

ORDINANCE NO.

AN ORDINANCE APPROVING THE 2025 AMENDED AND RESTATED SERVICE AND ASSESSMENT PLAN FOR THE ESTANCIA HILL COUNTRY PUBLIC IMPROVEMENT DISTRICT (DISTRICT), MAKING A FINDING OF SPECIAL BENEFIT TO THE PROPERTY IN IMPROVEMENT AREA #3 OF THE DISTRICT (IMPROVEMENT AREA #3), ADOPTING THE IMPROVEMENT AREA #3 ASSESSMENT ROLL, LEVYING ASSESSMENTS FOR PROPERTY IN IMPROVEMENT AREA #3, AUTHORIZING A REIMBURSEMENT AGREEMENT FOR IMPROVEMENT AREA #3, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The City Council finds that:

- (A) Texas Local Government Code Chapter 372, as amended (Act), authorized the creation of the Estancia Hill Country Public Improvement District (District).
- (B) On June 6, 2013, the City Council passed a resolution which approved the creation of the District in accordance with its findings.
- (C) On September 11, 2025, the City Council approved a resolution adopting a preliminary amended and restated service and assessment plan for the District (2025 Amended and Restated Service and Assessment Plan) and proposed assessment roll (Improvement Area #3 Assessment Roll) for the third phase of the District. The Improvement Area #3 Assessment Roll is an attachment to the 2025 Amended and Restated Service and Assessment Plan, which is attached as Exhibit A.
- (D) Pursuant to Section 372.016(b) of the Act, the City Council published notice on September 12, 2025, in the *Austin American-Statesman*, a newspaper of general circulation in the City and the extraterritorial jurisdiction of the City, of a public hearing to consider the 2025 Amended and Restated Service and Assessment Plan, the Improvement Area #3 Assessment Roll, and the levy of assessments on benefitted property in Improvement Area #3 (Improvement Area #3 Assessments).
- (E) Pursuant to Section 372.016(c) of the Act, the City Council caused the mailing of notice of the public hearing to consider the 2025 Amended and Restated

Service and Assessment Plan, the Improvement Area #3 Assessment Roll, and the levy of Improvement Area #3 Assessments on property in Improvement Area #3 to the last known addresses of the owners of the property liable for the Improvement Area #3 Assessments.

(F) On September 25, 2025, the City Council held a public hearing, properly noticed under the Act, to consider the levy of the proposed assessments on property within Improvement Area #3 of the District.

(G) At the September 25, 2025, 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.

(H) The assessments set out in the Improvement Area #3 Assessment Roll, attached as Exhibit B:

- (1) should be made and levied against the property and property owners within Improvement Area #3 as a special assessment on the Improvement Area #3 assessed parcels;
- (2) are in proportion to the benefits to the property for the services and public improvements in Improvement Area #3; and
- (3) establish substantial justice, equality, and uniformity in the amount assessed against each property owner for the benefits received and burdens imposed.

PART 2. 2025 Amended and Restated Service and Assessment Plan. The 2025 Amended and Restated Service and Assessment Plan is hereby approved.

(A) In each case, the property assessed is benefited by the services and improvements provided in Improvement Area #3.

(B) The exclusion of certain property from assessment is reasonable because the excluded property will not receive a benefit from Improvement Area #3 that is sufficient to justify an assessment and the exclusions promote efficient management of the District.

- 63 (C) The procedures followed and apportionment of the cost of the services and
64 improvements in the District comply with applicable law and the purpose for
65 which the District was formed.

66 **PART 3. Exemptions and Exclusions.** The City Council exempts the following from
67 payment of the assessment and excludes from the roll:

- 68 (A) property of the City used for public purpose;
69 (B) property owned by Travis County and property owned by political subdivisions
70 of the State of Texas and used for public purpose; and
71 (C) other property that is excluded by law or by agreement of the City and the
72 petitioners.

73 **PART 4. Assessment and Levy.** The respective assessments shown on Exhibit B are
74 levied and assessed against the property in Improvement Area #3 and against the record
75 owners of the property identified by the Travis Central Appraisal District records.

- 76 (A) The levy of the Improvement Area #3 Assessments shall be effective on
77 effective date of this Ordinance and strictly in accordance with the terms of the
78 2025 Amended and Restated Service and Assessment Plan and the Act.
79 (B) The collection of the Improvement Area #3 Assessments shall be as described
80 in the 2025 Amended and Restated Service and Assessment Plan and the Act.
81 (C) Each Improvement Area #3 Assessment may be paid in a lump sum at any time
82 or may be paid in annual installments (Annual Installments) pursuant to the
83 terms of the 2025 Amended and Restated Service and Assessment Plan.
84 (D) Each Improvement Area #3 Assessment shall bear interest at the rate or rates
85 specified in the 2025 Amended and Restated Service and Assessment Plan.
86 (E) Each Annual Installment shall be collected each year in the manner set forth in
87 the 2025 Amended and Restated Service and Assessment Plan.
88 (F) The Annual Collection Costs for Improvement Area #3 assessed parcels shall
89 be calculated and collected pursuant to the terms of the 2025 Amended and
90 Restated Service and Assessment Plan.

PART 5. Due Date and Collection. The first Annual Installment of the assessment is due and payable in full on or before January 31, 2027. If a property owner defaults on payment of an assessment against the owner's property, the City may file suit to collect the assessment and may initiate a lien foreclosure, including interest, penalties, costs and attorney's fees, as set forth in the 2025 Amended and Restated Service and Assessment Plan and as allowed by law.

PART 6. Statutory Authority. The assessments levied by this ordinance are made under the authority of the Act.

PART 7. Reimbursement Agreement. The Council approves the Reimbursement Agreement in substantially the form attached as Exhibit C. The City Manager, Mayor, and Mayor Pro Tem of the City are each authorized and directed to execute and deliver such Reimbursement Agreement with such changes as may be required to carry out the purpose of this Ordinance and as approved by the City Manager, Mayor, or Mayor Pro Tem, such approval to be evidenced by the execution thereof.

PART 8. Severability. The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this ordinance.

PART 9. Declaring an Emergency. Section 372.018 of the Act provides that an assessment creates a lien against the property assessed that is effective from the date of the ordinance levying the assessment, which is prior to the standard effective date of an ordinance, and the City Council finds this constitutes an emergency. Because of this emergency, this ordinance takes effect immediately upon its passage for the preservation of the public peace, health, and safety.

PART 10. Capitalized Terms. All capitalized terms not otherwise defined herein shall have the meanings set forth in the 2025 Amended and Restated Service and Assessment Plan.

PART 11. This ordinance takes effect on September 25, 2025.

PASSED AND APPROVED

_____, 2025 § _____
 § _____
 § _____
 Kirk Watson
 Mayor

APPROVED: _____ **ATTEST:** _____
Deborah Thomas Erika Brady
City Attorney City Clerk