

RESOLUTION NO.10-60

WHEREAS, heretofore, a resolution was duly adopted by the City Council of the City of Mesquite, Texas for the improvement of the following street:

On both sides of Hickory Tree Road beginning at the South roadway line of Military Parkway and ending at the North roadway line of Bruton Road

as defined and set out in said resolution, and out of materials named and specified in said resolution; and,

WHEREAS, specifications were duly adopted therefor, and bids accepted, after advertisement having been duly made; and,

WHEREAS, the City Council let the contract to Concrete Contractors for said improvement, with construction of 30-inch gutters and 6-inch curbs with 3000 p.s.i. concrete, as more particularly provided by the terms of said contract; and,

WHEREAS, the City Council duly adopted the said contract, and determined upon the levying of an assessment against the abutting property owners for their pro rata parts of the cost of said improvement, as provided by the applicable law; and

WHEREAS, said property owners were duly notified in accordance with the terms of the applicable law by notice being duly published in the Texas Mesquiter, a newspaper of general circulation in the City of Mesquite, to appear before the City Council, at a hearing set by said Council on the 21st day of March, 1960, in the Council Chamber, in the City Hall of the City of Mesquite, Texas, to then and there make protest and objection, if any, to said improvement, and the cost of the same, and any other objection that may appear to such property owners; and,

WHEREAS, the agent or such property owners and attorneys and representatives of such property owners were also duly notified to appear at said time and place for the making of said objections, remonstrances, or protests of any kind; and,

WHEREAS, the said hearing was duly had at said time and place, was thereafter from time to time continued in order to give a greater opportunity to the property owners or their representatives or agents to make protests or remonstrances or objections, as provided by the terms of the applicable law; and,

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WHEREAS, the following objections, protests, and remonstrances were made, to-wit:

- Mrs. Frank Kozlovsky, 816 Hickory Tree Road - "What do we pay City taxes for? Unable financially to pay for it - do not want it."
- Mrs. David Keeler, 1206 Hickory Tree Road - "We feel that if it is going to work a hardship on the majority of the people on that street to pay for curb and gutter - not in favor - stand with majority."
- Mrs. Randell Kelly - 1118 Hickory Tree Road - "Against it because not able to pay - been in City 8 years - still do not have sewer - and there are some other streets not curbed and guttered."
- Mrs. Rissie M. Adcock - 626 Hickory Tree Road - "Against it because my property is not improved - unable to pay for it without selling frontage and that would ruin the back part, and do not need curb and gutter - cannot pay."
- Mrs. E. L. McCaughan - 1135 Hickory Tree Road - "Not going to improve property - unable to pay for it - do not feel that the curbs and gutters are needed and feel that it would work a hardship on everyone."
- Mr. R. H. Kent - 1216 Hickory Tree Road - "Against it." He did not like the plan.
- Mr. T. L. Allumbaugh - 1309 Hickory Tree Road - "Against it - no money to pay."
- Mr. and Mrs. G. T. Johnston - 1130 Hickory Tree Road - "Against it - Do not believe it is necessary - unable to pay for it and do not want lien."
- Mrs. Grady Johnston - 1124 Hickory Tree Road - "Against it - unable to pay for it and do not have sewer."

WHEREAS, said respective protests, remonstrances, and objections, after having been duly considered by the Council, are disposed of in the following manner;

The objections, protests and remonstrances of the following property owners,

On both sides of Hickory Tree Road beginning at the South roadway line of Military Parkway and ending at the North Roadway line of Bruton Road

are determined against them and overruled; and,

WHEREAS, the Council, after fully considering the said assessments, and fully considering the benefits that each property owner and his property receive from making said improvements, are of the opinion that the said assessments heretofore determined to be levied are fair and equitable, and represent the benefits that the said property receives in enhanced values from the making of the said improvements, and that the said assessments should be made; and,

WHEREAS, the Council having no further protest, remonstrance, or objection before it, is of the opinion that the said hearing should be closed; Now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the said hearing heretofore ordered had on the 21 day of March, 1960, and thereafter continued until the present date, be and the same is hereby ordered closed.

SECTION 2. That the objection, protests, and remonstrances of the hereinabove respectively named owners, namely,

Mrs. Frank Kozlovsky, 816 Hickory Tree Road  
Mrs. David Keeler, 1206 Hickory Tree Road  
Mrs. Randell Kelly, 1118 Hickory Tree Road  
Mrs. Rissie M. Adcock, 626 Hickory Tree Road  
Mrs. E. L. McCaughan, 1135 Hickory Tree Road  
Mr. R. H. Kent, 1216 Hickory Tree Road  
Mr. T. L. Allumbaugh, 1309 Hickory Tree Road  
Mr. and Mrs. G. T. Johnston, 1130 Hickory  
Tree Road  
Mrs. Grady Johnston, 1124 Hickory Tree Road

be overruled.

SECTION 3. That the City Attorney be, and he is hereby directed to prepare an ordinance assessing against the several owners of property and against their property abutting upon the streets or alleys hereinabove mentioned, the proportionate part of said cost that has been heretofore adjudged against the said respective owners and their property. That the said ordinance shall fix a lien upon said property, and shall declare said respective owners thereof to be respectively liable for the amounts so adjudged against them. Said ordinance shall in all respects comply with the applicable law in such cases made and provided.

SECTION 4. That this resolution shall take effect from and after its passage, as in the Charter in such cases is made and provided.

Passed by the City Council of the City of Mesquite on the 21 day of March, 1960.

  
Norma G. McCaughy, City Sec.

  
James Fontenot, Mayor