

ORDINANCE NO. 903

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE IMPLEMENTATION OF DRAINAGE IMPROVEMENTS AND WORKS; PROVIDING FOR ASSESSMENT OF COSTS OF IMPROVEMENTS IN THE TERRITORY SPECIALLY BENEFITED THEREBY; PROVIDING PROCEDURES FOR DETERMINATION OF THE NECESSITY FOR SUCH IMPROVEMENTS, THE TERRITORY SPECIALLY BENEFITED THEREBY AND THE PERCENTAGE OF COST TO BE ASSESSED; PROVIDING FOR A PUBLIC HEARING AND NOTICE THEREOF; PROVIDING FOR A DETERMINATION OF THE ESTIMATED COST; PROVIDING THAT THE GOVERNING BODY OR APPOINTED SPECIAL COMMISSIONERS WILL ASSESS THE COSTS; PROVIDING FOR THE ADOPTION OF THE APPLICABLE PROVISIONS OF ARTICLE 1105b, V.A.C.S.; PROVIDING STANDARDS FOR ASSESSMENTS; PROVIDING A SEVERABILITY CLAUSE AND DECLARING AN EMERGENCY.

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

SECTION 1. That a program of drainage construction and works be implemented by the City of Mesquite according to the guidelines and specifications of Ordinance No. 858 of the City of Mesquite, Texas, with assessments to be made under authority of Article 1180 V.A.C.S. against property owners within the territory specially benefited.

SECTION 2. That the following procedures are hereby adopted for levying assessments against the owners of land in the territories benefited by such drainage improvements:

1. The City Manager with the assistance of the Director of Public Works shall recommend to the City Council particular areas for drainage improvement specifying the type of improvements proposed, the location, length and estimated cost thereof, together with a description of the territory believed to be benefited by such improvements.
2. Upon receipt of such recommendations the City Council shall call a public hearing for the purpose of determining the necessity of such improvements, the extent thereof and the territory specially benefited thereby; such hearing to be at least ten (10) days after publication of notice of such public hearing and after the mailing of notices to the property owners in the territory recommended according to the tax rolls of the City of Mesquite.

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3. After the public hearing is closed, the Council shall determine the necessity for such improvements, the nature and type of improvement to be made, the location and the estimated cost thereof, the area specially benefited thereby and the percentage of the cost to be assessed against the owners in such territory if it is determined that a necessity for such improvements exists.
4. After such determinations are made by the City Council a public hearing shall be called to determine the amounts to be assessed against the property owners in the territory specially benefited by the improvements and such public hearing shall be before the City Council unless the governing body has prior to the time of calling the public hearing appointed special commissioners for such purpose.

The procedures for levying assessments against property owners shall be the same, so far as practical, as those for street improvements under Article 1105b, Vernons Annotated Civil Statutes and such provisions of Article 1105b as are applicable are hereby adopted as a part of this Ordinance, including the provisions for notice of public hearing, provisions for a lien on the property with the exceptions therein, provisions for appeal; and all the rights given to cities thereunder and to property owners thereunder shall accrue to the respective parties hereunder.


Provided, however, that the Front Foot Rule is deemed inapplicable, but that a determination of the length of improvement abutting a particular tract may be made and considered among other factors such as area of land served, relative value and probable use of such land, elevation, topography and terrain, amount of land reclaimed, erosion, proximity to special hazards such as hazardous pools, mosquito breeding, ordors and unsightliness; the overriding aim being to reach a fair and equitable assessment based upon benefits and enhancement. In no event shall the costs assessed against any owner exceed the special benefits in enhanced value to the property in the territory.

SECTION 3. That should any word, phrase, sentence, paragraph or section of this Ordinance be held to be invalid or unconstitutional, the remaining provisions of this Ordinance shall remain in full force and effect.

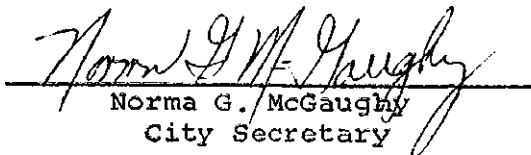
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SECTION 4. The fact that the drainage improvements and works are necessary for adequate protection to the inhabitants of the City of Mesquite, Texas, constitutes an urgency and an emergency for the preservation of the public health, safety and welfare of its citizens and requires that this ordinance shall take effect immediately from and after its passage and the publication of the caption of said Ordinance, as the law in such cases provides.

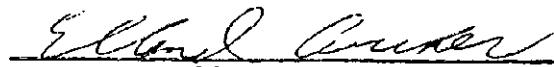
DULY PASSED by the City Council of the City of Mesquite, Texas, on the 2nd day of November, A.D., 1970.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:


Elland Archer
City Attorney

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