

ORDINANCE NO. 573

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 STREETS AND HIGHWAYS IN THE CITY OF MESQUITE, TEXAS TO-WIT: KEARNEY STREET FROM NORTH GALLOWAY AVENUE TO GROSS ROAD; EBRITE STREET FROM KEARNEY STREET TO A POINT 75 FEET NORTH OF MCKINNEY AVENUE; LAWRENCE STREET FROM KEARNEY STREET TO A POINT 100 FEET NORTH OF MCKINNEY AVENUE; 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 STREETS AND HIGHWAYS, 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 Kearney Street from North Galloway Avenue to Gross Road 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 outside and median 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 shall be 42 feet from back of curb to back of curblines, except where left turns are specified, and then said roadway width shall be 52 feet wide; the improvements of Ebrite Street and Lawrence Street by excavating or filling so as to bring the same to grade; by paving with 6-inch thick reinforced 3,000 P.S.I. concrete pavement; with 6-inch height roll-type curbs; with 6-inch thick reinforced concrete driveway approaches and alley returns, so that the roadway width shall be 37 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 streets and highways, 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 streets and highways 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 streets and highways, 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 7 day of December, 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 7 day of December, 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 streets and highways hereinbelow mentioned and against the owners thereof, and that such assessments 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 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.

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>
Morris Wiesenfield	Kearney Street	98	\$1,323.00

PROPERTY DESCRIPTION

Being a part of the Jacob Lakey Survey, Abstract No. 810, Dallas County, Texas, and being more particularly described as follows: BEGINNING at the intersection of the South line of Kearney Street and the West line of Galloway Avenue, a 100 ft. right of way; THENCE South 89 deg. 36 min. West along the South Line of Kearney Street a distance of 118 feet to an iron rod for a corner; THENCE South 0 deg. 24 min. East 100 ft. to an iron rod for a corner; THENCE North 89 deg. 36 min. East parallel with the South line of Kearney Street a distance of 118 feet to an iron rod for a corner; THENCE North 0 deg. 24 min. West along the West line of Galloway Avenue to the point of beginning and containing 0.271 acres of land. LESS the 20 ft. section dedicated to the City of Mesquite for right of way on the West side of Galloway Avenue.

NO. 2

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Joe C. Pritchett	Kearney Street	100	\$1,350.00

PROPERTY DESCRIPTION

Being out of the Jacob Lakey Survey, Abstract No. 810 and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the West line of North Galloway Avenue (also known as Belt Line Road, also known as Gus Thomasson Road), said point of beginning being the Northeast corner of Lot 2, Block A of Mary J. Duff's First Addition, an addition to the City of Mesquite, Texas, according to the map thereof recorded in Vol. 287, page 5 of the Deed Records of Dallas County, Texas, said point of beginning being 100 feet South of the South line of Kearney Street, 70 ft. right of way;

THENCE West along the North line of said Lot 2, Block A of the Mrs. Mary J. Duff's First Addition, 218 feet to a point for a corner, and said point for corner being the Northwest corner of the said Lot 2 and being the Southwest corner of Lot 3, Block A of the Mrs. Mary J. Duff's First Addition;

THENCE North along the West line of the said Lot 3, 100 feet to point for a corner, said point being in the South line of Kearney Street, a 70 ft. right of way, said point also being the Northwest corner of said Lot 3, Block A;

THENCE East along the South line of Kearney Street, and the North line of said Lot 3, 218 feet to point for corner in the West line of said Galloway Street, a 100 ft. right of way, said point for corner being the Northeast corner of the said Lot 3;

THENCE South along the East line of said Lot 3 and the West line of said Galloway Street, 100 feet to the place of beginning and being Lot 3 of Block A of Mrs. Mary J. Duff's First Addition, an addition to the City of Mesquite, Texas, according to the map thereof recorded in Vol. 287, page 5 of the Deed Records of Dallas, County, Texas.

LESS THAT PORTION or parcel of land deeded to Morris Wiesenfield and being more particularly described as follows: Being a part of the Jacob Lakey Survey, Abstract No. 810, Dallas County, Texas, and being more particularly described as follows: BEGINNING at the intersection of the South line of Kearney Street and the West line of Galloway Avenue, a 100 ft. right of way; THENCE South 0 deg. 24 min. East 100 feet to an iron rod for a corner; THENCE N 89 deg. 36 min. East parallel with the South line of Kearney Street a distance of 118 ft. to an iron rod for a corner; THENCE North 0 deg. 24 min. West along the West line of Galloway Avenue to the point of beginning and containing 0.271 acres of land.

NO. 3

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Richard R. Russell	Kearney Street	250.20	\$ 3,377.70
	Lawrence Street	195.0	<u>1,552.20</u>
	Total		\$ 4,929.90

PROPERTY DESCRIPTION

Being a part of the Jacob Lakey Survey, Abstract No. 810, Dallas County, Texas, and being described by metes and bounds as follows: BEGINNING at the point of intersection of the present South line of Kearney Street, a 70 ft. right-of-way, and the East line of Lawrence Street, a 50 ft. right-of-way;

THENCE North 89 deg. 36 min. East 250.20 ft. along the said South line of Kearney Street to an iron rod for a corner;

THENCE South 0 deg. 24 min. East 101.37 ft. to an iron rod for a corner;

THENCE South 1 deg. 09 min. East 100.00 ft. to an iron rod for a corner;

THENCE North 89 deg. 52 min. West 98.19 ft. to an iron rod for a corner;

THENCE South 89 deg. 43 min. West 153.84 ft. to an iron rod for a corner in the said East line of Lawrence Street;

THENCE North 0 deg. 15 min. West 200.15 ft. to the point of beginning along the said East line of Lawrence Street and containing 1.156 acres of land.

LESS the 5 ft. wide strip dedicated to the City of Mesquite, Texas, for right-of-way on the South side of Kearney Street.

NO. 4

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Jack Tynes, Riley Burch and O. L. Nelms, Trustee	Kearney St.	261.68	\$ 3,532.68
	Lawrence St.	200.0	1,592.00
	Ebrite St.	225.0	<u>1,872.00</u>
	Total		\$ 6,996.68

PROPERTY DESCRIPTION

Being all of lots 3,4,13,14 and 15 and the North 50 ft. of Lot 2 of Block B/42 as shown on Sheet 3 of the Town of Mesquite, Dallas County Plat books, all of said property being a portion of a tract included in a deed from Howard D. Brown, Herschel G. Brown and Corinne Brown Walton and husband, David Walton, to Jack Tynes, Riley Burch and O. L. Nelms, Trustee, and dated June 23, 1955, said tract being out of the Jacob Lakey Survey, Abstract No. 810 and being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the West right-of-way line of Lawrence Street and the South right-of-way line of Kearney Street;

THENCE Southerly along the West right-of-way line of Lawrence Street a distance of 200 feet to a point, said point being the Northeast corner of a tract conveyed to Opha S. Miller by deed recorded in Volume 2522, Page 447, Deed Records, Dallas County, Texas;

THENCE Westerly along the North line of said Opha S. Miller tract 125 ft. to the Northwest corner thereof;

THENCE South 25 feet to the Northwest corner of Lot 1 in said Block B/42 of the Town of Mesquite;

THENCE Westerly, crossing a dedicated alley, and continuing along the North line of Lot 16 in Block B/42 to a point for corner in the East right-of-way line of Ebrite Street;

THENCE North along the East right-of-way line of Ebrite Street a distance of 225 feet to a point for corner, said point being in the South right-of-way line of Kearney Street;

THENCE Easterly along the South right-of-way line of Kearney Street to the place of beginning.

NO. 5

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Jack Tynes, Riley Burch and O. L. Nelms, Trustee	Kearney Street Ebrite Street	117.69 225.00	\$ 1,588.80 <u>1,872.00</u>
	Total		\$ 3,460.80

PROPERTY DESCRIPTION

Being all that certain tract or parcel of land fronting the South side of Kearney Street beginning at the Southwest corner of the intersection of Kearney Street and Ebrite Street and continuing in a Westerly direction along the South line of Kearney Street a distance of 117.69 feet to the eastern most property line of Lot 3, Block J of the Pasadena Gardens Addition to the City of Mesquite, Texas, and being a portion of a tract of land conveyed to Jack Tynes, Riley Burch and O. L. Nelms, Trustee from Howard D. Brown, Herschel G. Brown and Corinne Brown Walton and husband, David Walton on June 23, 1955, said tract being out of the Jacob Lakey Survey, Abstract No. 810, and being more particularly described by metes and bounds as follows:

BEGINNING at the Southwest corner of the intersection of Kearney Street and Ebrite Street;

THENCE Westerly along the South right-of-way line of Kearney Street a distance of 117.69 ft. to the eastern most property line of Lot 3, Block J of Pasadena Gardens Addition to the City of Mesquite;

THENCE South 32 deg. 51 min. West 270.82 ft. to a point for corner; said point being the Northwest corner of Lot 16 of Block C/41 in the Town of Mesquite;

THENCE Easterly along the North line of Lots 16 and 1 in said Block C/41 to a point for corner in the West right-of-way line of Ebrite Street;

THENCE North along the West right-of-way line of Ebrite Street a distance of 225 ft. to the place of beginning.



NO. 6

OWNER

Jack Tynes and  
Riley Burch

LOCATION OF  
IMPROVEMENTS

Kearney Street

FRONT  
FOOTAGE

220.5

AMOUNT OF  
ASSESSMENT

\$ 606.37

PROPERTY DESCRIPTION

Being Lot 3, Block J, of the Pasadena Gardens Addition No. 1 to  
the City of Mesquite, Dallas County, Texas.

NO. 7

OWNER

Jack Tynes and  
Riley Burch

LOCATION OF  
IMPROVEMENTS

Kearney Street

FRONT  
FOOTAGE

59

AMOUNT OF  
ASSESSMENT

\$ 162.25

PROPERTY DESCRIPTION

Being Lot 8 of Block H of Pasadena Gardens Addition  
to the City of Mesquite, Dallas County, Texas.

NO. 8

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Jack Tynes and Riley Burch	Kearney St.	59	\$ 162.25

PROPERTY DESCRIPTION

Being Lot 9, Block H of Pasadena Gardens Addition  
to the City of Mesquite, Dallas County, Texas.

NO. 9

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Jack Tynes and Riley Burch	Kearney St.	59	\$ 162.25

PROPERTY DESCRIPTION

Being Lot 10, Block H of Pasadena Gardens Addition  
to the City of Mesquite, Dallas County, Texas.

No. 10

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Jack Tynes and Riley Burch	Kearney St.	121.17	\$ 333.22

PROPERTY DESCRIPTION

Being Lot 11, Block H of Pasadena Gardens Addition  
to the City of Mesquite, Dallas County, Texas.

NO. 11

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
T. J. Spilman	Kearney Street	59	\$ 162.25

PROPERTY DESCRIPTION

Being Lot 7, Block H, of Pasadena Gardens Addition to the City of Mesquite, Dallas County, Texas.

NO. 12

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Eugene Milligan	Kearney Street	59	\$ 162.25

PROPERTY DESCRIPTION

Being Lot 6, Block H of the Pasadena Gardens Addition to the City of Mesquite, Dallas County, Texas.

NO. 13

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
L. B. Linney	Kearney Street	59	\$ 162.25

PROPERTY DESCRIPTION

Being Lot 5, Block H of the Pasadena Gardens Addition to the City of Mesquite, Dallas County, Texas.



NO. 14

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT ASSESSM</u>
Bankers Life Ins.Co.	Kearney Street	59	\$ 162.2

PROPERTY DESCRIPTION

Being Lot 4, Block H of the Pasadena Gardens Addition to the City of Mesquite, Dallas County, Texas.

NO. 15

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Melba Center	Kearney Street	59	\$ 162.25

PROPERTY DESCRIPTION

Being Lot 3, Block H of the Pasadena Gardens Addition to the City of Mesquite, Dallas County, Texas.

NO. 16

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Raymond Linker	Kearney Street	59	\$ 162.25

PROPERTY DESCRIPTION

Being Lot 2, Block H of the Pasadena Gardens Addition to the City of Mesquite, Dallas County, Texas.

NO. 17

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Robert Williams	Kearney Street	75	\$ 206.25

PROPERTY DESCRIPTION

Being Lot 1, Block H of the Pasadena Gardens Addition to the City of Mesquite, Dallas County, Texas.

NO. 18

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Texas Power & Light Company	Kearney Street	340	\$ 3,570.00

PROPERTY DESCRIPTION

Being a tract of land located adjacent to the South right-of-way line of Kearney Street and the West right-of-way line of Carmack Street and being more particularly described by metes and bounds as follows: BEGINNING at a point in the South right-of-way line of Kearney Street, said point also being the Northeast corner of a 50 ft. railroad right-of-way owned by the Texas & Pacific Railroad and also the Northwest corner of the subject Texas Power & Light Company 1.5 acre tract; THENCE South 0 deg. 21 min. 30 sec. East a distance of 150 ft. to a point for corner; THENCE North 89 deg. 59 min. 30 sec. East a distance of 275 ft. to a point for corner; THENCE South 0 deg. 21 min. 30 sec. East a distance of 170 ft. to a point for corner; THENCE North 89 deg. 59 min. 30 sec. East a distance of 75 ft. to a point for corner; THENCE North 0 deg. 21 min. 30 sec. West a distance of 320 ft. to a point for corner; THENCE South 89 deg. 59 min. 30 sec. West a distance of 350 ft. to the place of beginning and containing 1.5 acres, more or less. LESS that 0.18 acre tract conveyed to the City of Mesquite for right of way purposes along the West side of Carmack Street and recorded in the office of the County Clerk of Dallas County, Texas, Vol. 5259, Page 320, and dated June 11, 1960.

NO. 19

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Texas & Pacific Railway Company	Kearney Street	50	\$ 525.00

PROPERTY DESCRIPTION

Being a strip of land 50 ft. in width and platted as a spur track as shown on Sheet 16C, Town of Mesquite, Dallas County Plat Books. Said tract of land being located West of and adjacent to a tract of land owned by Texas Power & Light Company.

NO. 20 (a)

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Loncy Leake, Gene Shands	Kearney Street	2093.52	\$ 21,981.96

PROPERTY DESCRIPTION

Being a part of the Jacob Lakey Survey, Abstract No. 810, a part of the McKinney & Williams Survey, Abstract No. 1024, and a part of the Swing & Laws Survey, Abstract No. 1396, and being more particularly described as follows:

BEGINNING at a point in the North line of Kearney Street (70 ft. right-of-way), said point being in the West line of that tract of land described in a Deed of Trust being recorded in Volume 2719, Page 357, of the Deed of Trust Records of Dallas County, Texas;

THENCE South 89 deg. 58 min. 30 sec. West along the North line of Kearney Street, 1688.79 feet to the beginning of a curve to the right, an iron stake for corner;

THENCE Northwesterly along a curve to the right, said curve having a radius of 681.34 and a chord of 404.19 ft. which bears North 72 deg. 45 min. 15 sec. West, an arc distance of 410.36 ft. to a point in the Northeast line of Gross Road (120 ft. right-of-way), an iron stake for corner;

THENCE North 44 deg. 50 min. 30 sec. West along the Northeast line of Gross Road, 340.14 ft. to an iron stake for corner;

THENCE North 62 deg. 12 min. East along the Southeast line of a 10 ft. alley and the Southeast line of El Rosa Addition, 2453.84 ft. to an iron stake for corner;

THENCE South 89 deg. 57 min. 30 sec. East along the South line of a 5 ft. alley and the South line of El Rosa Addition, 135.5 ft. to an iron stake for corner;

THENCE South 0 deg. 19 min. 30 sec. East along the West line of a 10 ft. alley, and West line of Pasadena Gardens Addition, 1505.12 ft. to the point of beginning and containing 49.66 acres of land.

No. 20 (b)

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Loncy Leake, Glenn Galloway, J. B. Galloway, Julian Rorie and L.D. Watson	Kearney Street	1619.54	\$ 17,005.17

PROPERTY DESCRIPTION

Being a part of the Jacob Lakey Survey, Abstract No. 810 and a part of the McKinney & Williams Survey, Abstract No. 1024 and being more particularly described as follows:

BEGINNING at a point in the South line of Kearney Street (70 ft. right-of-way), said point being South 89 deg. 59 min. 30 sec. West, 325 ft. from the Northeast corner of that 7.33 acre tract described in a Warranty Deed from Carl M. Brown to Howard D. Brown, et al and recorded in Vol. 3847, Page 424 of the Deed Records of Dallas County, Texas;

THENCE South 0 deg. 21 min. 30 sec. West, 150.00 ft. to an iron stake for corner;

THENCE South 89 deg. 59 min. 30 sec. West, 1707.70 ft. to a point in the East line of Gross Road (40 ft. right-of-way), an iron stake for corner;

THENCE North 0 deg. 21 min. 30 sec. West, along the East line of Gross Road 85.19 ft. to the beginning of a curve to the right, an iron stake for corner;

THENCE Northeasterly and Easterly along the curve to the right, said curve having a radius of 133.50 ft., a central angle of 113 deg. 12 min., an arc distance of 263.76 ft. to a point of reverse curve, an iron stake for corner;

THENCE Easterly along the curve to the left, said curve having a radius of 751.34 ft., a central angle of 22 deg. 51 min., an arc distance of 299.64 ft. to the point of tangency of said curve, an iron stake for corner;

THENCE North 89 deg. 59 min. 30 sec. East along the South line of Kearney Street, 1230.20 ft. to the point of beginning and containing approximately 6.21 acres of land.



NO. 21

OWNER

LOCATION OF  
IMPROVEMENTS

FRONT  
FOOTAGE

AMOUNT OF  
ASSESSMENT

A. M. Westbrook

Kearney Street

125.0

\$ 136.25

PROPERTY DESCRIPTION

Being Lot 1, Block D of Pasadena Gardens Addition  
to the City of Mesquite, Dallas, County, Texas.

NO. 22

OWNER

H. J. Wages

LOCATION OF  
IMPROVEMENTS

Kearney Street

FRONT  
FOOTAGE

70

AMOUNT OF  
ASSESSMENT

\$ 192.50

PROPERTY DESCRIPTION

Being Lot 22, Block F of Pasadena Gardens Addition  
to the City of Mesquite, Dallas County, Texas.

NO. 23

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
M. V. Elliott	Kearney Street	59	\$ 162.25

PROPERTY DESCRIPTION

Being Lot 21, Block F of Pasadena Gardens  
Addition to the City of Mesquite, Dallas  
County, Texas.

002194

8

NO. 24

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMEN</u>
W. C. Stephens	Kearney Street	59	\$ 162.25

PROPERTY DESCRIPTION

Being Lot 20, Block F of Pasadena Gardens Addition to the City of Mesquite, Dallas County, Texas.

8

8

NO. 25

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
J. R. McGee	Kearney Street	59	\$ 162.25

PROPERTY DESCRIPTION

Being Lot 19, Block F of Pasadena Gardens Addition  
to the City of Mesquite, Dallas County, Texas.

002196

NO. 26

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
James B. Jett	Kearney Street	59	\$ 162.25

PROPERTY DESCRIPTION

Being Lot 18, Block F of Pasadena Gardens Addition to the City of Mesquite, Dallas County, Texas.

00219

NO. 27



OWNER

LOCATION OF  
IMPROVEMENTS

FRONT  
FOOTAGE

AMOUNT  
ASSESSMENT

W. K. Miller

Kearney Street

59

\$ 16

PROPERTY DESCRIPTION

Being Lot 17, Block F of Pasadena Gardens Addition  
to the City of Mesquite, Dallas County, Texas.



NO. 28

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Elton L. Smith	Kearney Street	59	\$ 162.25

PROPERTY DESCRIPTION

Being Lot 16, Block F of Pasadena Gardens Addition to the City of Mesquite, Dallas County, Texas.



NO. 29

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Federal Housing Administration	Kearney Street	59	\$ 162.25

PROPERTY DESCRIPTION

Being Lot 15, Block F of Pasadena Gardens Addition to the City of Mesquite, Dallas County, Texas.

082280

NO. 30

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Durwood P. Neal	Kearney St.	59	\$ 162.

PROPERTY DESCRIPTION

Being Lot 14, Block F of Pasadena Gardens Addition to the City of Mesquite, Dallas County, Texas.

NO. 31

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
P. L. Graves	Kearney Street	51.95	\$ 142.86

PROPERTY DESCRIPTION

Being Lot 13, Block F of the Pasadena Gardens Addition to the City of Mesquite, Dallas County, Texas.

NO. 32

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Loran B. Bass	Kearney Street	240.63	\$ 187.50

PROPERTY DESCRIPTION

Being Lot 22, Block G of the Pasadena Gardens Addition to the City of Mesquite, Dallas County, Texas.

No. 33

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
Max McCullough	Kearney Street	Tract I 634.88 ft.	\$ 8,570.88
		Tract II 47.10 ft.	<u>635.85</u>
		Total	\$ 9,206.73

PROPERTY DESCRIPTION

Tract I -

Being a tract of land fronting the Northside of Kearney Street beginning at the East right-of-way line of Ebrite Avenue and continuing East along the North line of Kearney Street a distance of 634.88 ft. to a point which is also the West property line of a tract of land owned by Humble Oil Company. Said tract being further described as a portion of a parcel of land conveyed to Jack Tynes, Riley Burch and O. L. Nelms, Trustee, from Howard D. Brown, Herschel G. Brown, Corinne Brown Walton and husband David Walton, on June 30, 1955.

Tract II -

Being a tract of land fronting the North side of Kearney Street beginning at the West property line of Ebrite Street and continuing in a Westerly direction along the North line of Kearney Street a distance of 47.10 feet to a point, said point being also the most Easterly corner of Lot 22, Blk G of the Pasadena Gardens Addition to the City of Mesquite, Texas. Said tract of land being further described as a portion of a parcel of land conveyed to Jack Tynes, Riley Burch and O. L. Nelms, Trustee from Howard D. Brown, Herschel G. Brown, Corinne Brown Walton and Husband, David Walton, on June 30, 1955.

NO. 34

OWNER

Humble Oil &  
Refining Company

LOCATION OF  
IMPROVEMENTS

Kearney Street

FRONT  
FOOTAGE

125.00

AMOUNT OF  
ASSESSMENT

\$ 1,687.50

PROPERTY DESCRIPTION

Being a single tract of land containing 0.41 acres, more or less, out of the Jacob Lakey Survey, Abstract No. 810, in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the point of intersection of the West right of way line of Belt Line Road (as recently widened) and the North right of way line of Kearney Street (as recently widened), said beginning point being marked by an iron pin;

THENCE South 89 deg. 51 min. West along the North right of way line of Kearney Street, 125 feet to a point for a corner marked by an iron pin;

THENCE North 0 deg. 25 min. West 142.88 ft. to a point for a corner marked by an iron pin;

THENCE South 89 deg. 56 min. East 125 feet to a point for a corner marked by an iron pin in the West right of way line of Belt Line Road;

THENCE South 0 deg. 25 min. East 141.80 feet along the West right of way line of Belt Line Road 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 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 be 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



07700

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 7 day of December, 1964.

  
MAYOR

ATTEST:

  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
ATTORNEY