE L P	\$ 841,961	\$ 500,000	\$ 950.00
194529	02-0604-0201-0000	WOOLDRIDGE ASSOCIATES LLC	\$ 726,191	\$ 500,000	\$ 950.00
194530	02-0604-0203-0000	LIPCO REAL ESTATE LLC	\$ 462,644	\$ 462,644	\$ 879.02
194534	02-0604-0208-0000	JO ME NI	\$ 1,336,978	\$ 500,000	\$ 950.00
194535	02-0604-0209-0000	418 EAST 6TH STREET LLC & ETAL	\$ 980,102	\$ 500,000	\$ 950.00
194536	02-0604-0210-0000	CARLIN JOE	\$ 434,827	\$ 434,827	\$ 826.17
194537	02-0604-0211-0000	JABOUR THEODORE AND ARTHUR	\$ 349,613	\$ 349,613	\$ 664.26
194538	02-0604-0212-0000	SIMS WILLIAM EARL & JANTIE M	\$ 421,387	\$ 421,387	\$ 800.64
194539	02-0604-0213-0000	410 EAST SIXTH LLC	\$ 1,204,942	\$ 500,000	\$ 950.00
194540	02-0604-0214-0000	408 SIXTH EAST LC	\$ 822,664	\$ 500,000	\$ 950.00

PropID	Parcel Number	Owner Name	TCAD	SID	SID
			Taxable Value	Taxable Value	Assessment
194541	02-0604-0215-0000	406 E SIXTH STREET LTD	\$ 643,000	\$ 500,000	\$ 950.00
194542	02-0604-0216-0000	404 E SIXTH STREET LTD	\$ 594,000	\$ 500,000	\$ 950.00
194543	02-0604-0217-0000	402 EAST SIXTH VENTURE INC	\$ 705,863	\$ 500,000	\$ 950.00
194544	02-0604-0218-0000	COHEN GARY SCOTT & ETAL	\$ 723,049	\$ 500,000	\$ 950.00
194564	02-0604-0501-0000	GRIMES DAVID H & ELIZABETH C	\$ 423,202	\$ 423,202	\$ 804.08
194565	02-0604-0502-0000	GRIMES DAVID H & ELIZABETH C	\$ 531,928	\$ 500,000	\$ 950.00
194566	02-0604-0503-0000	GSD ENTERPRISES L P	\$ 803,315	\$ 500,000	\$ 950.00
194567	02-0604-0504-0000	EAST SIXTH STREET LTD	\$ 1,152,000	\$ 500,000	\$ 950.00
194568	02-0604-0505-0000	BOOTHE TERRY E	\$ 624,640	\$ 500,000	\$ 950.00
194569	02-0604-0506-0000	505-507 SIXTH LLC	\$ 909,997	\$ 500,000	\$ 950.00
194570	02-0604-0507-0000	FVMHP LP	\$ 318,775	\$ 318,775	\$ 605.67
194571	02-0604-0508-0000	BERNHARD GARY L & ELIZ	\$ 314,022	\$ 314,022	\$ 596.64
194572	02-0604-0509-0000	CASMARK PROPERTIES LLC	\$ 511,877	\$ 500,000	\$ 950.00
194573	02-0604-0510-0000	3 DH JOINT VENTURE	\$ 451,702	\$ 451,702	\$ 858.23
194574	02-0604-0511-0000	SHELTON MICHAEL L & SHANNON SEDWICK	\$ 1,636,989	\$ 500,000	\$ 950.00
194577	02-0604-0514-0000	MAURO CARMELO & HILARY	\$ 3,304,759	\$ 500,000	\$ 950.00
194578	02-0604-0516-0000	FVMHP LP	\$ 298,428	\$ 298,428	\$ 567.01
194579	02-0604-0517-0000	FVMHP LP	\$ 369,510	\$ 369,510	\$ 702.07
194584	02-0604-0606-0000	522 SIXTH EAST L C	\$ 2,101,115	\$ 500,000	\$ 950.00
194585	02-0604-0607-0000	OLSON LARUE FAMILY TRUST & M L	\$ 359,951	\$ 359,951	\$ 683.91
194586	02-0604-0608-0000	OLSON LARUE FAMILY TRUST & M L	\$ 445,641	\$ 445,641	\$ 846.72
194587	02-0604-0609-0000	OLSON LARUE FAMILY TRUST & M L	\$ 450,808	\$ 450,808	\$ 856.54
194588	02-0604-0610-0000	508 E SIXTH STREET LTD	\$ 1,840,529	\$ 500,000	\$ 950.00
194589	02-0604-0611-0000	PECAN-500 LLC	\$ 824,170	\$ 500,000	\$ 950.00
194590	02-0604-0612-0000	CASTRO FRANK SOLIS	\$ 458,488	\$ 458,488	\$ 871.13
194617	02-0604-1001-0000	LYNX GRANT	\$ 16,732,493	\$ 500,000	\$ 950.00
194626	02-0604-1110-0000	DAYWOOD CARL	\$ 783,028	\$ 500,000	\$ 950.00
194627	02-0604-1111-0000	3DH JOINT VENTURE	\$ 463,853	\$ 463,853	\$ 881.32
194628	02-0604-1112-0000	ALAMO DRAFFHOUSE CINEMAS LLC	\$ 1,255,954	\$ 500,000	\$ 950.00
194629	02-0604-1113-0000	SIXTH RED RIVER LC	\$ 448,794	\$ 448,794	\$ 852.71
194631	02-0604-1115-0000	SIXTH RED RIVER LC	\$ 1,253,631	\$ 500,000	\$ 950.00
194632	02-0604-1116-0000	BURLESON JOYCE ANN	\$ 415,134	\$ 415,134	\$ 788.75
194633	02-0604-1117-0000	600 ESIX LC	\$ 1,650,000	\$ 500,000	\$ 950.00
194661	02-0604-1501-0000	LUNDELL LIMITED PARTNERSHIP	\$ 1,957,914	\$ 500,000	\$ 950.00
194664	02-0604-1504-0000	OGDEN ROBERT L & MARY D LP	\$ 1,088,787	\$ 500,000	\$ 950.00
194665	02-0604-1505-0000	CHELF JEANETTE	\$ 411,689	\$ 411,689	\$ 782.21
194666	02-0604-1506-0000	SIXTH WEST OF 723 LC	\$ 944,823	\$ 500,000	\$ 950.00
194667	02-0604-1507-0000	SIXTH WEST OF 723 LC	\$ 613,363	\$ 500,000	\$ 950.00
194668	02-0604-1508-0000	SIXTH WEST OF 723 LC	\$ 607,843	\$ 500,000	\$ 950.00
194669	02-0604-1510-0000	723 SIXTH LC	\$ 277,881	\$ 277,881	\$ 527.97
194670	02-0604-1517-0000	723 SIXTH LC	\$ 205,016	\$ 205,016	\$ 389.53
194671	02-0604-1518-0000	723 SIXTH LC	\$ 73,656	\$ 73,656	\$ 139.95
194673	02-0604-1520-0000	HH AUSTIN HOTEL ASSOCIATES L P	\$ 50,000,000	\$ 500,000	\$ 950.00
194679	02-0604-1607-0000	PARKING LOT SIXTH LC	\$ 458,023	\$ 458,023	\$ 870.24
194680	02-0604-1608-0000	PARKING LOT SIXTH LC	\$ 348,280	\$ 348,280	\$ 661.73
194681	02-0604-1609-0000	PARKING LOT SIXTH LC	\$ 177,772	\$ 177,772	\$ 337.77
194682	02-0604-1610-0000	PARKING LOT SIXTH LC	\$ 188,749	\$ 188,749	\$ 358.62
194683	02-0604-1611-0000	504 TRINITY LLC	\$ 699,855	\$ 500,000	\$ 950.00
194684	02-0604-1612-0000	DAYWOOD CHARLES ANTHONY	\$ 1,566,810	\$ 500,000	\$ 950.00
758727	02-0603-0618-0000	6TH & CONGRESS PROPERTIES LLC	\$ 15,910,621	\$ 500,000	\$ 950.00

Total \$ 398,895,187 \$ 51,111,183 \$ 97,111.24

I, Diana Thomas, CPA and Controller for the City of Austin, affirm and attest that this is a true and correct account of all assessments for the East Sixth Street Public Improvement District as of November 6, 2015 based upon data furnished to the City of Austin by the Travis County Central Appraisal District, supplement 149.


Diana Thomas, CPA, Controller, City of Austin