



Thursday, November 30, 2006

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Public Hearings and Possible Actions
RECOMMENDATION FOR COUNCIL ACTION

ITEM No. 63

Subject: Conduct a public hearing and approve an ordinance on the Downtown Austin 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 \$1,868,116 at a 96 95% collection rate. (Related to #13)

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 2007-08 Downtown Austin 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 2, 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		Improvement		Total		Exemption	Net	
			Assessed	Value	Assessed	Value	Assessed	Value		Assessed	Value
	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	JKP 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

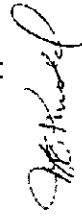
Litigation	Parcel	Owner	Land		Improvement		Total		Net		\$10/\$100 Amount
			Assessed Value	Value	Assessed Value	Value	Assessed Value	Value	Assessed Value	Value	
	02-0603-1606 0000	VALENTINE & FRIENDS INC	176,640		449,651		626,291		500,000		500 00
	02-0603-1607 0000	ROGERS CHONG S	88,320		84,051		172,371		172,371		172 00
	02-0603-1608 0000	SIMMS JOHN LEE & JOAN L MCLEOD	88,320		56,799		145,119		145,119		145 00
	02-0603-1609 0000	SIMMS JOHN LEE & JOAN L MCLEOD	176,640		96,603		273,243		273,243		273 00
	02-0603-1610 0000	DENANCY TRUST	176,640		212,805		389,445		389,445		389.00
	02-0603-1611 0000	SILBERTSTEIN NANCY BETH & DENA	176,640		404,375		581,015		500,000		500 00
	02-0603-1612 0000	321 EAST 6TH ST LTD	168,960		395,694		564,654		500,000		500 00
	02-0603-1613 0000	SHEA TERESA JOSEPH	107,520		194,781		302,301		302,301		302 00
	02-0603-1614 0000	SMITH-HAGE BUILDING L P	253,440		1,054,493		1,307,933		500,000		500 00
	02-0603-1701 0000	JOSEPH MARY Y	66,360		205,652		272,012		272,012		272 00
	02-0603-1706 0000	PECAN STREET REAL ESTATE HOLDI	353,280		803,880		1,157,160		500,000		500 00
	02-0603-1707 0000	CRADDOCK LARRY J & BETTE C PRE	164,880		659,744		824,624		500,000		500 00
	02-0603-1708 0000	CRADDOCK LARRY J & BETTE C PRE	188,400		0		188,400		188,400		188 00
	02-0603-1709 0000	LINN EMMA L	176,640		394,303		570,943		500,000		500.00
	02-0603-1710 0000	MANOS GLORIA ZEGUB & CHARLENE	176,640		140,730		317,370		317,370		317 00
	02-0603-1711 0000	CRADDOCK LARRY J & BETTE C PRE	353,280		721,576		1,074,856		500,000		500 00
	02-0603-1712 0000	JOSEPH JOSEPH & WILLIAMS PARTN	176,640		419,432		596,072		500,000		500 00
	02-0603-1713 0000	RAMZI CORP	176,640		742,611		919,251		500,000		500.00
	02-0603-1714 0000	RAMZI CORP	148,920		645,321		794,241		500,000		500 00
	02-0603-1715 0000	JIMENEZ CESAR TRUST	138,000		516,713		654,713		500,000		500 00
	02-0603-2202 0000	MERIT LITTLEFIELD MALL L P	1,177,600		1,973,175		3,150,775		500,000		500 00
	02-0603-2203 0000	LITTLEFIELD AUSTIN PARTNERS LP	883,200		2,013,220		2,896,420		500,000		500.00
	02-0603-2204 0000	LITTLEFIELD AUSTIN PARTNERS LP	883,200		1,769,220		2,652,420		500,000		500.00
	02-0604-0102 0000	ARMSTRONG HAL B III	215,040		1,266,192		1,481,232		500,000		500.00
	02-0604-0103 0000	FOX SAXON TRUSTEE	245,760		817,520		1,063,280		500,000		500.00
	02-0604-0104 0000	SCHULTZ ENTERPRISE LLC	253,440		854,784		1,108,224		500,000		500.00
	02-0604-0105 0000	DESILVA DAVID IRI	491,520		1,362,588		1,854,108		500,000		500 00

Litigation	Parcel	Owner	Land		Improvement		Total		Net		\$.10/\$100 Amount
			Assessed Value	Value	Assessed Value	Value	Assessed Value	Value	Assessed Value	Exemption	
02-0604-0106 0000		JABOUR ARTHUR	115,200		249,939		365,139		365,139	0	365 00
02-0604-0107 0000		KOURI & KOURI 6TH ST PROPERTIE	115,200		281,283		396,483		396,483	0	396 00
02-0604-0108 0000		RATR INC	222,720		427,412		650,132		500,000	150,132	500 00
02-0604-0109 0000		421 SIXTH ST LTD	230,400		899,445		1,129,845		500,000	629,845	500 00
02-0604-0110 0000		AMITIE L P	230,400		401,363		631,763		500,000	131,763	500.00
02-0604-0201 0000		WOOLDRIDGE ASSOCIATES LLC	221,520		564,877		786,397		500,000	286,397	500 00
02-0604-0203 0000		LAKE INVESTMENT & PRODUCTION	308,400		37,830		346,230		346,230	0	346 00
02-0604-0208 0000		JO ME NI	353,280		663,899		1,017,179		500,000	517,179	500 00
02-0604-0209 0000		HIRSCHFELD PAULINE SIMON ETAL	268,800		514,271		783,071		500,000	283,071	500 00
02-0604-0210 0000		CARLIN JOE	161,280		219,690		380,970		380,970	0	381.00
02-0604-0211 0000		JABOUR THEODORE AND ARTHUR	145,920		60,738		206,658		206,658	0	207 00
02-0604-0212 0000		SIMS WILLIAM EARL & JANIE M	124,020		202,569		326,589		326,589	0	327.00
02-0604-0214 0000		EAST 6TH STREET-408 L P	153,120		0		153,120		153,120	0	153.00
02-0604-0215 0000		406 E SIXTH STREET LTD	176,640		288,796		465,436		465,436	0	465.00
02-0604-0216 0000		404 E SIXTH STREET LTD	176,640		326,703		503,343		500,000	3,343	500 00
02-0604-0217 0000		402 EAST SIXTH VENTURE INC	176,640		497,898		674,538		500,000	174,538	500 00
02-0604-0218 0000		COHEN GARY SCOTT & ETAL	176,640		516,308		692,948		500,000	192,948	500.00
02-0604-0501 0000		GRIMES DAVID H & ELIZABETH C	153,725		178,575		332,300		332,300	0	332.00
02-0604-0502 0000		GRIMES DAVID H & ELIZABETH C	117,645		311,444		429,089		429,089	0	429.00
02-0604-0503 0000		GSD ENTERPRISES L P	214,445		581,715		796,160		500,000	296,160	500.00
02-0604-0504 0000		EAST SIXTH STREET LTD	212,630		991,295		1,203,925		500,000	703,925	500.00
02-0604-0505 0000		BOOTHE TERRY E	145,310		455,454		600,764		500,000	100,764	500.00
02-0604-0506 0000		JHMBW L P	263,835		415,938		679,773		500,000	179,773	500.00
02-0604-0507 0000		LAMAR ENTERPRISES INC	100,045		115,820		215,865		215,865	0	216.00
02-0604-0508 0000		BERNHARD GARY L & ELIZ	174,790		20,016		194,806		194,806	0	195.00
02-0604-0509 0000		CASMARK PROPERTIES LLC	155,430		216,249		371,679		371,679	0	372.00
02-0604-0510 0000		3 DH JOINT VENTURE	155,430		116,286		271,716		271,716	0	272.00

Litigation	Parcel	Owner	Land		Improvement		Total		Net	
			Assessed	Value	Assessed	Value	Assessed	Value	Assessed	Value
										\$,10/\$100 Amount
	02-0604-0511 0000	SHELTON MICHAEL L &	485,760		689,976		1,175,736		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 & MORARR 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 L P	117,550		176,388		293,938	0	293,938	294 00
	02-0604-1517 0000	J H M B W L P	64,600		101,664		166,264	0	166,264	166.00

Litigation	Parcel	Owner	Land Assessed		Improvement Assessed		Total Assessed		Exemption	Net Assessed		\$.10/\$100 Amount
			Value	Value	Value	Value	Value	Value		Value	Value	
	02-0604-1518 0000	J H M B W L P	29,760	0	0	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;

- 1 (H) property owned by a utility that is located in a public street or rights-of-way;
- 2 (I) property used as a residence that fits the definition of a homestead in Section
- 3 41.002 (*Definition of Homestead*) of the Texas Property Code;
- 4 (J) any hospital; and
- 5 (K) the valuation over \$500,000 of property liable for assessment.

6 **PART 3. Assessment and Levy.** The assessments shown on Exhibit A are levied and

7 assessed against the property in the District and against the record owner of the property

8 identified by the Travis Central Appraisal District records.

9 **PART 4. Liability of Multiple Owners.** Each owner of property in the District owned

10 by two or more individuals or entities is personally liable for the amount of the

11 assessment equal to the share of the total assessment against the property based on the

12 owner's partial interest in the total property ownership. A property owner's interest in

13 property may be released from an assessment lien if the owner pays the owner's

14 proportionate share of an assessment.

15 **PART 5. Interest and Lien.**

16 (A) An assessment shown on Exhibit A:

17 (1) accrues interest at the rate of 0% from the effective date of this

18 ordinance until February 1, 2007;

19 (2) accrues interest, penalties, and attorney's fees in the same

20 manner as a delinquent ad valorem tax after February 1,

21 2007, until paid; and

22 (3) is a lien on the property shown in Exhibit "A" and the personal

23 liability of the property owner.

24 (B) A lien executed under this ordinance is the first enforceable lien and claim

25 against the property on which an assessment is levied, and is superior to all

26 other liens and claims except a state, county, school district, or City ad

27 valorem tax.

28 **PART 6. Due Date and Collection.** An assessment is due and payable in full on or

29 before February 1, 2007. If a property owner defaults on payment of an assessment

30 against the owner's property, the city manager may file suit to collect the assessment and

31 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.

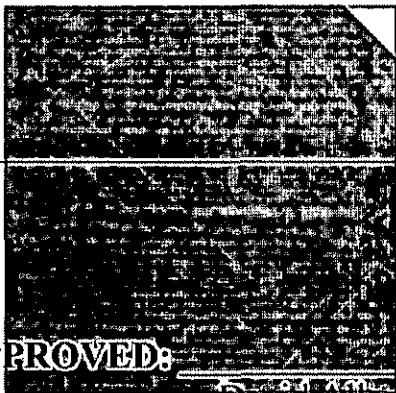
(A) If the Travis Central Appraisal District's appraised value of property in the District is reduced by a court order, not subject to further appeal, or by a final settlement or appeal process of the Travis Central Appraisal District, the city manager shall reduce the assessment on the property, so 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



APPROVED:

David Allan Smith
City Attorney

§
§
§

Will Wynn
Mayor

ATTEST:

Shirley A. Gentry
City Clerk