

ORDINANCE NO. 20051201-056

AN ORDINANCE LEVYING ASSESSMENTS FOR CALENDAR YEAR 2006 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 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 3, 2005, the City Council approved a calendar year 2006 assessment rate, proposed year 2006 assessment roll, and a Service Plan and Budget for the District.
- (D) On December 1, 2005, 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 2006.
- (E) At the December 1, 2005 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, 2006;
 - (2) accrues interest, penalties, and attorney's fees in the same manner as a delinquent ad valorem tax after February 1, 2006, 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, 2006. 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 12, 2005.

PASSED AND APPROVED

_____, December 1, 2005

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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
2006 ASSESSMENT**

Based on 08/16/2005 TCAD tax roll

Parcel	Owner	Land Assessed Value	Improvement Assessed Value	Total Assessed Value	Exemption	Net Assessed Value	\$.10/\$100 Amount
02-0603-0613 0000	WALTON STACY OFFICE	1,472,000	203,000	1,675,000	1,175,000	500,000	500.00
02-0603-0615 0000	WALTON STACY OFFICE	2,980,800	5,539,467	8,520,267	8,020,267	500,000	500.00
02-0603-0616 0000	WALTON STACY OFFICE	2,980,800	20,977,156	23,957,956	23,457,956	500,000	500.00
02-0603-0701 0000	MERIT LITTLEFIELD L P	1,676,700	8,361,889	10,038,589	9,538,589	500,000	500.00
02-0603-0711 0000	WENDLANDT BILL COMPANY INC	232,100	381,230	613,330	113,330	500,000	500.00
02-0603-0712 0000	GREAT AMERICAN LIFE INSURANCE	2,512,000	9,488,000	12,000,000	11,500,000	500,000	500.00
02-0603-0713 0000	GREAT AMERICAN LIFE INSURANCE	1,168,000	6,587,000	7,755,000	7,255,000	500,000	500.00
02-0603-0714 0000	JKP BRAZOS 610 FAMILY LIMITED	141,700	964,467	1,106,167	606,167	500,000	500.00
02-0603-1102 0000	HANG EM HIGH SALOON L L C	588,800	1,291,111	1,879,911	1,379,911	500,000	500.00
02-0603-1103 0000	209 E 6TH STREET LTD	147,200	651,639	798,839	298,839	500,000	500.00
02-0603-1104 0000	RENDON ADOLFO & VALERIE VARGAS	147,200	289,100	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	229,463	376,663	0	376,663	377.00
02-0603-1107 0000	LAVES BENARD &	147,200	253,649	400,849	0	400,849	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	392,915	678,565	178,565	500,000	500.00
02-0603-1208 0000	BULLARD THOMAS HUGH	262,400	950,177	1,212,577	712,577	500,000	500.00
02-0603-1209 0000	WHITE B O JR & ROBERT E WHITE	179,200	321,912	501,112	1,112	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

Parcel	Owner	Land Assessed Value	Improvement Assessed Value	Total Assessed Value	Exemption	Net Assessed Value	\$.10/\$100 Amount
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	48,730	122,330	0	122,330	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	48,721	195,921	0	195,921	196.00
02-0603-1610 0000	DENANCY TRUST	147,200	107,316	254,516	0	254,516	255.00
02-0603-1611 0000	SILBERTSTEIN NANCY BETH & DENA	147,200	203,940	351,140	0	351,140	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	127,156	216,756	0	216,756	217.00
02-0603-1614 0000	SMITH-HAGE BUILDING L P	211,200	531,794	742,994	242,994	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	610,388	904,788	404,788	500,000	500.00
02-0603-1707 0000	CRADDOCK LARRY J & BETTE C PRE	137,400	332,735	470,135	0	470,135	470.00
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	70,979	218,179	0	218,179	218.00
02-0603-1711 0000	CRADDOCK LARRY J & BETTE C PRE	294,400	545,861	840,261	340,261	500,000	500.00
02-0603-1712 0000	JOSEPH JOSEPH & WILLIAMS PARTN	147,200	211,536	358,736	0	358,736	359.00
02-0603-1713 0000	RAMZI CORP	147,200	374,502	521,702	21,702	500,000	500.00
02-0603-1714 0000	RAMZI CORP	124,100	325,738	449,838	0	449,838	450.00
02-0603-1715 0000	JIMENEZ CESAR TRUST	115,000	286,600	401,600	0	401,600	402.00
02-0603-2202 0000	MERIT LITTLEFIELD MALL L P	1,177,600	1,973,175	3,150,775	2,850,775	500,000	500.00
02-0603-2203 0000	LITTLEFIELD AUSTIN PARTNERS LP	883,200	2,244,000	3,127,200	2,627,200	500,000	500.00
02-0603-2204 0000	LITTLEFIELD AUSTIN PARTNERS LP	883,200	2,000,000	2,883,200	2,383,200	500,000	500.00
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

Parcel	Owner	Land Assessed Value	Improvement Assessed Value	Total Assessed Value	Exemption	Net Assessed Value	\$.10/\$.100 Amount
02-0604-0106 0000	JABOUR ARTHUR	96,000	126,045	222,045	0	222,045	222.00
02-0604-0107 0000	KOURI & KOURI 6TH ST PROPERTIE	96,000	141,854	237,854	0	237,854	238.00
02-0604-0108 0000	RATR INC	185,600	269,422	455,022	0	455,022	455.00
02-0604-0109 0000	421 SIXTH ST LTD	182,400	568,740	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	WOOLDRIDGE ASSOCIATES LLC	184,600	340,400	525,000	25,000	500,000	500.00
02-0604-0203 0000	LAKE INVESTMENT & PRODUCTION	257,000	35,068	292,068	0	292,068	292.00
02-0604-0208 0000	JO ME MI	284,400	334,826	629,226	129,226	500,000	500.00
02-0604-0209 0000	HIRSCHFELD PAULINE SIMON ETAL	224,000	259,391	483,391	0	483,391	483.00
02-0604-0210 0000	CARLIN JOE	134,400	110,799	245,199	0	245,199	245.00
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	306,200	215,200	521,400	21,400	500,000	500.00
02-0604-0215 0000	406 E SIXTH STREET LTD	147,200	218,468	365,668	0	365,668	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	251,119	398,319	0	398,319	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	81,919	207,694	0	207,694	208.00
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	296,580	472,035	0	472,035	472.00
02-0604-0504 0000	EAST SIXTH STREET LTD	173,970	499,925	673,895	173,895	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	215,885	209,780	425,645	0	425,645	426.00
02-0604-0507 0000	LAMAR ENTERPRISES INC	183,700	134,300	298,000	0	298,000	298.00
02-0604-0508 0000	BERNHARD GARY L & ELIZ	143,010	18,720	161,730	0	161,730	162.00
02-0604-0509 0000	CASMARK PROPERTIES LLC	127,170	109,067	236,237	0	236,237	236.00
02-0604-0510 0000	3 DH JOINT VENTURE	127,170	71,332	198,502	0	198,502	199.00

Parcel	Owner	Land Assessed Value	Improvement Assessed Value	Total Assessed Value	Exemption	Net Assessed Value	\$.10/\$100 Amount
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	137,800	153,800	291,400	0	291,400	291.00
02-0604-0517 0000	COMPANY 512	117,830	74,311	191,941	0	191,941	192.00
02-0604-0606 0000	CARRINGTON GROUP L L C	397,440	599,983	997,423	497,423	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	75,135	207,615	0	207,615	208.00
02-0604-0609 0000	OLSON LARUE FAMILY TRUST & M L	132,480	131,792	264,272	0	264,272	264.00
02-0604-0610 0000	508 E 50TH 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
02-0604-1001 0000	GRANT BUILDINGS L P	3,808,800	3,280,593	7,089,393	6,589,393	500,000	500.00
02-0604-1110 0000	DAYWOOD CARL	188,416	154,385	342,801	0	342,801	343.00
02-0604-1111 0000	3DH JOINT VENTURE	90,112	103,889	194,001	0	194,001	194.00
02-0604-1112 0000	AP3-PPW LTD & MOR/ARR LTD	202,800	176,500	379,300	0	379,300	379.00
02-0604-1113 0000	BARLIN PETER	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	75,639	169,847	0	169,847	170.00
02-0604-1117 0000	PECAN STREET LIMITED PARTNERSH	207,320	351,453	558,773	58,773	500,000	500.00
02-0604-1501 0000	LUNDELL LIMITED PARTNERSHIP	140,816	556,970	697,586	197,586	500,000	500.00
02-0604-1504 0000	OGDEN MARY D	158,880	206,850	365,730	0	365,730	366.00
02-0604-1505 0000	CHELF JEANETTE	94,040	108,851	202,891	0	202,891	203.00
02-0604-1506 0000	WILLIAMSON COUNTY INVESTMENTS	77,376	330,682	408,058	0	408,058	408.00
02-0604-1507 0000	DREYFUS DOMINIQUE & GEORGE H	75,232	183,119	258,351	0	258,351	258.00
02-0604-1508 0000	DREYFUS GEORGE &	75,232	182,032	257,264	0	257,264	257.00
02-0604-1510 0000	J H M B W LP	94,040	102,004	196,044	0	196,044	196.00
02-0604-1517 0000	J H M B W LP	51,880	58,937	110,617	0	110,617	111.00

Parcel	Owner	Land Assessed Value	Improvement Assessed Value	Total Assessed Value	Exemption	Net Assessed Value	\$.10/\$100 Amount
02-0604-1518 0000	J H M B W LP	23,808	0	23,808	0	23,808	24.00
02-0604-1520 0000	THI AUSTIN L P	1,118,872	9,881,128	11,000,000	10,500,000	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	2,178	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	104,285	235,785	0	235,785	236.00
02-0604-1612 0000	DAYWOOD RUBY TRUSTEE OF	213,293	195,107	408,400	0	408,400	408.00
Total:		39,730,204	99,457,334	139,187,538	88,850,930	40,336,608	40,336.00
Parcel Count:		112					