

RESOLUTION NO. 59-61

RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF MESQUITE, TEXAS

WHEREAS, the City of Mesquite hereby deems it necessary to permanently improve the hereinafter named highways and streets within the City of Mesquite.

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

SECTION 1. That the following streets and highways, to-wit: Gus Thomasson Road from U. S. Highway 67 to the intersection of Gus Thomasson Road and Karla Drive; Oates Drive from the alley West of Oleander Trail to the alley East of Modlin Street, shall be improved as follows:

- (a) The said highways and streets shall be excavated or filled so as to bring the same to grade.
- (b) That said streets and highways shall be paved with 7 inch reinforced 3,000 P.S.I. concrete pavement; with 6 inch height roll-type integral curbs; with 6 inch reinforced 2,500 P.S.I. concrete driveway approaches and alley returns, and standard 4 inch thickness concrete sidewalks where specified, so that the roadway width shall be 62 feet from back of curb to back of curbline, except where left turn lanes are specified, and then said roadway width shall be 72 feet.
- (c) That said highways and streets shall also be improved by constructing all necessary drains, sewers and culverts where specified.

Any existing curbs or gutters in place meeting these specifications or which can be utilized shall be left in place, if any, and corresponding credits to the property owner shall be allowed on the assessments.

That bids shall be taken for the construction of the work for the type of construction enumerated above, and the work shall be done with the materials and according to plans, methods and specifications selected by the City Council after the bids are opened.

SECTION 2. The cost of said improvements shall be paid for as follows, to-wit:

- (a) The City of Mesquite shall pay 10 per cent (10%) of the estimated cost of all such improvements exclusive of curb, gutters and sidewalks.
- (b) All of the estimated cost of constructing curbs, gutters and sidewalks and 90 per cent (90%) of all of the rest of said improvements shall be assessed against the respective abutting property owners in accordance with what is known as the "Front Foot Plan" in proportion as the footage of the property of each owner is to the whole footage improved and shall be payable in monthly installments not to exceed 60 in number; the first of which shall be payable within 30 days from the date of the completion of said improvements and their acceptance by the City of Mesquite, and one installment each month thereafter until paid, together with interest thereon at a rate not to exceed 8 per cent (8%) per annum, with provisions that any of said installments may be paid at any time before maturity by the payment of the principal and the accrued interest thereon. Any property owner against whom and whose property an assessment chargeable to him without interest within 30 days after the acceptance and completion of said improvements.

Provided, however, that if the application of the abovementioned rule of apportionment between property owners would, in the opinion of the City Council, in particular cases be unjust or unequal, it shall be the duty of said Council to assess and apportion said cost in such manner as it may deem just and equitable, having in view the special benefits and enhanced value to be received by each owner of such property, the equities of owners and the adjustment of such apportionment, so as to produce a substantial equality of benefits received by and burdens imposed upon such owners.

That no such assessment shall be made against any owner of abutting property in excess of the benefits of such property in enhanced value thereof by means of such improvements.

There shall be issued in the name of the City assignable certificates in evidence of the assess-

ments levied, declaring the Lien upon the property and the liability of the true owner or owners thereof. Such certificates will be sold by the City to a bank or other financial institution.

That the contractor shall be paid by the City in cash for the work performed under the specifications upon monthly estimates to be prepared by the Director of Public Works. That there shall be deducted as a retainage fee 10 per cent (10%) of such monthly estimates to be held by the City of Mesquite until the contract is performed and executed to the satisfaction of the Director of Public Works. The monthly estimates shall be paid on or before the 10th day of the next succeeding month for the work performed during the preceding month.

That the Director of Public Works is hereby directed to prepare at once specifications and file the same with the City Council for the hereinabove described pavement and improvements. That in the specifications prepared, provision shall be made to require all contractors to give a maintenance bond for a term not to exceed five years for all pavements and improvements hereinabove described, if in the judgment of the City Council it is deemed advisable to require said maintenance bond. That said specifications shall require the bidder to make a bid upon the improvements above described with maintenance bond as hereinabove provided.

That the specifications shall also state the amount of the performance and payment bonds which shall be equal to the amount of the bid, as well as the method by which it is proposed to pay the cost of said improvements, said method being in accordance with this resolution, and said performance and payment bonds shall comply with the terms and provisions of Article 5106 of Vernon's Texas Civil Statutes.

SECTION 3. The City Council, in initiating this proceeding, is acting under the terms and provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, now known as Article 1105B of Vernon's Texas Civil Statutes, which said law is an alternative method for the construction of street improvements in the City of Mesquite, Texas, which has

been adopted and made a part of the Charter of said City, being Section 12, Article III of said Charter.

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

DULY PASSED by the City Council of the City of Mesquite, on the 6 day of November, 1961.

B. W. Cruz  
Mayor

ATTEST:

Norman G. M. Gaughy  
City Secretary

APPROVED:

B. Robert Baker  
City Attorney