

ORDINANCE NO. 514

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS LEVYING REASSESSMENTS AGAINST THE VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND PAVING PORTIONS OF THE FOLLOWING STREET AND HIGHWAY IN THE CITY OF MESQUITE, TEXAS, TO-WIT: GUS THOMASSON ROAD FROM KARLA DRIVE TO THE DALLAS CITY LIMITS; PROVIDING FOR THE TIME WHEN SUCH REASSESSMENTS BECOME DUE AND PAYABLE, THE RATE OF INTEREST, AND FIXING A LIEN AND CHARGE AGAINST SAID PROPERTY AND MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON SAID STREET AND HIGHWAY, AND PROVIDING FOR THE COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, heretofore a resolution was duly adopted by the City Council ordering the improvements of Gus Thomasson Road from Karla Drive to the Dallas City Limits by excavating or filling so as to bring the same to grade; by paving with 6-inch thick reinforced concrete with an average 2-inch overlay of hot mix asphaltic concrete over the new and old existing concrete slabs; with 6-inch height roll-type integral curbs; with 6-inch reinforced 2,500 P.S.I. concrete driveway approaches and alley returns, and standard 4-inch thickness concrete sidewalks where specified, so that the roadway width shall be 62 feet from back of curb to back of curbline, except where left turn lanes are specified, and then said roadway width shall be 72 feet; and by constructing all necessary drains, sewers and culverts where specified. Any existing curbs and gutters in place meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the reassessments; and,

WHEREAS, pursuant to said resolution, specifications were prepared for said work by the Director of Public Works, filed with said Council, examined, approved, and adopted by it, all as required by applicable law; and,

WHEREAS, thereafter in compliance with the law, the Director of Public Works prepared his statements or lists showing the name of property owners upon said street and highway, the description of their property, the total cost of the said improvements, the cost thereof per front foot and the cost of each property owner, said statements possessing all the other requisites required by law; and,

WHEREAS, thereafter the said statements were filed with the City Council and by them examined and approved and a resolution was passed by said Council determining the necessity of

making an assessment for part of the cost of said pavement against property owners and their property, and fixing a time and providing for a hearing to such property owners, their agents, or attorneys, all in accordance with the terms of applicable law, at which hearing said owners were to be heard as to the benefits of said improvements to their property, as to any invalidity or error in said proceedings or to any matter or thing connected with said improvements; and,

WHEREAS, on the 16th day of July, 1962, an ordinance was duly adopted by the City Council levying a paving assessment against property and the owners of said property abutting on Gus Thomasson Road from Karla Drive to the Dallas City Limits line; and,

WHEREAS, said ordinance was adjudged and declared to be void in Cause No. 70286-C, styled Albert Susman, M. L. McKinney and I. S. Hechtman vs. City of Mesquite, Texas, by Judgment entered in the 68th Judicial District Court of Dallas County, Texas, on the 3rd day of June, 1963; and,

WHEREAS, thereafter on the 5th day of August, 1963, the City Council adopted a resolution of reassessment in connection with the improvements of said street and highway in accordance with provisions providing for reassessments in Article 1105 (b) of the Revised Civil Statutes of Texas; and,

WHEREAS, thereafter, in accordance with the terms of the law, the City Secretary of the City of Mesquite gave notice to the property owners on said street and highway, their agents and attorneys, of said hearing, by publishing a copy of said resolution three times in the TEXAS MESQUITER, a weekly paper of general circulation in the City of Mesquite ten days prior to the day set for the hearing, to-wit, the 3rd day of September, 1963, and the City Secretary also gave notice in writing of said hearing to the property owners, their agents and attorneys, ten days before the said hearing; provided, however, that any failure of the property owners to receive said notices shall not invalidate these proceedings; and,

WHEREAS, said hearing was had at the time and place mentioned in the said resolution and notice, to-wit, on the 3rd day of September, 1963, at 2:30 o'clock p.m. at the Council Chamber in the City Hall of the City of Mesquite, Texas, which hearing was continued from day to day, and time to time, until the 3rd day of September, 1963, and was then closed; and,

WHEREAS, at said hearing, all desiring to contest the said reassessments, correct the same, or in any manner be heard concerning the benefits thereof, or in any other matter, were heard, and error and all matters of error or mistake or inequalities or other matters requiring rectification which were called to the attention of the Council were rectified and corrected:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the action of the City Council closing the hearing and overruling the protests at the public hearing on the 3rd day of September, 1963, in these proceedings is hereby ratified and confirmed by this ordinance; that the City Council, from the evidence, finds that the reassessments herein levied should be made and levied against the respective parcels of property abutting upon the street and highway hereinbelow mentioned and against the owners thereof, and that such reassessments and changes are right and proper, and are substantially in proportion to the benefits to the respective parcels of property by means of the improvement in the unit or district for which such reassessments are levied, and establish substantial justice and equality and uniformity among the respective owners of the respective properties and among all parties concerned, considering the benefits received and burdens imposed, and further finds that in each case the abutting property assessed is specially benefited in enhanced value to the said properties by means of the said improvements in the unit or district upon which the particular property abuts, and for which reassessment is levied and charge made, in a sum in excess of the said reassessment and charge made against the same by this ordinance, and further finds that the apportionment of the cost of the improvements is in accordance with the law in force in this City and the proceedings of the City heretofore had with reference to said improvements and is in all respects valid and regular. The City Council further finds and is of the opinion, after due consideration of all the facts and based upon the evidence, testimony and findings presented at the public hearing held on September 3, 1963, as to the benefits to be received by the property and owners of property abutting upon the said improvements, that property zoned by the City for residential purposes will not be enhanced in value as a result of said improvements and should not be assessed for the pro rata costs of said improvements.

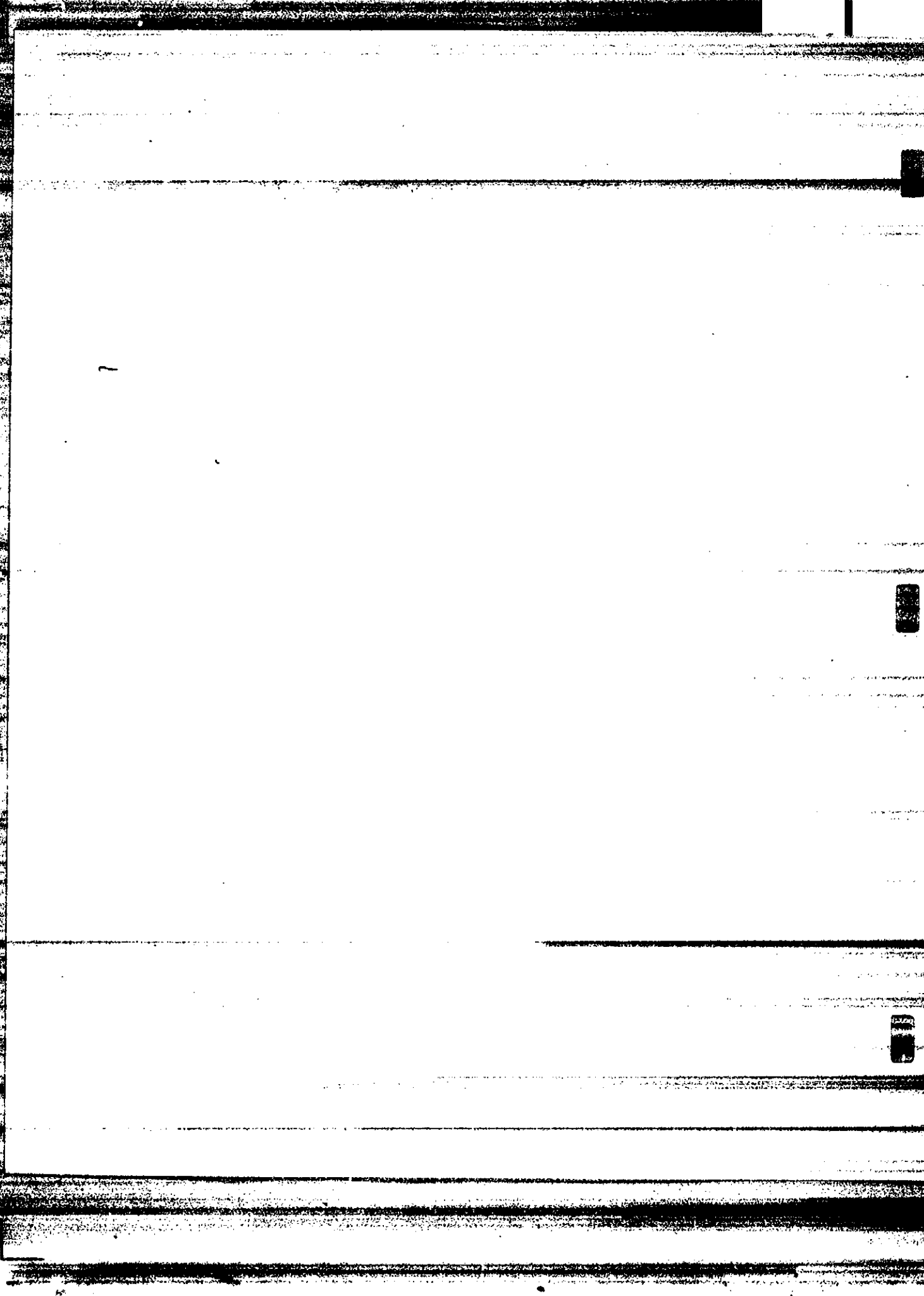
The reassessments so levied herein are apportioned against the property and owners hereinbelow described only to the extent of the cost of the improvements located adjacent to and abutting upon said property and which cost does not exceed 90% of the cost

of such improvements and do not exceed all of the cost of constructing curbs, gutters and sidewalks thereon.

SECTION 2. There shall be and is hereby levied and assessed against the parcels of property hereinbelow mentioned and against the real and true owners thereof (whether such owners be correctly named herein or not), the sums of money below mentioned and itemized shown opposite the description of the respective parcels of property, and the several amounts assessed against the same, and the owners thereof, as far as such owners are known, being as follows:

ASSESSMENT LIST - IMPROVEMENT OF GUS THOMASSON ROAD FROM CARLA DRIVE NORTH TO DALLAS CITY LIMITS

001887



NO. 1

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENT</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
V. E. HAMM	Gus Thomasson Road	462	\$520.95

PROPERTY DESCRIPTION

Being that certain lot, tract or parcel of land situated in the City of Mesquite, Dallas County, Texas, and being in the William Johnson Survey, Abstract No. 705, conveyed to V. E. Hamm by deed dated February 2, 1959 and recorded in Volume 5059, page 73, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the South right of way line of Gus Thomasson Road, said point being the common city limit line between the City of Mesquite and the City of Dallas;

THENCE in an Easterly direction along the South right of way line of Gus Thomasson Road a distance of 500 feet, more or less, to a point for corner;

THENCE in a Southeasterly direction along the Southeast right of way line of Gus Thomasson Road a distance of 500 feet, more or less, to a point for corner;

THENCE South 1 deg. 30 min. East a distance of 1040 feet, more or less, to a point for corner which is the city limit line between the City of Dallas and the City of Mesquite;

THENCE in a Westerly direction along said city limit line a distance of 775 feet, more or less, to a point for corner;

THENCE in a Northerly direction a distance of 1040 feet, more or less, to a point for corner;

THENCE in a Westerly direction a distance of 150 feet to a point for corner which is the aforementioned city limit line;

THENCE in a Northerly direction a distance of 360 feet, more or less, along said city limit line to the place of beginning.

	<u>OWNER</u>	<u>LOCATION OF IMPROVEMENT</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
No. 2	M. L. MCKINNEY, 1/2 int. I. S. HECHTMAN, 1/2 int.	Gus Thomasson Road	201.82	\$ 928.00
No. 2-A	M. L. MCKINNEY, 1/2 int. I. S. HECHTMAN, 1/2 int.	Gus Thomasson Road	768 969.82	\$3,832.32 \$4,760.32

PROPERTY DESCRIPTION - NO. 2

Being that certain lot, tract or parcel of land situated in Dallas County, Texas, deeded to Albert Susman, et al, by deed dated October 23, 1958, recorded Dallas County Deed Records and described as follows:

Being a tract of land situated in the William Johnston Survey, Abstract No. 706, City of Mesquite, Dallas County, Texas, and being part of Lot 18 in Block 1 of Casa View Heights No. 15, an addition to the City of Mesquite, Texas and being more particularly described as follows:

BEGINNING at the North corner of said Lot 18, said point being on the Southwesterly line of Gus Thomasson Road, an iron stake for corner;

THENCE South 44 deg. 43 min. East with the Southwesterly line of said Gus Thomasson Road and with the Northeasterly line of said Lot 18, 205.00 ft. to the North corner of a tract of land conveyed to Alsie H. Carleton, September 18, 1958, an iron stake set for corner;

THENCE South 45 deg. 17 min. West with the Northwesterly line of said Alsie N. Carleton tract 100.00 ft. to the West corner of said Carleton tract, an iron stake for corner;

THENCE South 44 deg. 43 min. East with the Southwesterly line of said Alsie H. Carleton tract 150.00 ft. to the South corner of said Carleton tract, a point for corner, said point being in the Northwesterly right of way line of Motley Drive;

THENCE Southwesterly along the Northwesterly right of way line of Motley Drive to a point on the Westerly line of Casa View Heights No. 15;



THENCE North 1 deg. 26 min. West with the Westerly line of said Lot 18 and a Westerly line of Casa View Heights No. 15 to the place of beginning.

PROPERTY DESCRIPTION - NO. 2-A

Being that certain lot, tract or parcel of land situated in Dallas County, Texas, deeded to Albert Susman, et al, by deed dated October 23, 1958, recorded Dallas County Deed Records and described as follows:

Being a tract of land situated in the William Johnston Survey, Abstract No. 706, City of Mesquite, Dallas County, Texas, and being part of Lot 18 in Block 1 of Casa View Heights No. 15, an addition to the City of Mesquite, Texas and being more particularly described as follows:

BEGINNING at a point in the Southwest right of way line of Gus Thomasson Road, 150 feet Southeast of the Southeasterly right of way line of Motley Drive, said point also being the East corner of a tract presently owned by Shell Oil Company;

THENCE South 44 deg. 43 min. East with the Southwesterly line of said Gus Thomasson Road and with the Northeast line of said Lot 18 to the North corner of a tract of land conveyed to Hugh F. Kohler and Tome E. Gardner September 24, 1958, an iron stake set for corner;

THENCE South 45 deg. 17 min. West with the Northwesterly line of said Hugh F. Kohler and Tom E. Gardner tract, 203.74 feet to the West corner of said tract, said corner being on the Northeasterly line of a 10 ft. dedicated alley, an iron stake for corner;

THENCE North 40 deg. 31 min. West with the said Northeasterly line of said alley 61.64 ft. an iron stake set for corner;

THENCE South 89 deg. 55 min. West with the Northerly line of said 10 ft. alley and with the Southerly line of said Lot 18, 711.11 ft. to the Southwest corner of said Lot 18, said point being also on a Westerly line of Casa View Heights No. 15, an iron stake set for corner;

THENCE North 1 deg. 26 min. West with the Westerly line of said Lot 18 and a Westerly line of Casa View Heights No. 15 to a point in the Southeasterly right of way line of Motley Drive;

THENCE North 45 deg. 17 min. East along the Southeasterly right of way line of Motley Drive to a point in the West corner of a tract presently owned by Shell Oil Company;

THENCE Southeasterly along the Southerly line of said Shell Oil Company tract a distance of 150 feet to point for corner;

THENCE Northeasterly along the Easterly line of said Shell Oil Company tract 100 feet to a point in the Southwesterly right of way line of Gus Thomasson Road and the place of beginning.

No. 3

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENT</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
DR. ALSIE CARLETON	Gus Thomasson Road	150	\$ 748.50

PROPERTY DESCRIPTION

Being that certain lot, tract or parcel of land situated in the County of Dallas, State of Texas, being in the William Johnston Survey, Abstract No. 706, City of Mesquite, Dallas County, Texas, said tract also being a part of Lot 18, in Block 1 of Casa View Heights No. 15, an addition to the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point on the Southerly line of Gus Thomasson Road (a 120 ft. r.o.w.) that is North 44 deg. 43 min. West 1406.04 ft. from the intersection of the Northerly line of La Prada Drive and said Southerly line of Gus Thomasson Road, said point also being on the Northerly line of a proposed 50 ft. street, an iron stake for corner;

THENCE South 45 deg. 17 min. West along said Northerly line of proposed street, 100.0 ft. an iron stake for corner;

THENCE North 44 deg. 43 min. West 150.0 feet an iron stake for corner;

THENCE North 45 deg. 17 min. East, 100.0 feet to a point on said Southerly line of Gus Thomasson Road, an iron stake for corner;

THENCE South 44 deg. 43 min. East along said Southerly line of Gus Thomasson Road 150.0 ft. to the place of beginning.

No. 4

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENT</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
SHELL OIL COMPANY	Gus Thomasson Road	150	\$748.50

PROPERTY DESCRIPTION

Being a part of Lot 18 in Block One of CASA VIEW HEIGHTS NO. 15, as shown by the plat recorded in Volume 29, page 233, Map Records of Dallas County, Texas, and being in the William Johnston Survey, Abstract No. 706 and a part of a tract of land conveyed by George E. Chapman, et al to Albert Susman, et al by Deed recorded in Volume 4988, page 509 of the Deed Records of Dallas County, Texas, said part being described by metes and bounds as follows:

BEGINNING at the intersection of the Southwest line of Gus Thomasson Road (a 120 foot right of way) said point being 405 feet Southeasterly from the North corner of said Lot 18 and 1,356.04 feet Northwesterly from the intersection of the Southwest line of Gus Thomasson Road with the Northwest line of La Prada Drive (an 80 foot right of way);

THENCE South 44 deg. 43 min. East with the Southwest line of Gus Thomasson Road 150 feet to a point for corner;

THENCE South 45 deg. 17 min. West and parallel with Motley Drive, 100 feet to a point for corner;

THENCE North 44 deg. 43 min. West and parallel with Gus Thomasson Road 150 feet to a point for corner in the Southeast line of Motley Drive;

THENCE North 45 deg. 17 min. East with the Southeast line of Motley Drive 100 feet to the place of beginning.

NO. 5

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENT</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
B. M. SMITH	Gus Thomasson Road	201.22	\$ 925.33

PROPERTY DESCRIPTION

Being that lot, tract or parcel of land situated in Dallas County, Texas, and being situated in the WILLIAM JOHNSON SURVEY, Abstract No. 706, Dallas County, Texas, said tract being a part of Lot 18 in Block 1 in CASA VIEW HEIGHTS NO. 15, an addition to the City of Mesquite, Texas, and being more particularly described as follows:

BEGINNING at a point on the southwesterly line of Gus Thomasson Road (a 120 ft. R.O.W.), said point being North 44 deg. 43 min. West 250.00 feet from the intersection of said Southwesterly line of Gus Thomasson Road and the Northwesterly line of La Prada Drive (a 80 ft. R.O.W.) an iron stake for corner;

THENCE South 45 deg. 17 min. West parallel to and 250 ft. from said Northwesterly line of La Prada Drive 218.52 ft. to a point on the Northeasterly line of a 10 ft. alley, an iron stake for corner;

THENCE North 40 deg. 31 min. West and along said Northeasterly line of said 10 ft. alley 201.76 ft. an iron stake for corner;

THENCE North 45 deg. 17 min. East 203.74 ft. to a point on said Southwesterly line of Gus Thomasson Road, an iron stake for corner;

THENCE South 44 deg. 43 min. East and along said Southwesterly line of Gus Thomasson Road 201.22 ft. to the place of beginning and containing 0.98 acres of land.

NO. 6

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENT</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
STORE INVESTMENTS, INCORPORATED	Gus Thomasson Road	120	\$ 598.80

PROPERTY DESCRIPTION

Being a tract of land situated in the William Johnston Survey, Abstract No. 706, City of Mesquite, Dallas County, Texas, and being part of Lot No. 18, Block No. 1 of Casa View Heights No. 15, an Addition to the City of Mesquite, Texas, deeded to Store Investments, Inc. by deeds dated April 10, 1958 and October 14, 1958, recorded Dallas County Deed Records, and being more particularly described as follows:

BEGINNING at a point on the Southwesterly line of Gus Thomasson Road (a 120 ft. R.O.W.), said point being 130.0 ft., North 44 deg. 43 min. West of the Northwesterly line of La Prada Drive (an 80 ft. R.O.W.), said point also being the North corner of a 130 ft. x 150 ft. tract owned by the Broadway Oil Company, an iron stake for corner;

THENCE South 45 deg. 17 min. West with the Northwesterly line of said Broadway Oil Company tract 150.00 ft. to the West corner of said Broadway Oil Co. tract an iron stake for corner;

THENCE South 44 deg. 43 min. East with the Southwesterly line of said Broadway Oil Company tract 130.00 ft. to the South corner of said Broadway Oil Co. tract, said point being on the Northwesterly line of aforementioned La Prada Drive, an iron stake for corner.

THENCE South 45 deg. 17 min. West with the Northwesterly line of said La Prada Drive 86.88 ft. to a point on the Northeasterly line of a 10 ft. alley, an iron stake for corner;

THENCE North 40 deg. 31 min. West with the Northeasterly line of said 10 ft. alley, 250.67 ft. to the South corner of a tract of land owned by Hugh F. Kohler and J. D. Blanton, an iron stake for corner;

THENCE North 45 deg. 17 min. East with the Southeasterly line of said Hugh F. Kohler and J. D. Blanton tract 218.52 ft. to a point on the said Southwesterly line of aforementioned Gus Thomasson Road, an iron stake for corner.

THENCE South 44 deg. 43 min. West with the said Southwesterly line of Gus Thomasson Road 120.0 ft. to the place of beginning.

NO. 7

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENT</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
BROADWAY OIL COMPANY	Gus Thomasson Road	130	\$ 648.70

PROPERTY DESCRIPTION

Being that certain lot, tract or parcel of land situated in Dallas County, Texas, being a part of Lot 18, in Block 1 of Casa View Heights No. 15, an addition to the City of Mesquite, Texas, according to the revised plat thereof, recorded in Volume 29, page 233 of the Map Records of Dallas County, Texas, described as follows:

BEGINNING at the intersection of the Southwest line of Gus Thomasson Road and the Northwest line of LaPrada Drive, said point being the most Easterly corner of Lot 18;

THENCE South 45 deg. 17 min. West along the Northwest line of LaPrada Drive, 150 feet to point for corner;

THENCE North 44 deg. 47 min. West and parallel with Gus Thomasson Road, 130 feet to point for corner;

THENCE North 45 deg. 17 min. East and parallel with LaPrada Drive 150 feet to point for corner in the Southwest line of Gus Thomasson Road;

THENCE South 44 deg. 47 min. East along the Southwest line of Gus Thomasson Road 130 feet to the place of beginning.

SECTION 3. Where more than one person, firm or corporation owns an interest in any property above described, each said person, firm or corporation shall be personally liable only for its, his or her pro rata of the total reassessment against such property in proportion as its, his, or her respective interest in such property may be released from the reassessment lien upon payment of such proportionate sum.

SECTION 4. The several sums above mentioned and reassessed against the said parcels of property and the owners thereof, and interest thereon at the rate of six per centum (6%) per annum, together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a lien upon the respective parcels of property against which the sums are assessed, and a personal liability and charge against the real and true owners of such property, whether such owners be named herein or not, and the said liens shall be and constitute the first enforceable lien and claim against the property on which such reassessments are levied and shall be a first and paramount lien thereon, superior to all other liens and claims except State, County, School District and City ad valorem taxes.

The sums so reassessed against the abutting property and the owners thereof shall be and become due and payable as follows, to-wit: In sixty (60) equal installments, the first payment on or before thirty (30) days from the completion and acceptance of the improvements in the unit or district upon which the property abuts, and one (1) payment each month thereafter until the total amount is paid; deferred payments shall bear interest from the date of such completion and acceptance at the rate of six per centum (6%) per annum, payable monthly with each installment, so that upon the completion and acceptance of the improvements in a particular unit or district, reassessments against such completed and accepted unit or district shall be and become due and payable in such installments, and with interest from the date of such completion and acceptance. Provided, however, that any owner shall have the right to pay the entire assessment, or any installment thereof, before maturity by payment of principal, and accrued interest, and further provided that, if default shall be made in the payment of any installment of principal or interest promptly as the same matures, then the entire amount of the reassessment upon which such default is made shall, at the option of the said City of Mesquite, or its assigns, be and become immediately due and payable, and shall be collectible, together with reasonable attorney's fees and costs of collection, if incurred.

SECTION 5. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof shall be enforced either by the sale of the said property by the Assessor and Collector



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of Taxes of the City of Mesquite as near as possible in the manner provided for the sale of property for non-payment of ad valorem taxes; or at the option of the said City of Mesquite the payment of the said sums shall be enforced by suit in any court having jurisdiction.

SECTION 6. That for the purpose of evidencing the several sums payable by said property owners and the time and terms of payment, and to aid in the enforcement thereof, assignable certificates shall be issued by the City of Mesquite upon the completion and acceptance of the said work of improvement, which shall be executed by the Mayor, signing the same or by his facsimile signature impressed thereon, attested by the City Secretary, under the impress of the corporate seal, and shall be payable to the City of Mesquite or its assigns, which certificate shall declare the said amounts and the time and terms of payment thereof, and the said rate of interest payable thereon, and shall contain the name of the owner and the description of his property by Lot or Block Number or front feet thereof, or such description as may otherwise identify the same by reference to any other fact, and if said property shall be owned by an estate, then the description thereof as so owned shall be sufficient.

And the said certificates shall further provide that if default shall be made in the payment of any installment of principal or interest thereon, when due, then at the option of the said City of Mesquite, being the owner and holder thereof, the whole of the said assessment shall at once become due and payable and shall be collectible with reasonable attorney's fees and costs, if incurred.

And the said certificates shall further set forth and evidence the said personal liability of the owner and the lien upon his premises, and shall provide that if default shall be made in the payment thereof, the same may be enforced either by sale of the property by the Tax Assessor and Collector of the City of Mesquite, as above recited, or by suit in any court having jurisdiction.

And the said certificates shall further recite that the proceedings with reference to making said improvements have been regularly had in compliance with the terms of the applicable law, and that all prerequisites to the fixing of the lien and claims of personal liability evidenced by such certificates have been performed, which recitals shall be evidence of the facts so recited and no further proof thereof shall be required.

That the said certificates shall also provide the amounts payable thereunder shall be paid to the Assessor and Collector of Taxes of the City of Mesquite, who shall credit said payments

upon the said certificates, and shall immediately deposit the amounts so collected with the City Treasurer of the City of Mesquite, to be kept and held by him in a special fund, and which payments shall be by the Treasurer paid to the said City of Mesquite or other holder of the said certificates, on presentation thereof to him, duly credited by Assessor and Collector of Taxes, the said credit by said Assessor and Collector of Taxes being the Treasurer's Warranty for making such payment and the said City of Mesquite or other holder of said certificate shall deliver receipt in writing to said Treasurer when paid in full, together with all costs of collection.

And the said certificates shall further provide that the City of Mesquite shall exercise all legal power, when requested to do so by the holder of said certificate, to aid in the collection thereof; but the City of Mesquite shall in no wise be liable to the holder of said certificates or for any costs or expense in the premises, or for any failure of the said City Council or any of its officers in connection therewith.

Full power to make and levy reassessments, and to correct mistakes, errors, invalidities or irregularities, either in the assessments or in the certificates issued in evidence thereof, is in accordance with the law in force in this City, vested in the City.

SECTION 7. All reassessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 8. The reassessments herein levied are made and levied under and by virtue of the terms, powers and provisions of an Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, known as Chapter 106 of the Acts of said Session, with amendments thereto, now shown as Article 1105b of Vernon's Texas Civil Statutes, which said law has been adopted as an alternative method for the construction of street and alley improvements in the City of Mesquite, Texas, and Section 12 of Article III of the Charter of the City of Mesquite:

Section 12. The act by the Legislature of the State of Texas in 1927 and shown as Chapter 106, Acts of the First Called Session of the Fortieth Legislature, together with all amendments thereof, said Act with amendments being shown as Article 1105b, Vernon's Annotated Revised Civil Statutes of the State of Texas, is hereby embraced in and made a part of this charter.

SECTION 9. The reassessments so levied are for the improvements in the particular unit or district upon which the property described abuts, and the reassessments for the improvements in one unit or district are in nowise related to or connected with the improvements in any other unit or district, and in making reassessments and in holding said hearing, the amounts reassessed for improvements in one unit or district have been in nowise affected by any fact in anywise connected with the improvements or the reassessments therefor in any other unit or district.

SECTION 10. The fact that in order to finance these improvements in an expeditious manner creates an urgency and an emergency in the immediate preservation of public peace, health and safety and requires that the rules providing for ordinances to be read more than one time, or at more than one meeting, be suspended, and that this ordinance be passed as and take effect as an emergency measure, and such rules are accordingly suspended and this ordinance is passed as and shall take effect and be in force as an emergency measure, and shall be in force and effect immediately from and after its passage.

PASSED by the City Council of the City of Mesquite, Texas, on the 6 day of January, 1964.

APPROVED: B. W. [Signature]  
MAYOR

ATTEST: [Signature]  
CITY SECRETARY

APPROVED AS TO FORM:  
B. Robert Baker  
ATTORNEY