

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 IN THE CITY OF MESQUITE, TEXAS, TO-WIT:

Oates Drive from Forrest Drive to Interstate 635

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 PROVIDING FOR THE COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, heretofore a resolution was duly adopted by the City Council ordering the improvement of said street by excavating or filling so as to bring the same to grade; by ~~paving~~ ~~with~~ constructing a 6-lane divided concrete major thoroughfare; by constructing 6-inch high integral curbs; by constructing 6-inch thick concrete driveway approaches and alley returns where specified; by constructing 4-inch thick non-reinforced concrete sidewalks where specified; and by constructing necessary storm drain facilities where specified.

Any existing curb 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, 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 to any matter or thing connected with the said improvements; and

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WHEREAS, the said resolution in connection with the improvements of said street was duly adopted in compliance with the law on the 6 day of July, 19 71 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, 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 twenty-one days prior to the day set for the hearing, to-wit, the 16 day of August, 19 71; and the City Secretary also gave notice of said hearing by posting letters containing the same to the property owners, their agents and attorneys, fourteen 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 said resolution and notice, to-wit, on the 16 day of August, 19 71, at 2:30 o'clock p.m. at the Council Chamber in the Municipal Building of the City of Mesquite, Texas, which hearing was continued from day to day, and time to time, until the 16 day of August, 19 71, 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 16 day of August, 19 71, 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 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 the burdens imposed, and further finds that in each case

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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:

ASSESSMENT LIST ATTACHED

assessing the value of the property and the
improvements thereon. The value of the
property is determined by reference to the
value of similar property in the same
locality and the improvements thereon.
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thereon.

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 twenty-four (24) 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

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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 of 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 owners 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

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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 16 day of August, 1971.


MAYOR

ATTEST:


CITY SECRETARY

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TO
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attem...
By
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WYOR

CITY SECRETARY

ASSESSMENT LIST

Attachment to
Ord. _____

OATES DRIVE FROM FORREST
DRIVE TO I. H. 635

<u>Property Owner</u>	<u>Property Description</u>	<u>Footage</u>	<u>Assessment</u>
1. Buford S. Hemphill 4537 Oleander Mesquite, Texas	Whitson Gardens #1 Block A, Lot 1	120 s.f.	\$ 330.00
2. Robert E. Henderson 4536 Oleander Mesquite, Texas	Whitson Gardens #1 Block B, Lot 1	120 s.f.	330.00
3. B. E. Elkins 4537 Astor Rd. Mesquite, Texas	Whitson Gardens #2 Block B, Lot 20	120 s.f.	330.00
4. J. N. Wallace 4536 Astor Rd. Mesquite, Texas	Whitson Gardens #2 Block E, Lot 10	120 s.f.	330.00
5. Allen E. Fisher 4543 Marigold Tr. Mesquite, Texas	Whitson Gardens #3 Block E, Lot 11	120 s.f.	330.00
6. Jerry B. Crowley 4542 Marigold Tr. Mesquite, Texas	Whitson Gardens #3 Block G, Lot 11	120 s.f.	330.00
7. T. D. Artz 4541 Sarazen Dr. Mesquite, Texas	Whitson Gardens #4 Block G, Lot 12	120 s.f.	330.00
8. Roy L. Brumley 4540 Sarazen Dr. Mesquite, Texas	Whitson Gardens #4 Block J, Lot 11	120 s.f.	330.00
9. L. L. Hood 4543 Live Oak Dr. Mesquite, Texas	Whitson Gardens #5 Block J, Lot 12	120 s.f.	330.00
10. J. A. Balthrop 4542 Live Oak Mesquite, Texas	Whitson Gardens #5 Lot 1, Block L	119.81 s.f.	329.48

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Assessment List

Oates Drive from Forrest
Drive to I.H. 635Attachment to
Ord. 99

<u>Property Owner</u>	<u>Property Description</u>	<u>Footage</u>	<u>Assessment</u>
11. Lonnie L. Payne 2724 Oates Dr. Mesquite, Texas	Abstract 1461 Sheet 1, Tract 3	270.0 f.f.	\$ 1,147.50
12. W. R. Evans, Jr. 4621 Harper Dr. Mesquite, Texas	Whitson Gardens #6 Block L, Lot 14	190 s.f.	522.50
13. Elden C. Fowler 4622 Harper Mesquite, Texas	Whitson Gardens #6 Block R, Lot 13	170.35s.f.	468.46
14. Jerry M. Phillips 4621 Ashwood Ln. Mesquite, Texas	Whitson Gardens #6 Block R, Lot 14	130.78s.f.	359.65
15. Trustees of the St. Stephens Church 2520 Oates Dr Mesquite, Texas	Abstract 1461 Sheet 1, Tract 4	725 f.f.	4,037.15
16. Hill Elliott Inc. 2101 Mer. Bk. Bldg. Dallas, Texas	Abstract 1461 Sheet 1 Tract 5 & 7	1,186 f.f.	15,026.62
17. Humble Oil Corp. P. O. Box 2180 Houston, Tex 77001	Abstract 1461 Sheet 6, Tract 1A	183.0 f.f.	3,949.82
18. Mrs. Karen Berry Cage Rt. 4, Box 68 102 Avenida del Sol San Antonio, Tex 78232	Abstract 1461 Sheet 5, Tract 2	182.81f.f.	3,129.71
19. Ann Stallcup P O Box 28414 Dallas, Texas	Abstract 1461 Sheet 2, Tract 5	809.77f.f.	10,259.79
20. George Uptmor, Jr. 4718 Snow Dr. Mesquite, Texas	Shands Estates Block C, Lot 18	150.89 r.f.	208.23
James A. Worth 4714 Snow Dr. Mesquite, Texas	Shands Estates Block C, Lot 19	63.11r.f.	87.09

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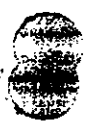
Assessment List

Oates Drive from Forrest
Drive to I.H. 635

Attachment to
Ord. _____

<u>Property Owner</u>	<u>Property Description</u>	<u>Footage</u>	<u>Assessment</u>
22. Hill-Elliott, Inc.	Shands Estates 2101 Merc. Bk. Bldg Block C, Lot 20 Dallas, Texas	64 r.f.	\$ 88.32
23. Hill-Elliott Inc.	Shands Estates 2101 Merc. Bk. Bldg Block C, Lot 22 Dallas, Texas	62 r.f.	85.56
24. Kenneth D. Adams	Shands Estates 4702 Snow Dr Mesquite, Texas	80 r.f.	110.40
25. Gary L. Barclay	Shands Estates 4701 Stallcup Mesquite, Texas	80 r.f.	110.40
26. Sidney W. Kidd	Shands Estates 4705 Stallcup Mesquite, Texas	62 r.f.	85.56
27. James D. Lacy	Shands Estates 4709 Stallcup Mesquite, Texas	62 r.f.	85.56
28. Hill-Elliott, Inc.	Shands Estates 2101 Merc. Bk. Bldg Block F, Lot 20 Dallas, Texas	60 r.f.	82.80
29. Hill-Elliott, Inc.	Shands Estates 2101 Merc. Bk. Bldg Block F, Lot 19 Dallas, Texas	161 r.f.	222.18
30. Ernest E. Harper	Casa View #18 4700 Salem Dr. Mesquite, Texas	172.81s.f.	216.01
31. Michael C. Etheridge	1st Inst. 4701 Salem Dr. Mesquite, Texas	120 s.f.	150.00
32. C. W. Binford	Casa View #18 4702 Bedford Mesquite, Texas	120 s.f.	150.00
33. J. A. Jordan	Casa View #18 4703 Bedford Mesquite, Texas	120 s.f.	150.00

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Assessment List

Oates Drive from Forrest
Drive to I.H. 635Attachment to
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<u>Property Owner</u>	<u>Property Description</u>	<u>Footage</u>	<u>Assessment</u>
34. Milton V. Darr 4700 Harper Mesquite, Texas	Casa View #18 1st Inst. Block 6, Lot 1	120 s.f.	\$ 150.00
35. Percy D. Turner 4701 Harper Mesquite, Texas	Casa View #18 1st Inst. Block 16, Lot 1	114.29s.f.	142.86
36. Runnymead Corp. 210 Casa Linda Plaza Suite 70 Dallas, Texas	Abstract 1461 Sheet 2, Tract 7	70 f.f.	1,198.40
37. Calvin L. Travers 2717 Oates Drive Mesquite, Texas	Abstract 1461 Sheet 2, Tract 8	68 f.f.	289.00
38. B. G. Windham 9007 Diceman Dallas, 75218	Abstract 1461 Sheet 2, Tract 9	70.7 f.f.	300.48
39. Charlie R. Wise Administrator & Executor-Dixon Estate 2007-A Greenville Dallas, 75206	Abstract 1461 Sheet 2, Tract 10	208.75f.f.	887.19
40. Oates Dr. Bapt. Church Maple & Sarazen Mesquite, Texas	Casa View #18 2nd Inst. Block 16 Lot 11	542.49f.f.	2,496.76
Total Assessments			\$49,497.48

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