ORDINANCE NO. 685

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:

ROSEMONT STREET FROM GUS THOMASSON ROAD TO END WEST OF LEE 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 PROVIDING FOR THE COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, heretofore a resolution was duly adopted by the City Council ordering the improvements of said street by excavating or filling so as to bring the same to grade; by paving with

5-inch thick 3,000 P.S.I. Reinforced Concrete Pavement meeting the City's Standard Specifications.

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, 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 was duly adopted in compliance with the law on the 5 day of June, 1967; 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 ten days prior to the day set for the hearing, to-wit, the 3 day of July, 1967; 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 said resolution and notice, to-wit, on the 3 day of July, 1967, at 2:30 o'clock p.m. at the Council Chamber in the City Hall of the City of Mesquite, Texas, which hearing was continued from day to day, and time to time, until the 17 day of July, 1967, 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 17 day of July, 1967, 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

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:

(SEE ASSESSMENT LIST ATTACHED)

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

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 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 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

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 notbe 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

ASSESSMENT LIST

ROSEMONT STREET FROM GUS THOMASSON ROAD TO WEST OF LEE STREET

Property Owner	Property Description	Footage	Assessment
	Northridge Estates No. 3 Block 38		
1.W. H. Knight 1700 Rosemont	Lot 1	80.00 f.f.	$ 220.00
2.L. M. Baggett 1704 Rosemont	Lot 2	65.00 f.f.	$ 178.75
3.Roderick E. Clifton 1708 Rosemont	Lot 3	60.00 f.f.	$ 165.00
4.J. W. Hurley 1712 Rosemont	Lot 4	60.00 f.f.	$ 165.00
5.P. P. Beard, Jr. 1716 Rosemont	Lot 5	60.00 f.f.	$ 165.00
6.Ivan W. Mitchell 1720 Rosemont	Lot 6	60.00 f.f.	$ 165.00
7.Ross W. Jones 1724 Rosemont	Lot 7	60.00 f.f.	$ 165.00
8.Billy J. Green 1728 Rosemont	Lot 8	60.00 f.f.	$ 165.00
9.James Shew 1732 Rosemont	Lot 9	60.00 f.f.	$ 165.00
10.D. M. Loftin 1736 Rosemont	Lot 10	60.00 f.f.	$ 165.00
11.D. A. Williams 1802 Rosemont	Lot 11	60.00 f.f.	$ 165.00
12.Jack Miller 1806 Rosemont	Lot 12	60.00 f.f.	$ 165.00
13.W. D. Bilyeu, Jr. 1810 Rosemont	Lot 13	60.00 f.f.	$ 165.00
14.Curtis Bingham 1814 Rosemont	Lot 14	60.00 f.f.	$ 165.00
15.W. R. Kinsworthy 1818 Rosemont	Lot 15	60.00 f.f.	$ 165.00
16.C. R. Geddie 1822 Rosemont	Lot 16	60.00 f.f.	$ 165.00

Rosemont Street from Gus Thomasson Road to west of Lee Street - Page

Property Owner	Property Description	Footage	Assessment
	Northridge Estates No. 3		
	Block 38		
Pat Delk 1826 Rosemont	Lot 17	60.00 f.f.	$ 165.00
18. James E. Dickens 1830 Rosemont	Lot 18	65.00 f.f.	$ 178.75
19. R. A. Doverspike 1834 Rosemont	Lot 19	80.00 f.f.	$ 220.00
	Block 45		
20. David Stoker 1701 Rosemont	Lot 1	80.00 f.f.	$ 220.00
21. John V. McNeely 1705 Rosemont	Lot 2	65.00 f.f.	$ 178.75
22. Jerry F. Davis 1709 Rosemont	Lot 3	60.00 f.f.	$ 165.00
23. Wesley Rike 1713 Rosemont	Lot 4	60.00 f.f.	$ 165.00
24. William L. Burton 1717 Rosemont	Lot 5	60.00 f.f.	$ 165.00
5. Nila McCullough 1721 Rosemont	Lot 6	60.00 f.f.	$ 165.00
26. G. G. Davis 1725 Rosemont	Lot 7	60.00 f.f.	$ 165.00
27. D. P. Nix 1729 Rosemont	Lot 8	60.00 f.f.	$ 165.00
28. Stanley J. Bowlin 1733 Rosemont	Lot 9	60.00 f.f.	$ 165.00
29. William E. Dewberry 1737 Rosemont	Lot 10	60.00 f.f.	$ 165.00
30. William T. Hall 1803 Rosemont	Lot 11	60.00 f.f.	$ 165.00
31. L. E. Baker 1807 Rosemont	Lot 12	60.00 f.f.	$ 165.00
32. E. H. Phillips 1811 Rosemont	Lot 13	60.00 f.f.	$ 165.00
3. J. T. Willingham 1815 Rosemont	Lot 14	60.00 f.f.	$ 165.00
34. B. R. Norris 1819 Rosemont	Lot 15	60.00 f.f.	$ 165.00

Rosemont Street from Gus Thomasson Road to west of Lee Street - Page 3

Property Owner	Property Description	Footage	Assessment
	Northridge Estates No. 3		
	Block 45		
.Warren Pratt 1823 Rosemont	Lot 16	60.00 f.f.	$ 165.00
36.James A. Jones 1827 Rosemont	Lot 17	60.00 f.f.	$ 165.00
37.James T. Houser 1831 Rosemont	Lot 18	65.00 f.f.	$ 178.75
38.Durland Menefee 1835 Rosemont	Lot 19	80.00 f.f.	$ 220.00
	Block 39		
39.K. D. Harris 1500 Rosemont	Lot 1	70.00 f.f.	$ 192.50
40.T. J. Barnes 1504 Rosemont	Lot 2	60.00 f.f.	$ 165.00
41.J. E. Hoard 1508 Rosemont	Lot 3	60.00 f.f.	$ 165.00
42.Ruby B. Brothers 1512 Rosemont	Lot 4	60.00 f.f.	$ 165.00
3.C. A. Woody 1516 Rosemont	Lot 5	60.00 f.f.	$ 165.00
44.Willie Ross 1520 Rosemont	Lot 6	60.00 f.f.	$ 165.00
45.Elmo Jennings 1524 Rosemont	Lot 7	60.00 f.f.	$ 165.00
46.B. H. Kozlovsky 1528 Rosemont	Lot 8	60.00 f.f.	$ 165.00
47.Wendell R. Swanson 1602 Rosemont	Lot 9	60.00 f.f.	$ 165.00
48.Melvin Stephens 1606 Rosemont	Lot 10	60.00 f.f.	$ 165.00
49.Gail P. Lumley 1610 Rosemont	Lot 11	60.00 f.f.	$ 165.00
50.A. J. Cox 1614 Rosemont	Lot 12	60.00 f.f.	$ 165.00
1.W. H. Onley 1618 Rosemont	Lot 13	60.00 f.f.	$ 165.00
52.W. F. Fryar 1622 Rosemont	Lot 14	60.00 f.f.	$ 165.00
53.C. R. Truitt 1626 Rosemont	Lot 15	60.00 f.f.	$ 165.00

Rosemont Street from Gus Thomasson Road to west of Lee Street - Page 4

Property Owner	Property Description	Footage	Assessment
	Northridge Estates No. 3		
	Block 39		
4. Franklin Odom 1630 Rosemont	Lot 16	70.00 f.f.	$ 192.50
	Block 43		
55. D. L. Ankrum 1301 Rosemont	Lot 1	70.00 f.f.	$ 192.50
56. Joseph V. Simoneaux 1305 Rosemont	Lot 2	60.00 f.f.	$ 165.00
57. L. C. Bailey 1309 Rosemont	Lot 3	60.00 f.f.	$ 165.00
58. H. E. Pryor 1313 Rosemont	Lot 4	60.00 f.f.	$ 165.00
59. J. E. Raines 1317 Rosemont	Lot 5	60.00 f.f.	$ 165.00
60. John E. Whittington 1321 Rosemont	Lot 6	60.00 f.f.	$ 165.00
61. James L. Simmons 1325 Rosemont	Lot 7	60.00 f.f.	$ 165.00
62. Trinity Valley Bldg.Ctr. 1329 Rosemont	Lot 8	60.00 f.f.	$ 165.00
63. W. C. Calvert 1333 Rosemont	Lot 9	60.00 f.f.	$ 165.00
64. Thomas J. Griggers 1403 Rosemont	Lot 10	60.00 f.f.	$ 165.00
65. A. F. Russell 1407 Rosemont	Lot 11	60.00 f.f.	$ 165.00
66. A. J. Humphrey 1411 Rosemont	Lot 12	60.00 f.f.	$ 165.00
67. Winston Holland 1415 Rosemont	Lot 13	60.00 f.f.	$ 165.00
68. E. L. Elliott 1419 Rosemont	Lot 14	60.00 f.f.	$ 165.00
69. Thomas W. Glover 1423 Rosemont	Lot 15	60.00 f.f.	$ 165.00
70. Bill Wilson 1427 Rosemont	Lot 16	60.00 f.f.	$ 165.00
71. Luther D. Stokes 1431 Rosemont	Lot 17	60.00 f.f.	$ 165.00

Rosemont Street from Gus Thomasson Road to west of Lee Street - Page 5

Property Owner	Property Description	Footage	Assessment
	Northridge Estates No. 3		
	Block 43		
.William H. Bowles 1435 Rosemont	Lot 18	70.00 f.f.	$ 192.50
	Block 40		
73.C. H. Burris 1300 Rosemont	Lot 1	70.00 f.f.	$ 192.50
74.W. C. Sherry 1304 Rosemont	Lot 2	60.00 f.f.	$ 165.00
75.J. H. Leigh 1308 Rosemont	Lot 3	60.00 f.f.	$ 165.00
76.Otis W. Balentine 1312 Rosemont	Lot 4	60.00 f.f.	$ 165.00
77.George M. McFalls 1316 Rosemont	Lot 5	60.00 f.f.	$ 165.00
78.Doyle D. Fikes 1320 Rosemont	Lot 6	60.00 f.f.	$ 165.00
79.E. James Watt, Jr. 1324 Rosemont	Lot 7	60.00 f.f.	$ 165.00
0.James E. Reeves 1328 Rosemont	Lot 8	60.00 f.f.	$ 165.00
81.E. C. Weaver, Jr. 1332 Rosemont	Lot 9	60.00 f.f.	$ 165.00
82.Nina Powell 1402 Rosemont	Lot 10	60.00 f.f.	$ 165.00
83.D. E. Lawler 1406 Rosemont	Lot 11	60.00 f.f.	$ 165.00
84.Joe B. D'Angelo 1410 Rosemont	Lot 12	60.00 f.f.	$ 165.00
85.L. W. Easley 1414 Rosemont	Lot 13	60.00 f.f.	$ 165.00
86.Dale L. Schmidt 1418 Rosemont	Lot 14	60.00 f.f.	$ 165.00
87.B. B. Murphree 1422 Rosemont	Lot 15	60.00 f.f.	$ 165.00
8.William White 1426 Rosemont	Lot 16	60.00 f.f.	$ 165.00
89.J. H. Everett 1430 Rosemont	Lot 17	60.00 f.f.	$ 165.00

Rosemont Street from Gus Thomasson Road to west of Lee Street - Page 6

Property Owner	Property Description	Footage	Assessment
	Northridge Estates No. 3		
	Block 40		
.O. A. Oswalt 1434 Rosemont	Lot 18	70.00 f.f.	$ 192.50
	Block 44		
91.James F. Hobbs 1501 Rosemont	Lot 1	70.00 f.f.	$ 192.50
92.Deward Grayson 1505 Rosemont	Lot 2	60.00 f.f.	$ 165.00
93.C. J. Matthews 1509 Rosemont	Lot 3	60.00 f.f.	$ 165.00
94.J. L. Everett 1513 Rosemont	Lot 4	60.00 f.f.	$ 165.00
95.Jas. T. Yancy 1517 Rosemont	Lot 5	60.00 f.f.	$ 165.00
96.A. D. Ross 1521 Rosemont	Lot 6	60.00 f.f.	$ 165.00
97.C. T. Griffith 1525 Rosemont	Lot 7	60.00 f.f.	$ 165.00
98.V. A. Tumulty 1529 Rosemont	Lot 8	60.00 f.f.	$ 165.00
99.James A. Robison 1603 Rosemont	Lot 9	60.00 f.f.	$ 165.00
100.M. R. Vasquez 1607 Rosemont	Lot 10	60.00 f.f.	$ 165.00
101.C. W. Bowerman 1611 Rosemont	Lot 11	60.00 f.f.	$ 165.00
102.W. L. May 1615 Rosemont	Lot 12	60.00 f.f.	$ 165.00
103.Mildred Stogdill 1619 Rosemont	Lot 13	60.00 f.f.	$ 165.00
104.J. D. Jackson 1623 Rosemont	Lot 14	60.00 f.f.	$ 165.00
105.William H. Causey 1627 Rosemont	Lot 15	60.00 f.f.	$ 165.00
6.E. F. Hawkins 1631 Rosemont	Lot 16	70.00 f.f.	$ 192.50
	Block 41		
107.J. C. Shahan 1933 Lee	Lot 4	125.31 s.f.	$ 156.64
	Block 42		
108.Frederick Allen 2001 Lee	Lot 1	125.28 s.f.	$ 156.60

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 17 day of July, 1967.

MAYOR PRO TEM

ATTEST:

ACTING CITY SECRETARY