

ORDINANCE NO. 041202-54

AN ORDINANCE LEVYING ASSESSMENTS FOR CALENDAR YEAR 2005 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) authorizes the creation of the East Sixth Street Downtown Public Improvement District (District).
- (B) On August 26, 2004, the City Council passed a resolution, which approved the creation of the District in accordance with its findings.
- (C) On November 4, 2004, the City Council approved a calendar year 2005 assessment rate, proposed year 2005 assessment roll, and a Service Plan and Budget for the District.
- (D) On December 2, 2004, 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 2005.
- (E) At the December 2, 2004 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 owners 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 February 1, 2005;
 - (2) accrues interest, penalties, and attorney's fees in the same manner as a delinquent ad valorem tax after February 1, 2005, 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 February 1, 2005. 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.

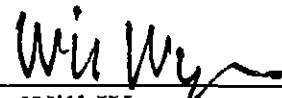
PART 9. Severability. The provisions of this ordinance are severable. If any provision of this ordinance or its application to a person or circumstance is held to be invalid, the invalidity does not affect other provisions or applications of this ordinance.

PART 10. This ordinance takes effect on December 13, 2004.

PASSED AND APPROVED

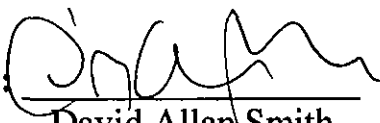
_____, December 2, 2004

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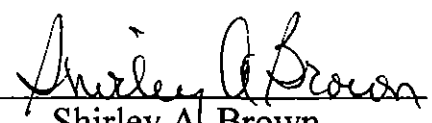
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

EXHIBIT A

**CITY OF AUSTIN
EAST SIXTH STREET PUBLIC IMPROVEMENT DISTRICT
2005 ASSESSMENT**

Based on 10/23/04 TCAD tax roll

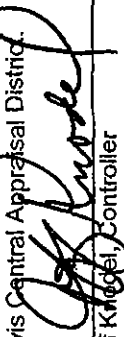
Litigation	Parcel	Owner	Land		Improvement		Total		Exemption	Net		\$.10/\$100 Amount
			Assessed Value	Value	Assessed Value	Value	Assessed Value	Value		Assessed Value	Value	
L	02-0603-0611 0000	MERIT LITTLEFIELD MALL L P	2,944,000		845,124		3,789,124		3,289,124	500,000		500.00
	02-0603-0613 0000	HINES AUSTIN LIMITED PARTNERSH	1,472,000		203,000		1,675,000		1,175,000	500,000		500.00
	02-0603-0615 0000	HINES AUSTIN LIMITED PARTNERSH	2,980,800		734,200		3,715,000		3,215,000	500,000		500.00
	02-0603-0616 0000	HINES AUSTIN LIMITED PARTNERSH	2,980,800		18,152,200		21,133,000		20,633,000	500,000		500.00
L	02-0603-0701 0000	MERIT LITTLEFIELD L P	1,676,700		8,548,300		10,225,000		9,725,000	500,000		500.00
	02-0603-0711 0000	WENDLANDT BILL COMPANY INC	232,100		336,700		568,800		68,800	500,000		500.00
	02-0603-0712 0000	GREAT AMERICAN LIFE INSURANCE	2,512,000		9,040,398		11,552,398		11,052,398	500,000		500.00
	02-0603-0713 0000	GREAT AMERICAN LIFE INSURANCE	1,168,000		6,854,694		8,022,694		7,522,694	500,000		500.00
	02-0603-0714 0000	JLKP BRAZOS 610 FAMILY LIMITED	141,700		778,300		920,000		420,000	500,000		500.00
	02-0603-1102 0000	HANG EM HIGH SALOON L L C	588,800		1,290,500		1,879,300		1,379,300	500,000		500.00
	02-0603-1103 0000	209 E 6TH STREET LTD	147,200		493,664		640,864		140,864	500,000		500.00
	02-0603-1104 0000	RENDON ADOLFO & VALERIE VARGAS	147,200		269,100		416,300		0	416,300		416.00
	02-0603-1105 0000	LAVES BENARD & HAROLD P LAVES	147,200		129,276		276,476		0	276,476		276.00
	02-0603-1106 0000	LAVES BENARD & HAROLD	147,200		229,400		376,600		0	376,600		377.00
	02-0603-1107 0000	LAVES BENARD &	147,200		253,500		400,700		0	400,700		401.00
	02-0603-1108 0000	CEREAL BOWL L C	155,950		228,750		384,700		0	384,700		385.00
	02-0603-1109 0000	TOUCHE INC	285,650		422,634		708,284		208,284	500,000		500.00
	02-0603-1208 0000	BULLARD THOMAS HUGH	262,400		949,600		1,212,000		712,000	500,000		500.00
	02-0603-1209 0000	WHITE B O JR & ROBERT E WHITE	179,200		321,800		501,000		1,000	500,000		500.00
	02-0603-1210 0000	WHIMSICAL NOTIONS INC	291,200		682,650		973,850		473,850	500,000		500.00
	02-0603-1214 0000	HANNIG ROW PARTNERSHIP	1,033,600		2,866,400		3,900,000		3,400,000	500,000		500.00
	02-0603-1603 0000	ELMIGER FAMILY LTD &	294,400		617,004		911,404		411,404	500,000		500.00
	02-0603-1604 0000	RADKEY O H	147,200		183,633		330,833		0	330,833		331.00
	02-0603-1605 0000	AUSTIN APOLLO	147,200		0		147,200		0	147,200		147.00
	02-0603-1606 0000	VALENTINE & FRIENDS INC	147,200		232,200		379,400		0	379,400		379.00
	02-0603-1607 0000	ROGERS CHONG S	73,600		48,729		122,329		0	122,329		122.00
	02-0603-1608 0000	SIMMS JOHN LEE & JOAN L MCLEOD	73,600		32,930		106,530		0	106,530		107.00
	02-0603-1609 0000	SIMMS JOHN LEE & JOAN L MCLEOD	147,200		48,700		195,900		0	195,900		196.00

Litigation	Parcel	Owner	Land Assessed Value	Improvement Assessed Value	Total Assessed Value	Exemption	Net Assessed Value	\$10/\$100 Amount
	02-0603-1610 0000	DENANCY TRUST	147,200	107,300	254,500	0	254,500	255.00
	02-0603-1611 0000	SILBERTSTEIN NANCY BETH & DENA	147,200	203,800	351,000	0	351,000	351.00
	02-0603-1612 0000	321 EAST 6TH ST LTD	140,800	259,200	400,000	0	400,000	400.00
	02-0603-1613 0000	SHEA TERESA JOSEPH	89,600	127,100	216,700	0	216,700	217.00
	02-0603-1614 0000	SMITH-HAGE BUILDING L P	211,200	788,800	1,000,000	500,000	500,000	500.00
	02-0603-1701 0000	JOSEPH MARY Y	55,300	128,415	183,715	0	183,715	184.00
	02-0603-1706 0000	PECAN STREET REAL ESTATE HOLDI	294,400	607,500	901,900	401,900	500,000	500.00
	02-0603-1707 0000	CRADDOCK LARRY J & BETTE C PRE	137,400	346,900	484,300	0	484,300	484.00
	02-0603-1708 0000	CRADDOCK LARRY J & BETTE C PRE	157,000	0	157,000	0	157,000	157.00
	02-0603-1709 0000	LINN EMMA L	147,200	347,111	494,311	0	494,311	494.00
	02-0603-1710 0000	MANOS GLORIA ZEGUB & CHARLENE	147,200	70,900	218,100	0	218,100	218.00
	02-0603-1711 0000	CRADDOCK LARRY J & BETTE C PRE	294,400	545,600	840,000	340,000	500,000	500.00
	02-0603-1712 0000	JOSEPH JOSEPH & WILLIAMS PARTN	147,200	211,400	358,600	0	358,600	359.00
	02-0603-1713 0000	RAMZI CORP	147,200	374,400	521,600	21,600	500,000	500.00
	02-0603-1714 0000	RAMZI CORP	124,100	325,300	449,400	0	449,400	449.00
	02-0603-1715 0000	JIMENEZ CESAR TRUST	115,000	286,600	401,600	0	401,600	402.00
	02-0604-0102 0000	ARMSTRONG HAL B III	179,200	686,200	865,400	365,400	500,000	500.00
	02-0604-0103 0000	FOX SAXON TRUSTEE	204,800	421,100	625,900	125,900	500,000	500.00
	02-0604-0104 0000	SCHULTZ ENTERPRISE LLC	211,200	488,800	700,000	200,000	500,000	500.00
	02-0604-0105 0000	409-411 EAST 6TH STREET	409,600	757,400	1,167,000	667,000	500,000	500.00
	02-0604-0106 0000	JABOUR ARTHUR	96,000	126,000	222,000	0	222,000	222.00
	02-0604-0107 0000	KOURI & KOURI 6TH ST PROPERTIE	96,000	145,700	241,700	0	241,700	242.00
	02-0604-0108 0000	RATR INC	185,600	295,100	480,700	0	480,700	481.00
	02-0604-0109 0000	421 SIXTH ST LTD	182,400	588,740	771,140	271,140	500,000	500.00
	02-0604-0110 0000	AMITIE L P	192,000	264,600	456,600	0	456,600	457.00
	02-0604-0201 0000	WOOLRIDGE ASSOCIATES LLC	184,600	340,400	525,000	25,000	500,000	500.00
	02-0604-0203 0000	LAKE INVESTMENT & PRODUCTION	257,000	35,069	292,069	0	292,069	292.00
	02-0604-0208 0000	JO ME NI	294,400	334,600	629,000	129,000	500,000	500.00
	02-0604-0209 0000	HIRSCHFELD PAULINE SIMON ETAL	224,000	276,000	500,000	0	500,000	500.00
	02-0604-0210 0000	CARLIN JOE	134,400	113,800	248,200	0	248,200	248.00
	02-0604-0211 0000	JABOUR THEODORE AND ARTHUR	121,600	35,213	156,813	0	156,813	157.00
	02-0604-0212 0000	SIMS WILLIAM EARL & JANIE M	105,600	128,625	234,225	0	234,225	234.00
	02-0604-0214 0000	REEF ENTERPRIZES L L C	127,600	78,300	205,900	0	205,900	206.00

Litigation	Parcel	Owner	Land Assessed Value	Improvement Assessed Value	Total Assessed Value	Exemption	Net Assessed Value	\$,10/\$100 Amount
	02-0604-0215 0000	406 E SIXTH STREET LTD	147,200	218,400	365,600	0	365,600	366.00
	02-0604-0216 0000	404 E SIXTH STREET LTD	147,200	183,200	330,400	0	330,400	330.00
	02-0604-0217 0000	402 EAST SIXTH VENTURE INC	147,200	251,000	398,200	0	398,200	398.00
	02-0604-0218 0000	COHEN ANITA MAE TRUSTEE	147,200	272,800	420,000	0	420,000	420.00
	02-0604-0501 0000	GRIMES DAVID H & ELIZABETH C	125,775	83,057	208,832	0	208,832	209.00
	02-0604-0502 0000	GRIMES DAVID H & ELIZABETH C	96,255	193,444	289,699	0	289,699	290.00
	02-0604-0503 0000	GARNER DONALD N	175,455	299,545	475,000	0	475,000	475.00
	02-0604-0504 0000	EAST SIXTH STREET LTD	173,970	499,723	673,693	173,693	500,000	500.00
	02-0604-0505 0000	BOOTHE TERRY E	118,890	247,210	366,100	0	366,100	366.00
	02-0604-0506 0000	JHMBW L P	215,865	209,635	425,500	0	425,500	426.00
	02-0604-0507 0000	LAMAR ENTERPRISES INC	81,855	58,345	140,200	0	140,200	140.00
	02-0604-0508 0000	BERNHARD GARY L & ELIZ	143,010	20,280	163,290	0	163,290	163.00
	02-0604-0509 0000	CASMARK PROPERTIES LLC	127,170	116,530	243,700	0	243,700	244.00
	02-0604-0510 0000	3 DH JOINT VENTURE	127,170	71,332	198,502	0	198,502	199.00
	02-0604-0511 0000	SHELTON MICHAEL L & SHANNON SE	397,440	397,560	795,000	295,000	500,000	500.00
	02-0604-0514 0000	MAURO CARMELO & HILARY	1,191,735	627,872	1,819,607	1,319,607	500,000	500.00
	02-0604-0516 0000	LAMAR ENTERPRISES INC	91,755	49,422	141,177	0	141,177	141.00
	02-0604-0517 0000	COMPANY 512	117,630	74,310	191,940	0	191,940	192.00
	02-0604-0606 0000	CARRINGTON GROUP L L C	397,440	539,967	937,407	437,407	500,000	500.00
	02-0604-0607 0000	OLSON LARUE FAMILY TRUST & M L	132,480	6,597	139,077	0	139,077	139.00
	02-0604-0608 0000	OLSON LARUE FAMILY TRUST & M L	132,480	76,039	208,519	0	208,519	209.00
	02-0604-0609 0000	OLSON LARUE FAMILY TRUST & M L	132,480	133,234	265,714	0	265,714	266.00
	02-0604-0610 0000	508 E SIXTH STREET LTD	501,552	192,948	694,500	194,500	500,000	500.00
	02-0604-0611 0000	500 E 6TH STREET INC	132,480	226,920	359,400	0	359,400	359.00
	02-0604-0612 0000	CASTRO LUCIANO JR	104,850	141,350	246,200	0	246,200	246.00
L	02-0604-1001 0000	GRANT BUILDINGS L P	3,808,800	2,607,200	6,416,000	5,916,000	500,000	500.00
	02-0604-1110 0000	DAYWOOD CARL	188,416	138,584	327,000	0	327,000	327.00
	02-0604-1111 0000	3DH JOINT VENTURE	90,112	133,688	223,800	0	223,800	224.00
	02-0604-1112 0000	AP3-PPW LTD & MORARR LTD	202,752	216,248	419,000	0	419,000	419.00
	02-0604-1113 0000	LAHR GREGORY H & PETER BARLIN	153,600	0	153,600	0	153,600	154.00
	02-0604-1115 0000	HENDRIX FRANK	361,000	165,200	526,200	26,200	500,000	500.00
	02-0604-1116 0000	RUSH JOYCE	94,208	75,640	169,848	0	169,848	170.00
	02-0604-1117 0000	PECAN STREET LIMITED PARTNERSH	207,320	351,453	558,773	58,773	500,000	500.00

Litigation	Parcel	Owner	Land Assessed Value	Improvement Assessed Value	Total Assessed Value	Exemption	Net Assessed Value	Net \$10/\$100 Amount
	02-0604-1501 0000	LUNDELL LIMITED PARTNERSHIP	140,616	501,294	641,910	141,910	500,000	500.00
	02-0604-1504 0000	OGDEN MARY D	158,880	206,667	365,547	0	365,547	366.00
	02-0604-1505 0000	CHELF JEANETTE	94,040	108,860	202,900	0	202,900	203.00
	02-0604-1506 0000	SIXTH STREET INVESTMENTS INC	77,376	297,613	374,989	0	374,989	375.00
	02-0604-1507 0000	DREYFUS DOMINIQUE & GEORGE H	75,232	163,268	238,500	0	238,500	239.00
	02-0604-1508 0000	DREYFUS GEORGE &	75,232	163,268	238,500	0	238,500	239.00
	02-0604-1510 0000	723 EAST SIXTH STREET LC	94,040	102,004	196,044	0	196,044	196.00
	02-0604-1517 0000	723 EAST SIXTH STREET LC	51,680	58,937	110,617	0	110,617	111.00
	02-0604-1518 0000	723 EAST SIXTH STREET LC	23,808	0	23,808	0	23,808	24.00
L	02-0604-1520 0000	THI AUSTIN L P	1,118,872	11,351,858	12,470,730	11,970,730	500,000	500.00
	02-0604-1607 0000	MANOS VIOLET ETALS	147,200	2,623	149,823	0	149,823	150.00
	02-0604-1608 0000	MANOS VIOLET ETALS	111,872	2,176	114,048	0	114,048	114.00
	02-0604-1609 0000	MANOS VIOLET ETALS	57,120	1,057	58,177	0	58,177	58.00
	02-0604-1610 0000	MANOS VIOLET ETALS	60,640	1,144	61,784	0	61,784	62.00
	02-0604-1611 0000	HABANA 6TH ST PROPERTIES LTD	131,520	93,480	225,000	0	225,000	225.00
	02-0604-1612 0000	DAYWOOD RUBY TRUSTEE OF	213,293	195,107	408,400	0	408,400	408.00
Total:			392,738,944	898,207,007	1,290,945,951	143,000,000	38,782,836	38,788.00
Parcel Count:			110					

I, Jeff Knodel, affirm and attest that this is a true and correct account of all assessments used for the Austin East Sixth Street Public Improvement District as of October 23, 2004 as furnished to the City of Austin by Travis Central Appraisal District.


Jeff Knodel, Controller