AUSTIN CITY COUNCIL

AGENDA



Thursday, November 30, 2006

Back Print

Public Hearings and Possible Actions **ITEM No. 62**
RECOMMENDATION FOR COUNCIL ACTION

Subject: Conduct a public hearing and approve an ordinance on the East 6th Street Public Improvement District (PID) 2007 assessments, adopting the assessment roll and levying assessments.

Amount and Source of Funding: Funding at the approved 2007 assessment rate of $0.10/$100 valuation is estimated to produce $41,214 at a 89.92% collection rate (Related to #12)

Fiscal Note: There is no unanticipated fiscal impact. A fiscal note is not required

Additional Backup Material
(click to open)
- **Assessment Roll**
- **Ordinance**

For More Information: Michael Knox, Downtown Officer / 974-6415; David Lloyd, City Attorney / 974-2918

Prior Council Action: Approved 2007 E 6th Street PID Service Plan and Budget and approved the 2007 PID assessment rate ($0 10/$100 valuation) and proposed assessment roll on November 16, 2006

On November 16, 2006, the City Council approved the 2007 assessment rate for the District (at the current rate of $0.10 per $100 valuation), and approved the proposed 2007 assessment roll Assessments on real property fund the PID services.

State law requires a public hearing by Council to consider the proposed assessments Approval of the assessment rate and proposed roll on November 16, 2006 allowed notices to be sent to property owners, giving them an opportunity to review the property valuations prior to the public hearing Property owners have a right to challenge their assessment at the hearing At the hearing, the Council must hear and pass on any objection, made orally or in writing, to any proposed assessment, prior to approval of the ordinance levying assessments and setting the method of collection and the rate of interest for late payments. Approval of the assessment roll ordinance is the final Council action required in the annual process of approving PID assessments

CITY OF AUSTIN
EAST SIXTH STREET PUBLIC IMPROVEMENT DISTRICT
2007 ASSESSMENT

Based on 10/16/06 TCAD tax roll

Litigation	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	5,987,928	8,968,728	8,468,728	500,000	500.00
	02-0603-0616 0000	WALTON STACY OFFICE	2,980,800	24,011,067	26,991,867	26,491,867	500,000	500.00
L	02-0603-0701 0000	MERIT LITTLEFIELD L P	1,676,700	10,561,562	12,238,262	11,738,262	500,000	500.00
	02-0603-0711 0000	WENDLANDT BILL COMPANY INC	278,520	504,121	782,641	282,641	500,000	500.00
	02-0603-0712 0000	GREAT AMERICAN LIFE INSURANCE	2,512,000	10,716,952	13,228,952	12,728,952	500,000	500.00
	02-0603-0713 0000	LH BRAZOS HOLDING LP	1,168,000	8,019,744	9,187,744	8,687,744	500,000	500 00
	02-0603-0714 0000	JLKP BRAZOS 610 FAMILY LIMITED	170,040	891,660	1,061,700	561,700	500,000	500.00
	02-0603-1102 0000	HANG EM HIGH SALOON L L C	706,560	2,559,888	3,266,448	2,766,448	500,000	500.00
	02-0603-1103 0000	209 E 6TH STREET LTD	176,640	835,279	1,011,919	511,919	500,000	500.00
	02-0603-1104 0000	RENDON ADOLFO & VALERIE VARGAS	176,640	467,941	644,581	144,581	500,000	500.00
	02-0603-1105 0000	LAVES BENARD & HAROLD P LAVES	176,640	222,993	399,633	0	399,633	400 00
	02-0603-1106 0000	LAVES BENARD & HAROLD	176,640	303,304	479,944	0	479,944	480 00
	02-0603-1107 0000	LAVES BENARD &	176,640	443,759	620,399	120,399	500,000	500 00
	02-0603-1108 0000	CEREAL BOWL L C	187,140	361,452	548,592	48,592	500,000	500 00
	02-0603-1109 0000	TOUCHE INC	342,780	779,058	1,121,838	621,838	500,000	500 00
	02-0603-1208 0000	BULLARD THOMAS HUGH	314,880	1,255,953	1,570,833	1,070,833	500,000	500 00
	02-0603-1209 0000	WHITE B O JR & ROBERT E WHITE	215,040	638,307	853,347	353,347	500,000	500 00
	02-0603-1210 0000	WHIMSICAL NOTIONS INC	349,440	945,270	1,294,710	794,710	500,000	500 00
	02-0603-1214 0000	HANNIG ROW PARTNERSHIP	1,240,320	2,989,320	4,229,640	3,729,640	500,000	500.00
	02-0603-1603 0000	ELMIGER FAMILY LTD &	353,280	789,894	1,143,174	643,174	500,000	500 00
	02-0603-1604 0000	RADKEY O H	176,640	275,708	452,348	0	452,348	452 00
	02-0603-1605 0000	AUSTIN APOLLO	176,640	0	176,640	0	176,640	177 00

Litigation	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	176,640	449,651	626,291	126,291	500,000	500.00
	02-0603-1607 0000	ROGERS CHONG S	88,320	84,051	172,371	0	172,371	172 00
	02-0603-1608 0000	SIMMS JOHN LEE & JOAN L MCLEOD	88,320	56,799	145,119	0	145,119	145 00
	02-0603-1609 0000	SIMMS JOHN LEE & JOAN L MCLEOD	176,640	96,603	273,243	0	273,243	273 00
	02-0603-1610 0000	DENANCY TRUST	176,640	212,805	389,445	0	389,445	389 00
	02-0603-1611 0000	SILBERTSTEIN NANCY BETH & DENA	176,640	404,375	581,015	81,015	500,000	500 00
	02-0603-1612 0000	321 EAST 6TH ST LTD	168,960	395,694	564,654	64,654	500,000	500 00
	02-0603-1613 0000	SHEA TERESA JOSEPH	107,520	194,781	302,301	0	302,301	302 00
	02-0603-1614 0000	SMITH-HAGE BUILDING L P	253,440	1,054,493	1,307,933	807,933	500,000	500 00
	02-0603-1701 0000	JOSEPH MARY Y	66,360	205,652	272,012	0	272,012	272 00
	02-0603-1706 0000	PECAN STREET REAL ESTATE HOLDI	353,280	803,880	1,157,160	657,160	500,000	500 00
	02-0603-1707 0000	CRADDOCK LARRY J & BETTE C PRE	164,880	659,744	824,624	324,624	500,000	500 00
	02-0603-1708 0000	CRADDOCK LARRY J & BETTE C PRE	188,400	0	188,400	0	188,400	188 00
	02-0603-1709 0000	LINN EMMA L	176,640	394,303	570,943	70,943	500,000	500 00
	02-0603-1710 0000	MANOS GLORIA ZEGUB & CHARLENE	176,640	140,730	317,370	0	317,370	317 00
	02-0603-1711 0000	CRADDOCK LARRY J & BETTE C PRE	353,280	721,576	1,074,856	574,856	500,000	500 00
	02-0603-1712 0000	JOSEPH JOSEPH & WILLIAMS PARTN	176,640	419,432	596,072	96,072	500,000	500 00
	02-0603-1713 0000	RAMZI CORP	176,640	742,611	919,251	419,251	500,000	500 00
	02-0603-1714 0000	RAMZI CORP	148,920	645,321	794,241	294,241	500,000	500 00
	02-0603-1715 0000	JIMENEZ CESAR TRUST	138,000	516,713	654,713	154,713	500,000	500 00
	02-0603-2202 0000	MERIT LITTLEFIELD MALL L P	1,177,600	1,973,175	3,150,775	2,650,775	500,000	500 00
	02-0603-2203 0000	LITTLEFIELD AUSTIN PARTNERS LP	883,200	2,013,220	2,896,420	2,396,420	500,000	500 00
	02-0603-2204 0000	LITTLEFIELD AUSTIN PARTNERS LP	883,200	1,769,220	2,652,420	2,152,420	500,000	500 00
	02-0604-0102 0000	ARMSTRONG HAL B III	215,040	1,266,192	1,481,232	981,232	500,000	500 00
	02-0604-0103 0000	FOX SAXON TRUSTEE	245,760	817,520	1,063,280	563,280	500,000	500 00
	02-0604-0104 0000	SCHULTZ ENTERPRISE LLC	253,440	854,784	1,108,224	608,224	500,000	500 00
	02-0604-0105 0000	DESILVA DAVID IRI	491,520	1,362,588	1,854,108	1,354,108	500,000	500 00

Litigation	Parcel	Owner	Land Assessed Value	Improvement Assessed Value	Total Assessed Value	Exemption	Net Assessed Value	$.10/$100 Amount
	02-0604-0106 0000	JABOUR ARTHUR	115,200	249,939	365,139	0	365,139	365 00
	02-0604-0107 0000	KOURI & KOURI 6TH ST PROPERTIE	115,200	281,283	396,483	0	396,483	396.00
	02-0604-0108 0000	RATR INC	222,720	427,412	650,132	150,132	500,000	500 00
	02-0604-0109 0000	421 SIXTH ST LTD	230,400	899,445	1,129,845	629,845	500,000	500 00
	02-0604-0110 0000	AMITIE L P	230,400	401,363	631,763	131,763	500,000	500 00
	02-0604-0201 0000	WOOLDRIDGE ASSOCIATES LLC	221,520	564,877	786,397	286,397	500,000	500 00
	02-0604-0203 0000	LAKE INVESTMENT & PRODUCTION	308,400	37,830	346,230	0	346,230	346 00
	02-0604-0208 0000	JO ME NI	353,280	663,899	1,017,179	517,179	500,000	500 00
	02-0604-0209 0000	HIRSCHFELD PAULINE SIMON ETAL	268,800	514,271	783,071	283,071	500,000	500 00
	02-0604-0210 0000	CARLIN JOE	161,280	219,690	380,970	0	380,970	381 00
	02-0604-0211 0000	JABOUR THEODORE AND ARTHUR	145,920	60,738	206,658	0	206,658	207 00
	02-0604-0212 0000	SIMS WILLIAM EARL & JANIE M	124,020	202,569	326,589	0	326,589	327 00
	02-0604-0214 0000	EAST 6TH STREET-408 L P	153,120	0	153,120	0	153,120	153 00
	02-0604-0215 0000	406 E SIXTH STREET LTD	176,640	288,796	465,436	0	465,436	465.00
	02-0604-0216 0000	404 E SIXTH STREET LTD	176,640	326,703	503,343	3,343	500,000	500 00
	02-0604-0217 0000	402 EAST SIXTH VENTURE INC	176,640	497,898	674,538	174,538	500,000	500 00
	02-0604-0218 0000	COHEN GARY SCOTT & ETAL	176,640	516,308	692,948	192,948	500,000	500 00
	02-0604-0501 0000	GRIMES DAVID H & ELIZABETH C	153,725	178,575	332,300	0	332,300	332 00
	02-0604-0502 0000	GRIMES DAVID H & ELIZABETH C	117,645	311,444	429,089	0	429,089	429 00
	02-0604-0503 0000	GSD ENTERPRISES L P	214,445	581,715	796,160	296,160	500,000	500 00
	02-0604-0504 0000	EAST SIXTH STREET LTD	212,630	991,295	1,203,925	703,925	500,000	500 00
	02-0604-0505 0000	BOOTHE TERRY E	145,310	455,454	600,764	100,764	500,000	500 00
	02-0604-0506 0000	JHMBW L P	263,835	415,938	679,773	179,773	500,000	500 00
	02-0604-0507 0000	LAMAR ENTERPRISES INC	100,045	115,820	215,865	0	215,865	216 00
	02-0604-0508 0000	BERNHARD GARY L & ELIZ	174,790	20,016	194,806	0	194,806	195 00
	02-0604-0509 0000	CASMARK PROPERTIES LLC	155,430	216,249	371,679	0	371,679	372 00
	02-0604-0510 0000	3 DH JOINT VENTURE	155,430	116,286	271,716	0	271,716	272 00

Litigation	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 &	485,760	689,976	1,175,736	675,736	500,000	500 00
	02-0604-0514 0000	MAURO CARMELO & HILARY	1,456,565	830,902	2,287,467	1,787,467	500,000	500.00
	02-0604-0516 0000	LAMAR ENTERPRISES INC	112,145	85,247	197,392	0	197,392	197 00
	02-0604-0517 0000	COMPANY 512	143,770	128,188	271,958	0	271,958	272 00
	02-0604-0606 0000	CARRINGTON GROUP L L C	485,760	793,425	1,279,185	779,185	500,000	500 00
	02-0604-0607 0000	OLSON LARUE FAMILY TRUST & M L	161,920	6,597	168,517	0	168,517	169 00
	02-0604-0608 0000	OLSON LARUE FAMILY TRUST & M L	161,920	129,513	291,433	0	291,433	291 00
	02-0604-0609 0000	OLSON LARUE FAMILY TRUST & M L	161,920	227,317	389,237	0	389,237	389.00
	02-0604-0610 0000	508 E SIXTH STREET LTD	681,120	398,069	1,079,189	579,189	500,000	500 00
	02-0604-0611 0000	500 E 6TH STREET INC	161,920	416,370	578,290	78,290	500,000	500 00
	02-0604-0612 0000	CASTRO LUCIANO JR	128,150	264,671	392,821	0	392,821	393 00
	02-0604-1001 0000	GRANT BUILDINGS L P	4,189,680	3,702,623	7,892,303	7,392,303	500,000	500 00
	02-0604-1110 0000	DAYWOOD CARL	235,520	204,160	439,680	0	439,680	440 00
	02-0604-1111 0000	3DH JOINT VENTURE	112,640	137,320	249,960	0	249,960	250 00
	02-0604-1112 0000	AP3-PPW LTD & MOR/ARR LTD	253,440	394,575	648,015	148,015	500,000	500.00
	02-0604-1113 0000	BARLIN PETER	192,000	251,000	443,000	0	443,000	443 00
	02-0604-1115 0000	HENDRIX FRANK	451,250	329,360	780,610	280,610	500,000	500 00
	02-0604-1116 0000	RUSH JOYCE	117,760	124,508	242,268	0	242,268	242 00
	02-0604-1117 0000	WTF INVESTMENSTS LLC	259,150	816,395	1,075,545	575,545	500,000	500 00
	02-0604-1501 0000	LUNDELL LIMITED PARTNERSHIP	140,616	729,703	870,319	370,319	500,000	500 00
	02-0604-1504 0000	OGDEN MARY D	198,600	297,510	496,110	0	496,110	496 00
	02-0604-1505 0000	CHELF JEANETTE	117,550	187,761	305,311	0	305,311	305 00
	02-0604-1506 0000	LY TAI & CHRISTINA CHAN	120,900	642,385	763,285	263,285	500,000	500 00
	02-0604-1507 0000	DREYFUS DOMINIQUE & GEORGE H	94,040	242,176	336,216	0	336,216	336 00
	02-0604-1508 0000	DREYFUS GEORGE &	94,040	240,739	334,779	0	334,779	335 00
	02-0604-1510 0000	J H M B W LP	117,550	176,388	293,938	0	293,938	294 00
	02-0604-1517 0000	J H M B W LP	64,600	101,664	166,264	0	166,264	166 00

Litigation	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	29,760	0	29,760	0	29,760	30 00
	02-0604-1520 0000	CP AUSTIN HOTEL LP	1,342,646	14,887,354	16,230,000	15,730,000	500,000	500 00
	02-0604-1607 0000	MANOS VIOLET ETALS	184,000	2,623	186,623	0	186,623	187.00
	02-0604-1608 0000	MANOS VIOLET ETALS	139,840	2,176	142,016	0	142,016	142.00
	02-0604-1609 0000	MANOS VIOLET ETALS	71,400	1,057	72,457	0	72,457	72 00
	02-0604-1610 0000	MANOS VIOLET ETALS	75,800	1,144	76,944	0	76,944	77 00
	02-0604-1611 0000	HABANA 6TH ST PROPERTIES LTD	164,400	137,723	302,123	0	302,123	302 00
L	02-0604-1612 0000	DAYWOOD RUBY TRUSTEE OF	228,528	254,808	483,336	0	483,336	483 00
		Total	**44,054,105**	**129,411,313**	**173,465,418**	**127,628,369**	**45,837,049**	**45,834.00**
		Parcel Count	**112**					

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 16, 2006 as furnished to the City of Austin by Travis Central Appraisal District.

Jeff Knodel, Controller

ORDINANCE NO.

AN ORDINANCE LEVYING ASSESSMENTS FOR CALENDAR YEAR 2007 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 26, 2004, the City Council passed a resolution, which approved the creation of the District in accordance with its findings.

(C) On November 16, 2006, the City Council approved a calendar year 2007 assessment rate, proposed year 2007 assessment roll, and a Service Plan and Budget for the District.

(D) On November 30, 2006, 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 2007.

(E) At the November 30, 2006 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, 2007;

(2) accrues interest, penalties, and attorney's fees in the same manner as a delinquent ad valorem tax after February 1, 2007, 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, 2007. 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 _____, 2006.

PASSED AND APPROVED

§
§
_____, 2006 §

Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Gentry
City Clerk