

RESOLUTION NO. 3-62RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MESQUITE, TEXAS

WHEREAS, heretofore a resolution was duly adopted by the City Council of the City of Mesquite, for the improvement of 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, 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 has awarded the contract to Flenniken Construction Company for said improvements, 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 improvements, 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 15th day of January, A.D. 1962, in the Council Chamber of the City Hall of the City of Mesquite, Texas, to then and there make protest and objection, if any, to said improvements, and the cost of the same, and any other objections that may appear to such property owners; and

WHEREAS, the agents of such property owners and the 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, and 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

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

See attachment

and

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 from the following property owners, to-wit:

See attachment

are determined against them and overruled; and

WHEREAS, the Council, after fully considering the said assessments and fully considering the benefits to each property owner and his property received 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 and construction of the said improvements, and that the said assessments should be made; and

WHEREAS, the Council having no further protests, 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 15th day of January, A. D. 1962, and thereafter
continued until the present date, be and the same is hereby
ordered closed.

SECTION 2. That the objections, protests and remon-
strances of the hereinabove respectively named owners, namely,
to-wit:

See attachment

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 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 the Charter in such cases provides.

DULY PASSED by the City Council of the City of Mesquite,
on the 5th day of February, 1962.

B. C. C. C.
MAYOR

ATTEST:

Norman M. Haughy
CITY SECRETARY

APPROVED AS TO FORM:

B. Robert Baker
CITY ATTORNEY

Hearing of January 15, 1962:

Victor Richman, 300 N. Walton, Dallas requested continuation of the hearing for proper presentation by his associate. He felt that the value of land would not be in commensurate with the amount of assessment.

Mr. Phil Olian, 1014 Davis Building, Dallas, officer of Grand State Corporation

objected to installation of sidewalks in shopping center and to installation of driveway approaches, as the builders could put down driveway approaches as needed for less money and felt that paving of Gus Thomasson at this location was premature. He requested continuation of hearing.

Mr. Warren Miller, 4413 Gus Thomasson Road, Mesquite spoke for himself and Mrs. Mau Alford.

He stated that the paving of Gus Thomasson Road was premature at this time as there was not enough business on Gus Thomasson Road from Oates to Highway 67 to warrant the cost. He also requested continuation of the hearing.

Mr. Bill Hensley, owner of DebSan Nursery on Gus Thomasson Road stated that he felt the road improvement was not needed at this time--business-wise. He also asked why he should have to pay for bridge down below his property. He also did not see need for sidewalks on Gus Thomasson Road.

Mr. Harry Hott, 2930 North Beckley, Dallas, representing H. H. Petroleum Corporation

stated that he objected because they did not receive notice until 10 o'clock on the morning of the hearing.

Hearing of February 5, 1962:

Those appearing were: Mr. Warren Miller, Mr. Phil Olian, Mr. Victor Richman, Mr. Harry Hott, Mr. Ben Tisinger, Mr. Harry Solomon and Mr. J. M. Hoppenstein. Mr. Hoppenstein stated that he and his associates were in favor of the project but that they felt that the sidewalks were not needed at this time and requested that this portion of the contract be deleted. Mr. Olian stated that he was in favor of the project but was not in favor of the sidewalks being installed at this time. Mr. Tisinger stated that he was definitely in favor of the project but that he was doubtful as to the need of sidewalks from Highway 67 to Oates at this time. Mr. Solomon concurred with Mr. Tisinger. They felt that the project would increase the value of property approximately \$100 per front foot.