

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30

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

PART 1. The City Council makes the following findings:

- Date: 11/18/2016 10:42 AM Page 1 of 4 COA Law Department
M:\GC\GLA\2016 Council Items\Drafts\12-1-16\Whisper Valley PID Levying Assessments draft ordinance Responsible Att'y: Maria Sanchez

1 (3) establish substantial justice, equality, and uniformity in the amount
2 assessed against each property owner for the benefits received and
3 burdens imposed.

4 (H) In each case, the property assessed is benefited by the services and
5 improvements provided in the District.

6 (I) The exclusion of certain property from assessment is reasonable because the
7 excluded property will not receive a benefit from the District that is sufficient
8 to justify an assessment and the exclusions promote efficient management of
9 the District.

10 (J) The procedures followed and apportionment of the cost of the services and
11 improvements in the District comply with applicable law and the purpose for
12 which the District was formed.

13 (K) The assessments are based on each parcel owners pro rata share of the
14 Assessable Acres.

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

17 (A) property of the City used for public purpose;

18 (B) property owned by the County and property owned by political subdivisions of
19 the State of Texas and used for public purpose; and

20 (C) other property that is excluded by law or by agreement of the City and the
21 petitioners.

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

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

1 **PART 5. Interest and Lien.**

2 An assessment shown on Exhibit A:

- 3 (1) accrues interest at the rate of 0% from the effective date of this ordinance
4 until January 31, 2017 for the portion of the assessment due on January 31,
5 2017;
- 6 (2) accrues interest at the rate of 0% from the effective date of this ordinance
7 until July 1, 2017 for the portion of the assessment due on July 1, 2017;
- 8 (3) accrues interest, penalties, and attorney's fees in the same manner as a
9 delinquent ad valorem tax after January 31, 2017 and July 1, 2017,
10 respectively, until paid; and
- 11 (4) is a lien on the property shown in Exhibit "A" and the personal liability of
12 the property owner.

13 **PART 6. Due Date and Collection.** An assessment is due and payable in full on or
14 before the due dates (January 31, 2017 and July 1, 2017). If a property owner defaults on
15 payment of an assessment against the owner's property, the city manager may file suit to
16 collect the assessment and may initiate a lien foreclosure, including interest, penalties,
17 costs and attorney's fees.

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

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

24

PART 9. This ordinance takes effect on _____, 2016.

PASSED AND APPROVED

§

§

§

_____, 2016

Steve Adler
Mayor

APPROVED: _____

Anne L. Morgan
City Attorney

ATTEST: _____

Jannette S. Goodall
City Clerk