#### **ORDINANCE NO.** 1 AN ORDINANCE PERTAINING TO THE SERVICE AND ASSESSMENT PLAN 2 AND ASSESSMENT ROLL FOR THE CITY OF AUSTIN WHISPER VALLEY 3 PUBLIC IMPROVEMENT DISTRICT. 4 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS: 5 **PART 1. FINDINGS AND DETERMINATIONS:** 6 7 The City Council finds and determines that: (A) On August 26, 2010, the City Council adopted a resolution (the "Creation 8 Resolution") which provided for the creation of the Whisper Valley Public 9 Improvement District (the "District"). 10 On November 3, 2011, the City Council approved and accepted a Service and **(B)** 11 Assessment Plan (the "Original Service and Assessment Plan") in conformity with 12 Chapter 372 of the Local Government Code (the "Act") and levied assessments 13 within the District. 14 Pursuant to Section 372.016(b) of the Act, the City Council published notice on (C) 15 August 9, 2018 in the Austin American-Statesman, a newspaper of general 16 circulation in the City and the extraterritorial jurisdiction of the City, of a public 17 hearing to consider amendments to the Original Service and Assessment Plan (the 18 "2018 Addendum"), the Improvement Area #1 assessment roll (the "Improvement 19 Area #1 Assessment Roll"), and the levy of assessments on benefitted property in 20 Improvement Area #1 (the "Improvement Area #1 Assessments"). 21 (D) Pursuant to Section 372.016(c) of the Act, the City Council caused the mailing of 22 notice of the public hearing to consider the 2018 Addendum, the Improvement Area 23 #1 Assessment Roll, and the levy of Improvement Area #1 Assessments to the last 24 known addresses of the owners of the property liable for the Improvement Area #1 25 Assessments. 26 (E) The City Council convened the public hearing at 4:00 p.m. on August 23, 2018, at 27 which all persons, if any, who appeared, or requested to appear, in person or by their 28 attorney, were given the opportunity to support or contest the 2018 Addendum, the 29 Improvement Area #1 Assessment Roll, and each proposed assessment, and to offer 30 testimony pertinent to any issue presented on the amount of the Improvement Area 31 #1 Assessments, the allocation of Improvement Area #1 costs, the purposes of the 32 Improvement Area #1 Assessments, the special benefits conferred on Improvement 33

- Area #1 by the Improvement Area #1 Assessments, and the penalties and interest on annual installments and on delinquent annual installments of the Improvement Area #1 Assessments.
- (F) The City Council closed the hearing, and, after considering all written and
  documentary evidence presented at the hearing, including all written comments and
  statements filed with the City, if any, determined to proceed with the adoption of
  Ordinance No. 20180823-073 (the "Assessment Ordinance") in conformity with the
  requirements of the Act.
- 42 (G) There were no written objections or evidence submitted to the City Clerk in
  43 opposition to the 2018 Addendum, the allocation of Improvement Area #1 costs, the
  44 Improvement Area #1 Assessment Roll, or the levy of the Improvement Area #1
  45 Assessments.
- (H) The City Council approved and accepted the 2018 Addendum in conformity with
   the requirements of the Act and adopted the Assessment Ordinance for Improvement
   Area #1.
- (I) The City Council found and determined that the Improvement Area #1 Assessment
  Roll and the 2018 Addendum should be approved and that the Improvement Area
  #1 Assessments should be levied as provided in the 2018 Addendum and the
  Improvement Area #1 Assessment Roll.
- (J) Because of an administrative error, Exhibit A and Exhibit B to the Assessment
   Ordinance, each of which was approved by the Assessment Ordinance, contained
   contradictory information relating to the Improvement Area #1 Assessment Roll.
- (K) On August 23, 2018, the City Council levied assessments on Improvement Area #1
  in conformity with the Act and as provided in the Improvement Area #1 Assessment
  Roll attached as Appendix B-1 to the 2018 Addendum. The Improvement Area #1
  Assessment Roll provides for amounts sufficient to complete the Authorized
  Improvements that were identified in the notice described in Part 1(D) above.

# 61 PART 2. ASSESSMENT ROLLS.

Pursuant to Section 372.016 of the Act, the Improvement Area #1 Assessment Roll,
 a copy of which is attached as Exhibit A and incorporated for all purposes, was accepted
 and updated as the assessment roll of Improvement Area #1.

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## 66 PART 3. LEVY AND PAYMENT OF ASSESSMENTS FOR COSTS OF 67 IMPROVEMENT PROJECT.

(A) The City Council ratifies and confirms the assessment on each tract of property
 located within Improvement Area #1, as described in the 2018 Addendum and the
 Improvement Area #1 Assessment Roll, in the respective amounts shown on the
 Improvement Area #1 Assessment Roll, as a special assessment on the properties set
 forth in the Improvement Area #1 Assessment Roll.

- (B) The levy of the Improvement Area #1 Assessments was effective on the date of
   execution of the Assessment Ordinance, and the Improvement Area #1 Assessments
   were levied strictly in accordance with the terms of the 2018 Addendum.
- 76 (C) The collection of the Improvement Area #1 Assessments shall be as described in the
   2018 Addendum.

# 78 PART 4. INCORPORATION OF FINDINGS AND DETERMINATIONS.

The findings and determinations of the City Council in Part 1 of this Ordinance areincorporated for all purposes.

### 81 PART 5. SEVERABILITY.

If any provision of this Ordinance or its application to any person or circumstance is held to be invalid, the remainder of this Ordinance and the application of the provision to other persons or circumstances shall be valid, and the City Council declares that this Ordinance would have been enacted without the invalid provision.

#### 86 PART 6. GOVERNING LAW.

This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

## 89 PART 7. EFFECTIVE DATE.

This Ordinance is passed on one reading as authorized by Texas Government Code
 Section 1201.028, and shall be effective immediately upon its passage and adoption.

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97		§ § 		
98	, 2019	§		
99 100			Steve Adler Mayor	
100			Wayor	
101	APPROVED:	ATTEST:		
102	Anne L. Morgan		Jannette S. Goodall	
103	City Attorney		City Clerk	
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