

ORDINANCE NO. 568

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, LEVYING ASSESSMENTS 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: SOUTH GALLOWAY AVENUE FROM THE TEXAS AND PACIFIC RAILROAD TRACK TO PARKVIEW STREET; PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS 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 South Galloway Avenue from the Texas and Pacific Railroad track to Parkview Street by excavating or filling so as to bring the same to grade; by paving with 7-inch thick reinforced 3,000 P.S.I. concrete pavement; with 6-inch height roll-type integral curbs; with 6-inch thick reinforced concrete driveway approaches and alley returns; and 4-inch thick concrete sidewalks, where specified, so that the roadway width from the Texas and Pacific Railroad track to Main Street shall be 44 feet from back of curb to back of curblines. From Main Street to the alley south of Davis Street the roadway width shall be 49½ feet from back of curb to back of curblines. From the alley south of Davis Street to 200 feet North of Gross Street the roadway width shall taper from 49½ feet to 44 feet. From 200 feet North of Gross Street to Parkview Street the roadway width shall be 44 feet from back of curb to back of curblines; 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 assessments; 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 names 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 error or invalidity in said proceedings or to any matter or thing connected with the said improvements; and

WHEREAS, the said resolution in connection with the improvements of said street and highway was duly adopted in compliance with the law on the 16th day of December, 1963; 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 one time in the TEXAS MESQUITER, a weekly paper of general circulation in the City of Mesquite ten days prior to the days set for the hearing, to-wit, the 6th day of January, 1964; and the City Secretary also gave notice of said hearing by posting letters containing the same 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 those proceedings; and

WHEREAS, said hearing was had at the time and place mentioned in the said resolution and notice, to-wit, on the 6th day of January, 1964, at 3:30 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 5 day of October, 1964, and was then closed; and

WHEREAS, at said hearing, all desiring to contest the said assessments, correct the same, or in any manner to 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

8 5th day of October, 1964, in these proceedings is hereby ratified and confirmed by this ordinance; that the City Council, from the evidence, finds that the assessments 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 assessments and charges 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 assessments 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 assessment is levied and charge made, in a sum in excess of the said assessment 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.

8 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:

NO. 1

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Clarence A. Browning and wife, Ada Fay Browning	So. Galloway Ave.	32 ft. Street	- \$ 35.75
		Sidewalk	- \$ 51.52
		Total	- \$ 87.27

PROPERTY DESCRIPTION

Being Lot 4, Block "A", Crestwood Addition to the City of Mesquite, Dallas County, Texas, according to the map thereof recorded in Volume 11, Page 389, Map Records, Dallas County, Texas.

o. 2

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
C. L. Whitehead	So. Galloway Ave.	83.22 ft. Street	- \$1,033.40
		Sidewalk	- \$ 121.10
		Total	- \$1,154.50

PROPERTY DESCRIPTION

Being Lot 3, Block "A" of Crestwood Additon in the City of Mesquite, Dallas County, Texas, according to the map thereof recorded in Volume 11, Page 389 of the Map Records of Dallas County, Texas.

3

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
C. L. Whitehead	So. Galloway Ave.	83.22 ft. Street	- \$1,033.40
		Sidewalk--	\$ <u>121.10</u>
		Total -	\$1,154.50

PROPERTY DESCRIPTION

Being Lot 2, Block "A" of Crestwood Addition to the City of Mesquite, Texas, according to the map thereof recorded in Volume 11, Pg. 389, of the map records of Dallas County, Texas, and being that identical property described in and conveyed by a deed dated June 20, 1950, wherein N. E. Shands was grantor and L. B. Sowell et ux were grantees which was filed for record on May 11, 1953, and is recorded in Volume 3849, Page 125, of the deed Records of Dallas County, Texas.

D. 4

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
C. L. Whitehead	So. Galloway Ave.	83.22 ft. Street	- \$1,029.00
		Sidewalk	- \$ 105.00
		Total	- \$1,134.00

PROPERTY DESCRIPTION

Being Lot 1, Block "A" of Crestwood Addition to the City of Mesquite, Texas, according to the map thereof recorded in Volume 11, Page 389 of the Map Records of Dallas County, Texas.

NO. 5

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT ASSESSM</u>
First Methodist Church of Mesquite	So. Galloway Ave.	125.70 ft. Street	- \$ 297
			Sidewalk - \$ 179
			Total - \$ 476

PROPERTY DESCRIPTION

Being Lots 15 and 16 in Block "B" of Crestwood Addition according to the revised plat of Lots 5 to 16, Block "B" of Crestwood Addition to the City of Mesquite, Texas, as recorded in Volume 15, Page 371, of the Map Records of Dallas County, Texas

NO. 6

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Geneva Barnes	So. Galloway Ave.	86.44	\$ 237.71

PROPERTY DESCRIPTION

Being Lot 17, Block "B" of Crestwood Addition to the City of Mesquite, Texas, according to the map thereof recorded in Volume 11, Page 389 of the office of the Map Records of Dallas County, Texas.

NO. 7



<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Nellie N. Martin	So. Galloway Ave.	86.44 ft. Street	- \$ 237.7
			Sidewalk - \$ 123.0
			Total - \$ 360.7

PROPERTY DESCRIPTION

Being Lot 18, Block "B" of Crestwood Addition to the City of Mesquite, Texas, according to the map thereof recorded in Volume 11, Page 389 of the Map Records of Dallas County, Texas.



002132

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Dr. Clay Henry	So. Galloway Ave.	86.44 ft. Street	- \$ 237.71
		Sidewalk	- \$ 126.29
		Total	- \$ 364.00

PROPERTY DESCRIPTION

Being Lot 19, Block "B" of Crestwood Addition to the City of Mesquite, Texas, According to the map thereof recorded in Volume 11, Page 389 of the Map Records of Dallas County, Texas.

NO. 9

OWNER

C.V.McFarlin and
Juanita McFarlin

LOCATION OF
IMPROVEMENTS

So. Galloway Ave.

FRONT
FOOTAGE

86.44 ft. Street - \$ 237.71

AMOUNT OF
ASSESSMENT

Sidewalk - \$ 139.17

Total - \$ 376.88

PROPERTY DESCRIPTION

Being Lot 20 in Block "B" of Crestwood Addition to
the City of Mesquite, Texas, according to the map
thereof recorded in Volume 11, Page 389 of the Map
Records of Dallas County, Texas.

D. 10

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
C. L. Whitehead	So. Galloway Ave.	100.00 ft. Street	- \$1,242.92
		Sidewalk	- \$ 149.73
		Total	- \$1,392.65

PROPERTY DESCRIPTION

Being all that certain lot, tract or parcel of land situated in Dallas County, Texas, and being out of the Woodfield Castell Survey, Abstract 343, described as follows:

BEGINNING at a point in the North line of a tract of land conveyed to John L. Terry by Minnie Haas, a femme sole, under deed recorded in Vol. 508, Page 239 of the Deed Records of Dallas County, Texas, said point being 30 feet East of the Northwest corner of said tract; THENCE East along the North line of said tract 175 feet to a point for corner;

THENCE South parallel with the West line of said tract 100 feet to a point for corner in the South line of said tract;

THENCE West along the said South line, 175 feet to the East boundary line of a road, and being 30 feet east of the Southwest corner of the said tract conveyed to John L. Terry;

THENCE North 100 feet to the place of beginning and being the same property conveyed by Robert David Jones, et ux to Blanchard J. Watson, et ux by deed dated February 26, 1951 and filed for record in the Deed Records of Dallas County, Texas.

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
C. L. Whitehead	So. Galloway Ave.	100.00ft.	Street - \$1,246.00
			Sidewalk - \$ 161.00
			Total - \$1,407.00

PROPERTY DESCRIPTION

Being all that certain lot, tract or parcel of land out of the Woodfield Casteel 160 acre survey described as follows: BEGINNING at a stake 40 feet South and 235.6 feet East of the Southeast corner of the Fred Borchardt Addition to the Town of Mesquite, said beginning point being the Northwest corner of a lot deeded to Elsie Holley by deed dated January 14, 1919;
 THENCE South 100 feet to a stake for corner;
 THENCE West 200 feet to a stake for corner;
 THENCE North 100 feet to a stake for corner;
 THENCE East 200 feet to the point of beginning.

NO. 12-15

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Capitan Bowling Center, Inc.	So. Galloway Ave.	400.0 ft.	Street - \$ 4,970.36
			Sidewalk - \$ <u>594.09</u>
			Total \$ 5,564.45

PROPERTY DESCRIPTION

Being all of Lots 2, 3 and 4, the South 90 feet of the West 200 feet of Lot 1 in Block "B" of Fred Borchardt Jr.'s First Addition to the Town of Mesquite, Texas, and that certain 10 foot wide strip of land located South of and adjacent to the South lot line of said Lot 4 in Block "B" of Fred Borchardt Jr.'s First Addition to the Town of Mesquite, Texas, as conveyed to Capitan Bowling Center, Inc. by the City of Mesquite by Ordinance No. 511 dated December 2, 1963.

16
NO. 16

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Frank W. Greenhaw and Patricia Ann McWhorter	So. Galloway Ave.	140.00 ft. Street -	\$ 385.00
		Sidewalk -	\$ 188.37
		Total -	\$ 573.37

PROPERTY DESCRIPTION

Being a tract of land out of the W. Casteel Survey, Abstract 343 and being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the North line of Holly Street and the West line of Galloway Street, said beginning point being 30 feet West of the original Southwest corner of Lot 4 in Block "B" of Fred Borchardt Jr.'s First Addition to the Town of Mesquite, Texas;

THENCE North with the West line of Galloway Street, 140 feet to a stake for a corner;

THENCE West 80 feet to a stake for a corner;

THENCE South 14 degrees West 144.5 feet for corner in the North line of Holly Street;

THENCE East 115 feet to the place of beginning.

No. 17

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
E. W. Sanders and Iva Jewell Sanders	S. Galloway Ave.	100.0 ft. Street	- \$1,233.24
		Sidewalk	- <u>104.65</u>
		Total	\$1,337.89

PROPERTY DESCRIPTION

Being all that certain lot, tract or parcel of land, lying and being in the Town of Mesquite, Texas, and being known as Lot 2 in Block "A" of Fred Borchardt's First Addition to Mesquite according to the map thereof recorded in the office of County Clerk of Dallas County, Texas; less, however, that portion of said Lot 2 heretofore deeded to Dallas County for right of way purposes as shown by a right of way deed from James H. Hulsey to the County of Dallas, dated February 12, 1941, and recorded in Volume 2201, Page 509 of the Deed Records of Dallas County, Texas.

NO. 18

OWNER

LOCATION OF
IMPROVEMENTS

FRONT
FOOTAGE

AMOUNT OF
ASSESSMENT

C. E. Moon

S. Galloway Ave.

80 ft. Street - \$ 973.92

Sidewalk - 40.25

Total - \$1,014.17

PROPERTY DESCRIPTION

Being all that certain lot, tract or parcel of land described as follows: Situated in Dallas County, Texas, and being part of Lot 1, Block "A" of Fred Borchardt Jr.'s First Addition to the City of Mesquite, Texas, according to the Map thereof recorded in the Map Records of Dallas County, Texas, and being fully described by metes and bounds as follows: BEGINNING at the Northwest corner of a tract of land conveyed to the Lone Star Gas Company by deed from Jewell Lois Keith et vir, N.E., dated September 20, 1946, recorded in Vol. 2746, Page 242, Deed Records of Dallas County, Texas;

THENCE West along the South line of College Street, 82.8 feet to the intersection of the South line of College Street and the East line of Belt Line Road;

THENCE South along the East line of Belt Line Road, 80 feet to the South line of Lot 1;

THENCE East along the South line of Lot 1, 82.8 feet to the Southwest corner of said Lone Star Gas Company tract, 80 feet to the place of beginning.

NO. 19

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Robert M. Yarbrough	So. Galloway Ave.	178.79 ft.	\$ 2,220.91

PROPERTY DESCRIPTION

Being all that certain tract, lot or parcel of land conveyed to Robert M. Yarbrough from Sam Rutherford, Trustee, under Trust created for the use of benefit equally of Dorothy Ann Rutherford Richardson, Sammie Lynn Rutherford Anderson, Carolyn Jo Rutherford Gates, Opal Lou Rutherford, and Sandra Rutherford, said tract being described as follows: BEGINNING at the present intersection of the North line of College Street and the East line of South Galloway Avenue as described by the County plat and agreement filed in Vol. 4292, Page 571 of the Deed Records of Dallas County, Texas;

THENCE Northerly along the said East line of Belt Line Road (Galloway Avenue) along a circular curve to the left having a central angle of 30 deg. 15 min. and a radius of 602.96 ft., an arc distance of 97.99 feet to the North end of said curve, a point for a corner;

THENCE North 30 deg. 15 min. West along the said East line of Belt Line Road 62.5 feet to a point for corner;

THENCE Northerly along the said East line of Belt Line Road along a circular curve to the right having a central angle of 35 deg. 43 min. and a radius of 351.97 feet, an arc distance of 18.3 feet to a point for a corner, said point being the Southwest corner of a 9.5 ft. reserve strip south of the Texas Company lease tract;

THENCE North 89 deg. 45 min. East, 42.5 feet along the South line of the said 9.5 ft. reserve strip to a point for a corner, said point being the Southeast corner of the said 9.5 ft. reserve strip;

THENCE South 0 deg. 48 min. West, 28 feet to a point for a corner;

THENCE North 89 deg. 45 min. East, 94.3 feet to a point for a corner;

THENCE North 0 deg. 48 min. East, 44.5 feet to a point for a corner;

THENCE North 89 deg. 45 min. East, 28 feet to a point for a corner;

THENCE South 0 deg. 48 min. West, 180.5 feet to a point for a corner, in the said North line of College Street;

THENCE South 89 deg. 45 min. West, 80.32 feet along the said North line of College Street to the PLACE OF BEGINNING.

No. 20

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Sam Rutherford	So. Galloway Ave.	150.00 ft.	\$743.42

PROPERTY DESCRIPTION

Being that certain tract of land situated in Dallas County, Texas, and being out of the Woodfield Casteel Survey, Abstract No. 343, and being part of Block 24 in the Town of Mesquite, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the Northeast corner of the Mrs. Janie W. Marshall tract in Block 24, said point being in the South line of Terrell Street (Davis Street);

THENCE Southerly along the East line of said Marshall tract, a distance of 145 feet to a point for a corner;

THENCE in a Northwesterly direction along the East line of Belt Line Road to its intersection with the South line of Terrell Street;

THENCE in an Easterly direction along the South line of said Terrell Street a distance of 46 ft. to the place of beginning.

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Shell Oil Co.	So. Galloway Ave.	150.0 ft.	\$ 1,238.72

PROPERTY DESCRIPTION

Being a tract of land in Mesquite, Texas, and more particularly described as follows:

BEING the West 90 feet of Lot 8, Block 1 in the Town of Mesquite, Texas, according to the Map thereof, as recorded in Book "U", Page 70 of the Deed Records of Dallas County, Texas.

BEING 90 feet off the West end of Lots 6 & 7 in Block 1 in the Town of Mesquite, Texas, according to the map or plat of said Town as appears of record in Book "W", Page 70, Records of Deeds, Dallas County, Texas.

NO. 22

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Glenn Galloway and Margaret Ann Galloway Rorie	So.Galloway	95.0 ft.	Street - \$ 1,148.50
			Sidewalk - \$ 32.20
			Total \$ 1,180.70

PROPERTY DESCRIPTION

Being all of Lot 5 and the West 12 feet of Lot 4
in Block 1 of the Town of Mesquite, Texas,
according to the map or plat thereof recorded
in the Map Records of Dallas County, Texas.

NO. 23

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Sam Rutherford	So. Galloway Ave.	155.0 ft.	Street - \$ 1,923.38
			Sidewalk - \$ 220.57
			Total \$ 2,143.95

PROPERTY DESCRIPTION

Being part of Lots No. 1 and 2 in Block "C" of Fred Borhardt Jr.'s First Addition to the Town of Mesquite and described by metes and bounds in a deed to Sam Rutherford from Vernon Ann Rowley dated December 16, 1949, and recorded March 10, 1950, in the office of the Dallas County Clerk, less the portion deeded to Earl D. Adams and Mozelle Adams in a deed dated November 10, 1953 and recorded November 27, 1953, in the office of the Dallas County Clerk.

NO. 24

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Earl D. Adams and Mozelle Adams	So.Galloway Ave.	75.0 ft.	Street - \$ 310.90

PROPERTY DESCRIPTION

Being all that certain lot, tract or parcel of land deeded by Sam Rutherford to Earl D. Adams and wife, Mozelle Adams, by deed recorded November 27, 1953 in Volume 3950, Page 32 of the Deed Records of Dallas County, Texas, and being out of Block 22 of the Original Town of Mesquite; said tract also being out of a tract of land conveyed to Sam Rutherford by Vernon Ann Rowley, a widow, by deed recorded in Volume 3265, Page 103, Deed Records of Dallas County, Texas, and being described by metes and bounds as follows:

BEGINNING at the Northwest corner of the said Rutherford tract;
THENCE Easterly along the North line of said Rutherford tract, 125 feet, more or less, to a point in the West line of So. Galloway Street;
THENCE Southerly along the West line of So.Galloway Street 75 feet to a point for corner;
THENCE in a Westerly direction, parallel to the first call, 125 feet, more or less, to the West line of said Rutherford tract;
THENCE Northerly along said West line of said Rutherford tract, 75 feet to the place of beginning; Save and Except, however, a strip of land off the East side, heretofore conveyed to County of Dallas by deed from James H. Hulsey and wife, Cornelia Hulsey, dated February 12, 1941, recorded in Volume 2201, Page 509, Deed Records of Dallas County, Texas.

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Vernon Ann Rowley	So. Galloway Ave.	160.0 ft.	Street - \$ 187.50
			Sidewalk - <u>241.50</u>
			Total - \$ 429.00

PROPERTY DESCRIPTION

Being all that certain lot, tract or parcel of land situated in Dallas County, Texas, being a lot approximately 125 feet by 380 feet out of Block 22 of Fred Borchardt Jr.'s First Addition to the Town of Mesquite, and described as follows:

BEGINNING at the Southwest corner of Lot 4, Block A of Fred Borchardt Jr.'s First Addition to Mesquite, Texas;

THENCE in a Northerly direction along the West line of Lots 4, 3, 2 and 1 in said Block A, in all a distance of approximately 380 feet to point;

THENCE West a distance of 125 feet to a point;

THENCE South a distance of 380 feet to a point;

THENCE East a distance of 125 feet to the place of beginning, less a strip of land off the East side of the above described property heretofore conveyed to the County of Dallas for highway purposes;

Also less that certain tract conveyed to Sam Rutherford in a deed dated December 16, 1959 and being more particularly described as follows:

BEGINNING At the Southwest corner of Lot 4, Block A of Fred Borchardt Jr.'s First Addition to Mesquite, Texas;

THENCE in a Northerly direction along the West line of said Block A, in all a distance of approximately 225 feet to a point;

THENCE West a distance of 125 feet to a point;

THENCE South a distance of 225 feet to a point;

THENCE East a distance of 125 feet to the place of beginning, less a strip of land off the East side of the above described property heretofore conveyed to the County of Dallas for highway purposes.

oid
NO. 26

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Stores Investments, Inc.	S. Galloway Ave.	179.83 ft.	Street-\$2,156.43 Sidewalk-\$ 182.94 Total -\$2,339.37

PROPERTY DESCRIPTION

Being all that certain lot, tract or parcel of land situated in the W. O. Casteel Survey, Abstract No. 343, and being part of City Blocks 24 and 25 in the Town of Mesquite, Dallas County, Texas, and being part of a tract conveyed by C. C. Dean et ux to R. H. Wagoner et ux by deed recorded in Vol. 2833, Page 334, Deed Records, Dallas County, Texas, and described by metes and bounds in a deed to Stores Investments, Inc. from R. H. Wagoner and wife, Johnnie Hull Wagoner, dated June 27, 1955, and recorded in the office of the County Clerk of Dallas County, Texas, July 6, 1955.

30
NO. 27 & 29

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Mercantile National Bank at Dallas, Trustee	So. Galloway Ave.	86.65 ft.	\$ 996.05

PROPERTY DESCRIPTION

Being Tract 2 and Tract 6 of Exhibit "A" in a deed dated November 2, 1961, from the First National Bank of Mesquite, Texas, to the Mercantile National Bank at Dallas, Trustee, and recorded in the office of the County Clerk of Dallas County, Texas, November 10, 1961, and being more fully described as follows:

TRACT TWO: Situated in Dallas County, Texas, and being all of Lot 14 and part of Lot 15, Block 2 of the Original Townsite of Mesquite, the tract herein being more particularly described as follows:

BEGINNING at an "X" cut in concrete at the intersection of the West right of way line of Galloway Street with the North right of way line of Davis Street, said point being 435 feet South of the centerline of the T & P Railroad right of way;

THENCE North 83 deg. 26 ft. West 115.0 feet with the North right of way line of Davis Street to a railroad spike, said point being at the intersection of the North right of way line of Davis Street with the East right of way line of a 20 foot alley;

THENCE North 6 deg. 20' East 60.0 feet with the East right of way line of said 20 foot alley;

THENCE South 83 deg. 26' East 55.0 feet to a point for corner;

THENCE North 6 deg. 20' East 8.8 feet to a point for corner;

THENCE South 83 deg. 26' East 60.0 feet to a point for corner in the West right of way line of Galloway Street;

THENCE South 6 deg. 20' West 68.8 feet to the PLACE OF BEGINNING, subject to a protrusion of 0.9 feet of a brick building into the sidewalk area on the East line of the herein described property.

TRACT SIX: Situated in Dallas County, Texas, and being a tract of land in Block 24 of the City of Mesquite, Texas, and being 17 feet off the North side of Store Investments, Inc. tract being a part of the W. Casteel Survey, Abstract No. 343, and described as follows:

BEGINNING at the Northeast corner of the J. E. McGee, Jr. tract as recorded in Volume 4667, Page 613 Deed Records of Dallas County, Texas, same being the Northwest corner of said Store Investments, Inc. tract an iron stake found in place for corner;

THENCE South 89 deg. 02' East, 43.52 feet along the North side of said

Page 2

Mercantile National Bank at Dallas, Trustee

Store Investments tract to the Northeast corner of said tract and a point in the West line of Galloway Street (a 60 ft. right of way) same being a point on a curve to the left having a central angle of 2 deg. 33' 10" and a radius of 411.9 feet, an iron stake set for corner;

THENCE Southeasterly along said curve 18.35 feet to an iron stake for corner;

THENCE North 89 deg. 02' West, parallel to and 17 feet from the North line of said Store Investments, Inc. tract, 50.55 feet to a point in the East line of said McGee tract, an iron stake set for corner;

THENCE North 1 deg. 21' East, 17.0 feet along said McGee tract East line to the PLACE OF BEGINNING and containing 797 square feet.

No. 28

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Walter S. Robinson	So. Galloway Ave.	118 ft.	\$694.00

PROPERTY DESCRIPTION

Being a tract of land out of the W. O. Casteel Survey, Abstract No. 343 and being also a part of Block 24 of the Town of Mesquite, Texas, said tract being further described by metes and bounds in a deed from R. H. Wagoner and Johnnie Dean Wagoner to Walter S. Robinson, dated January 14, 1947, and recorded in the office of the County Clerk of Dallas County, Texas, January 24, 1957, as follows:

BEGINNING at a point 52.1 feet south of the Northeast corner of the H. L. Brisendine tract, said Northeast corner being also known as the Northeast corner of a one acre tract sold and deeded to J. J. Archison by T. F. Nash and being the Northwest corner of this tract of land;

THENCE South 127.9 feet to a stake for a corner of this tract;

THENCE East 115.4 feet to a stake for corner of this tract;

THENCE North 115.4 feet to a stake in the South line of the Texas Interurban Railway right-of-way for corner of this tract;

THENCE North 83 deg. and 36 min. West 115.4 feet to stake in the West line of this tract, the place of beginning, less that portion of the above described tract conveyed by Mrs. Tom C. Cantrell, et vir, Tom Cantrell to the County of Dallas, by right of way deed dated December 16, 1940, recorded in Vol. 2201/510, Deed Records of Dallas County, Texas.

NO. 30

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT ASSESS</u>
David W. Tosch	S. Galloway Ave.	74 ft.	\$ 922.0

PROPERTY DESCRIPTION

Being all that certain lot, tract or parcel of land lying and being situated in Dallas County, Texas, being parts of Lots 15 and 16 in Block 2 according to the official Map of the Town of Mesquite, Texas described as follows:

BEGINNING at the Northeast corner of Lot 16;

THENCE South 74 feet to a point in the East line of Lot 15 for corner

THENCE West 60 feet;

THENCE North 74 feet to a point in the North line of Lot 16;

THENCE East 60 feet along the North line of Lot 16 to the place of beginning.

NO. 31

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
W. B. Hailey	S. Galloway Ave.	71.0 ft.	\$ 884.66

PROPERTY DESCRIPTION

Being Lots 1 and 2 of Block 2 of the City of Mesquite, Dallas County, Texas, less the South 35 feet of said lots conveyed by W. H. Paschall to Town of Mesquite, Texas, recorded in Volume 713, Page 306, Deed Records, Dallas County, Texas, and less 9 feet additional off South side of Lots deeded to State and County.

NO. 32

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Texas & Pacific Railroad	S. Galloway Ave.	190.0 ft.	Street \$ 2,367.40
			Sidewalk \$ 305.90
			Total \$ 2,673.30

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 assessment against such property in proportion as its, his or her respective interest bears to the total ownership of such property, and its, his or her respective interest in such property may be released from the assessment lien upon payment of such proportionate sum.

SECTION 4. The several sums above mentioned and assessed 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 same 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 assessments 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 assessed 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, assessments 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 assessment 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 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 thereof, 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 pre-requisites 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 assessments 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.

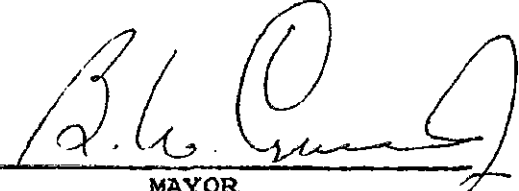
SECTION 8. The assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of an Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, known as Chapter 106 of the Acts of said Session, with amendments thereto, now shown as 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;

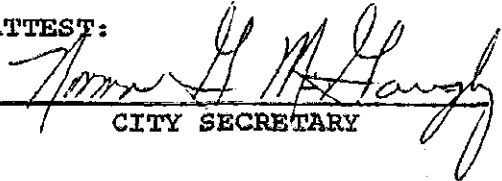
Section 12. The act by the Legislature of the State of Texas in 1927 and shown as Chapter 106, Acts of the First Called Session of the Fortieth Legislature, together with all amendments thereof, said Act with amendments being shown as Article 1105b, Vernon's Annotated Revised Civil Statutes of the State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

SECTION 9. The assessments so levied are for the improvements in the particular unit or district upon which the property described abuts, and the assessments 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 assessments and in holding said hearing, the amounts assessed for improvements in one unit or district have been in nowise affected by any fact in anywise connected with the improvements or the assessments therefore 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 required 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 5 day of October, 1964.


MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

ATTORNEY

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