

RESOLUTION NO. 18-62

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

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WHEREAS, the City Council of the City of Mesquite is of the opinion that it is necessary to levy an assessment against the respective owners and property zoned local retail, local business or commercial or property zoned under special permit for non-residential use abutting upon the following street and highway, to-wit: Gus Thomasson Road from Karla Drive to the Dallas City Limits; fixing a time for the hearing of the owners of said property concerning the same, and directing the City Secretary to give notice of said hearing, as required by law; and

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the street and highway enumerated above, by excavating or filling so as to bring the same to grade; by paving with 6 inch thick reinforced concrete with an average 2 inch overlay of hot mix asphaltic concrete over the new and old existing concrete slabs; 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; and by constructing all necessary drains, sewers and culverts where specified. Any existing curbs or gutters in place, if any, and corresponding credits to the property owners shall be allowed on the assessments; and

WHEREAS, the Director of Public Works of the City of Mesquite has, in accordance with the law, filed his report with the City Council, setting forth the participation by the property owners, in the cost thereof, together with the names of the owners and the description of said property, and the work to be done adjacent thereto, and the amounts to be assessed against each lot or parcel and its owner and all other matters required by the applicable law;

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

SECTION 1. That the report or statement filed by the Director of Public Works having been duly examined is hereby approved.

SECTION 2. That it is hereby found and determined that the cost of improvements on the hereinafter described street and highway, with the amount or amounts per front foot proposed to be assessed for such improvements against the said abutting property and the owners thereof, are as follows, to-wit:

- (1) The estimated cost of the improvements is \$70,376.72.
- (2) The estimated lien per front foot to be assessed against the said abutting property and the owners thereof for improvements exclusive of sidewalks, curbs and gutters is \$4.53.

- (3) The estimated lien per front foot to be assessed against the said abutting property and the owners thereof for one integral curb is \$.46 and for two integral curbs is \$.92.

All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of the apportionment of the cost of improvements so as to produce a substantial equality of benefits received and burdens imposed.

SECTION 3. That a hearing shall be given to said owners of abutting property, or their agents or attorneys, and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property and as to the benefits to said property by reason of said improvement or any other matter or thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Mesquite, County of Dallas, on the 2 day of July, A.D. 1962, at 2:30 P.M. o'clock P.M., at which time all the said owners, their agents or attorneys or other interested persons are notified to appear and be heard, and at said hearing said owners and other persons may appear, by counsel or in person, and may offer evidence, and said hearing shall be adjourned from day to day until fully accomplished.

The City Secretary of the City of Mesquite is hereby directed to give notice of the time and place of such hearing and of other matters and facts in accordance with 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 shown as Article 1105b of Vernon's Texas Civil Statutes, which said law, as an alternative method for the construction of street improvements in the City of Mesquite, Texas, has been adopted and made a part of the Charter of said City, being Section 12, Article III of the said Charter. Said notice shall be by advertisement inserted at least three times in a newspaper published in the City of Mesquite, Texas, the first publication to be made at least ten (10) days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Act.

The City Secretary is hereby further directed to give notice of said hearing by mailing to said owners, their agents or attorneys, if any, a copy of said notice by mail, deposited in the Post Office at Mesquite, Texas, ten (10) days prior to the date of said hearing, provided, however, that any failure of the property owners to receive said notice, shall not invalidate these proceedings.

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, Texas, on the 4 day of June, 1962.

B. W. Cruise  
MAYOR

ATTEST:  
Norm M. Haughy  
CITY SECRETARY

APPROVED AS TO FORM:

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ATTORNEY