

RESOLUTION NO. 39-62RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF MESQUITE, TEXAS

WHEREAS, the City of Mesquite deems it necessary to permanently improve the hereinafter named STREET within the City of Mesquite by paving the said STREET with:

Five (5) inch thick Reinforced Concrete Pavement with Integral Curb meeting the City's Standard Specifications

Any existing paving in place, meeting these specifications and which can be utilized, shall be left in place and corresponding credits to the property owners shall be allowed on the assessments; and

WHEREAS, the City Council of the City of Mesquite is of the opinion that it is necessary to levy an assessment against the property and the owners thereof abutting upon the following:

Leyenda Drive from Newsom Street to Pioneer Road

and against railway companies whose tracks occupy said street, if any, for a part of the cost of improving said street, fixing a time for the hearing of the owners of said property, and the said railway companies, concerning the same, and directing the City Secretary to give notice of said hearing, as required by law; and

WHEREAS, plans and specifications shall be made by the Director of Public Works for the improvements of said street; and,

WHEREAS, the Director of Public Works of the City of Mesquite in accordance with the law, has filed his report with the City Council setting forth the participation by the railway companies, if any, and the property owners on 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 of land, and its owner, and all other matters required by law, now, therefore;

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

SECTION 1. That the following street
Leyenda Drive from Newsom Street to Pioneer Road

shall be improved in the following manner, to-wit:

(1) That said street shall be cut or filled as as to bring
the same to grade.

(2) That said street shall be paved with

Five (5) inch thick Reinforced Concrete Pavement with Integral
Curb meeting the City's Standard Specifications

any existing paving in place, meeting these specifications, or
which can be utilized, shall be left in place, if any, and corres-
ponding credits to the property owners 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 and methods
selected by the City Council after the bids are opened.

That the cost of said improvements shall be paid for as
follows; to-wit:

(a) The cost of improving so much of said street and
their intersections with other streets and alleys as is occupied
by the rails and tracks of railways, if any, occupying said
street, and between the same and two (2) feet on the
outside thereof, shall be paid by the owners of said railways re-
spectively.

(b) The City of Mesquite shall pay ten per cent (10%) of the
estimated cost of all such improvements exclusive of curb, gutters
and sidewalks.

(c) That after deducting the proportion of the cost provided for in said Subsections (a) and (b) above, the whole remaining cost, including the cost of concrete curbs or curbs and gutters, driveways, and sidewalks shall be paid by the owners of property abutting on said street named to be paved, in the following manner, to-wit:

The cost shall be assessed against said owners and their property respectively, in accordance with what is known as the "Front-Foot Plan", in proportion as the frontage of the property of each owner is to the whole frontage improved and shall be payable in monthly installments not to exceed 60 in number, the first of which shall be payable within thirty (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 the rate of 6 percent, with provision that any of said installments may be paid 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 has been levied may pay the whole assessment chargeable to him without interest within thirty (30) days after the acceptance and completion of said improvements.

Provided that, if the application of the above mentioned 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 the said Council to assess and apportion said cost in such manner as it may deem just and equitable, having in view the special benefits in 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, or of a railway, if any, until after the notice and hearing provided by law, and no assessment shall be made against an owner of abutting property in excess of the benefits to such property in enhanced value thereof by means of such improvements.

That the contractor shall be paid 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, ten (10%) percent 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 previous month.

For that part of the cost of the improvements that shall be determined to be levied against the owners of abutting property and their property shall be levied by assessment as herein provided, and said improvements may further be secured by Mechanic's Liens to be executed in favor of the City of Mesquite, provided by law in accordance with the terms and provisions of this resolution. Paving certificates evidencing the assessment shall be issued in favor of the City of Mesquite for the amount of the assessment, whether the property owners have executed Mechanic's Liens to secure the payment or not, and shall be payable for the use and benefit of the fund established for the purpose of financing paving improvements.

That the Director of Public Works is hereby directed to prepare at once plans and 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 longer than five (5) 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 such specifications shall require the bidder to make a bid upon the improvements above described, with maintenance bond as herein provided.

That the specifications shall also state the amount of the performance payment and bonds which shall equal 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 2. That the City Secretary be, and she is hereby instructed to advertise for sealed bids for the construction of the improvements called for by this resolution, such advertisements for bids to be published in the Texas Mesquiter, the official publication of the City of Mesquite, which is a newspaper of general circulation in the City of Mesquite. The advertisement shall run one time each week for two weeks, and the bids shall be received not earlier than fourteen (14) days from the date of the first publication. All bids shall be received subject to the terms and provisions of the Charter of the City of Mesquite, and the standard specifications of the City, and shall be filed with

the Director of Finance on the date and hours specified and shall be presented to the Council in a public meeting of the City Council.

SECTION 3. That the report or statement filed by the Director of Public Works having been duly examined is hereby approved.

SECTION 4. That it is hereby found and determined that the estimated cost of improvements on the hereinafter described street, with the amount or amounts per front foot proposed to be assessed against each owner and his abutting property and the owners thereof, and against railway companies whose tracks occupy said street, if any, are as follows, to-wit:

SEE EXHIBIT "A" ATTACHED

SECTION 5. That a hearing shall be given to said owners of abutting property, and of railways, if any, 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 railways, 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 3 day of December, A.D. 1962, at 2:30 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 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, and to said railway companies, 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 6. 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 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 said Charter.

SECTION 7. That this resolution shall take effect from and after its passage, as in the Charter in such cases is made and provided.

DULY passed by the City Council on the 1st day of October, 19 62.


MAYOR

ATTEST:


CITY SECRETARY

EXHIBIT A
ASSESSMENT LIST

PAVING OF LEYENDA DRIVE FROM NEWSOM STREET TO PIONEER ROAD

<u>Property Owner</u>	<u>Property Description</u>	<u>Front Feet</u>	<u>Cost Per Front Foot</u>	<u>Total Assessment</u>
	<u>Mesquite Park Add'n</u> <u>No. 1, Block 3</u>			
L. V. Snider 731 Leyenda Dr.	Lot 16	80	\$2.75	\$220.00
B. P. Potter 727 Leyenda Dr.	Lot 17	65	\$2.75	\$178.75
J. J. Matous, Jr. 723 Leyenda Dr.	Lot 18	65	\$2.75	\$178.75
D. E. McElroy 719 Leyenda Dr.	Lot 19	80	\$2.75	\$220.00
A. G. Lontai 715 Leyenda Dr.	Lot 20	70	\$2.75	\$192.50
M. R. McMahon 711 Leyenda Dr.	Lot 21	60	\$2.75	\$165.00
Charles E. Norwood 707 Leyenda Dr.	Lot 22	60	\$2.75	\$165.00
D. J. Smith 703 Leyenda Dr.	Lot 23	60	\$2.75	\$165.00
H. P. White 627 Leyenda Dr.	Lot 24	60	\$2.75	\$165.00
M. M. Simmons 623 Leyenda Dr.	Lot 25	60	\$2.75	\$165.00
Earl E. Womack 619 Leyenda Dr.	Lot 26	60	\$2.75	\$165.00
Lonnie Speck 613 Leyenda Dr.	Lot 27	90	\$2.75	\$247.50
E. T. Ferrin 609 Leyenda Dr.	Lot 28	90	\$2.75	\$247.50
F.H.A. 605 Leyenda Dr.	Lot 29	60	\$2.75	\$165.00
Marion H. Leftwich 601 Leyenda Dr.	Lot 30	75.73	\$2.75	\$208.26

Paving of Leyenda Drive from Newsom Street to Pioneer Road

<u>Property Owner</u>	<u>Property Description</u>	<u>Front Feet</u>	<u>Cost Per Front Foot</u>	<u>Total Assessment</u>
	Mesquite Park Add'n No. 1, Block 4			
Republic National Life Insurance Co. 600 Leyenda Dr.	Lot 1	92.15	\$2.75	\$253.41
H. C. McGaughy 604 Leyenda Dr.	Lot 2	60	\$2.75	\$165.00
Nellie M. Hicks 608 Leyenda Dr.	Lot 3	60	\$2.75	\$165.00
John D. Furstenwerth 612 Leyenda Dr.	Lot 4	55	\$2.75	\$151.25
John L. Mullins 616 Leyenda Dr.	Lot 5	55	\$2.75	\$151.25
E. B. Goodard 620 Leyenda Dr.	Lot 6	60	\$2.75	\$165.00
Sarah E. Ward 624 Leyenda Dr.	Lot 7	60	\$2.75	\$165.00
Joe W. Slider 628 Leyenda Dr.	Lot 8	60	\$2.75	\$165.00
T. J. Moody, Tr. 702 Leyenda Dr.	Lot 9	60	\$2.75	\$165.00
James E. Aston 706 Leyenda Dr.	Lot 10	60	\$2.75	\$165.00
James R. Black 710 Leyenda Dr.	Lot 11	60	\$2.75	\$165.00
Ray M. Hall 714 Leyenda Dr.	Lot 12	66	\$2.75	\$181.50
Roy P. Hood 718 Leyenda Dr.	Lot 13	79	\$2.75	\$217.25
D. N. Holt 722 Leyenda Dr.	Lot 14	65	\$2.75	\$178.75
O. L. Walker 726 Leyenda Dr.	Lot 15	65	\$2.75	\$178.75
W. H. Schulgen 730 Leyenda Dr.	Lot 16	80	\$2.75	\$220.00

Paving of Leyenda Drive from Newsom Street to Pioneer Road

<u>Property Owner</u>	<u>Property Description</u>	<u>Front Feet</u>	<u>Cost Per Front Foot</u>	<u>Total Assessment</u>
	Mesquite Park Add'n No. 4, Block 12			
Barron Development Co. 937 Leyenda Dr.	Lot 27	128	\$2.75	\$352.00
Barron Dev. Co. 831 Leyenda Dr.	Lot 28	44.9	\$2.75	\$123.48
Barron Dev. Co. 923 Leyenda Dr.	Lot 29	49.62	\$2.75	\$136.46
Barron Dev. Co. 919 Leyenda Dr.	Lot 30	60	\$2.75	\$165.00
Barron Dev. Co. 915 Leyenda Dr.	Lot 31	60	\$2.75	\$165.00
Barron Dev. Co. 911 Leyenda Dr.	Lot 32	60	\$2.75	\$165.00
Barron Dev. Co. 907 Leyenda Dr.	Lot 33	60	\$2.75	\$165.00
Barron Dev. Co. 903 Leyenda Dr.	Lot 34	60	\$2.75	\$165.00
Barron Dev. Co. 831 Leyenda Dr.	Lot 35	60	\$2.75	\$165.00
Barron Dev. Co. 827 Leyenda Dr.	Lot 36	60	\$2.75	\$165.00
Barron Dev. Co. 823 Leyenda Dr.	Lot 37	60	\$2.75	\$165.00
Barron Dev. Co. 819 Leyenda Dr.	Lot 38	60	\$2.75	\$165.00
Barron Dev. Co. 815 Leyenda Dr.	Lot 39	60	\$2.75	\$165.00
Barron Dev. Co. 811 Leyenda Dr.	Lot 40	60	\$2.75	\$165.00
Barron Dev. Co. 307 Leyenda Dr.	Lot 41	60	\$2.75	\$165.00
Republic Nat'l Life 803 Leyenda Dr.	Lot 42	75	\$2.75	206.25

Page 4

Paving of Leyenda Drive from Newsom Street to Pioneer Road

<u>Property Owner</u>	<u>Property Description</u>	<u>Front Feet</u>	<u>Cost Per Front Foot</u>	<u>Total Assessment</u>
	<u>Mesquite Park Add'm</u> <u>No. 4, Block 13</u>			
Barron Dev. Co. 922 Leyenda Dr.	Lot 14	191.26	\$2.75	\$525.97
Barron Dev. Co. 918 Leyenda Dr.	Lot 15	105	\$2.75	\$288.75
Barron Dev. Co. 912 Leyenda Dr.	Lot 16	60	\$2.75	\$165.00
Barron Dev. Co. 906 Leyenda Dr.	Lot 17	60	\$2.75	\$165.00
Barron Dev. Co. 902 Leyenda Dr.	Lot 18	60	\$2.75	\$165.00
Barron Dev. Co. 830 Leyenda Dr.	Lot 19	60	\$2.75	\$165.00
Barron Dev. Co. 826 Leyenda Dr.	Lot 20	60	\$2.75	\$165.00
Barron Dev. Co. 822 Leyenda Dr.	Lot 21	60	\$2.75	\$165.00
Barron Dev. Co. 818 Leyenda Dr.	Lot 22	60	\$2.75	\$165.00
Republic National Life 814 Leyenda Dr.	Lot 23	60	\$2.75	\$165.00
Republic Nat'l Life 810 Leyenda Dr.	Lot 24	60	\$2.75	\$165.00
Republic Nat'l Life 806 Leyenda Dr.	Lot 25	60	\$2.75	\$165.00
Republic Nat'l Life 802 Leyenda Dr.	Lot 26	69.94	\$2.75	\$192.34
	<u>Mesquite Park Add'n</u> <u>No. 4 - Block 15</u>			
J. F. Debus 941 Rancho Dr.	Lot 19	125	\$2.75	\$343.75
Republic Nat'l Life 926 Lindo Drive	Lot 20	125	\$2.75	\$343.75

Paving of Leyenda Drive from Newsom Street to Pioneer Road

<u>Property Owner</u>	<u>Property Description</u>	<u>Front Feet</u>	<u>Cost Per Front Foot</u>	<u>Total Assessment</u>
	<u>Mesquite Park Add'n</u> <u>No. 4 - Block 19</u>			
Republic Life Ins. 941 Pioneer Rd.	Lot 18	120	\$2.75	\$330.00
B. R. Baker 942 Pampa Drive	Lot 19	120	\$2.75	\$330.00
	<u>Mesquite Park Add'n</u> <u>No. 4 - Block 20</u>			
Joel L. Dobson 1001 Leyenda Dr.	Lot 1	100	\$2.75	\$275.00
Fred R. Hulsey 943 Pampa Drive	Lot 16	100	\$2.75	\$275.00
R. T. Goolsby 1133 Leyenda Dr.	Lot 17	62	\$2.75	\$170.50
M. W. Miles 1129 Leyenda Dr.	Lot 18	60	\$2.75	\$165.00
David A. Schmitz 1125 Leyenda Dr.	Lot 19	60	\$2.75	\$165.00
Thomas B. Dodson 1121 Leyenda Dr.	Lot 20	60	\$2.75	\$165.00
Charlie L. Howell 1117 Leyenda Dr.	Lot 21	60	\$2.75	\$165.00
Glen D. Thompson 1113 Leyenda Dr.	Lot 22	60	\$2.75	\$165.00
Woodrow W. Mallett 1109 Leyenda Drive	Lot 23	60	\$2.75	\$165.00
J. E. Flemmons 1105 Leyenda Dr.	Lot 24	60	\$2.75	\$165.00
Clark Sell 1101 Leyenda Dr.	Lot 25	60	\$2.75	\$165.00
Paul E. Spradling 1017 Leyenda Dr.	Lot 26	60	\$2.75	\$165.00
William T. Burton 1013 Leyenda Dr.	Lot 27	80	\$2.75	\$220.00
Leon R. Burgett 1009 Leyenda Dr.	Lot 28	88	\$2.75	\$242.00

Page 6

Paving of Leyenda Drive from Newsom Street to Pioneer Road

<u>Property Owner</u>	<u>Property Description</u>	<u>Front Feet</u>	<u>Cost Per Front Foot</u>	<u>Total Assessment</u>
John Hanna 1000 Leyenda Dr.	<u>Mesquite Park Add'n</u> <u>No. 4-Block 21</u> Lot 5	127	\$2.75	\$349.25
Daniel J. Casario 1004 Leyenda Dr.	Lot 6	55	\$2.75	\$151.25
James N. Roe 1008 Leyenda Dr.	Lot 7	55	\$2.75	\$151.25
Clinton W. Taft 1012 Leyenda Dr.	Lot 8	60	\$2.75	\$165.00
John C. Hill 1016 Leyenda Dr.	Lot 9	60	\$2.75	\$165.00
Coburn R. Stanley 1020 Leyenda Dr.	Lot 10	60	\$2.75	\$165.00
James B. Thomas 1100 Leyenda Dr.	Lot 11	60	\$2.75	\$165.00
Bennie F. Miles 1104 Leyenda Dr.	Lot 12	60	\$2.75	\$165.00
Veterans Administration 1108 Leyenda Dr.	Lot 13	60	\$2.75	\$165.00
James Collier 1112 Leyenda Dr.	Lot 14	60	\$2.75	\$165.00
Roy Garrison 1116 Leyenda Dr.	Lot 15	60	\$2.75	\$165.00
Albert H. Wensel 1120 Leyenda Dr.	Lot 16	60	\$2.75	\$165.00
Jimmy L. Wardlow 1124 Leyenda Dr.	Lot 17	60	\$2.75	\$165.00
Olen M. Miller 1128 Leyenda Dr.	Lot 18	62	\$2.75	\$170.50
Dallas R. LaFerney 1003 Pampa Drive	Lot 19	100	\$2.75	\$275.00

Paving of Levenda Drive from Newsom Street to Pioneer Road

<u>Property Owner</u>	<u>Property Description</u>	<u>Front Feet</u>	<u>Cost Per Front Foot</u>	<u>Total Assessment</u>
Elmer D. Sarratt 1001 Pioneer Rd.	Mesquite Park Add'n <u>No. 4 - Block 23</u> Lot 1	120	\$2.75	\$330.00
F.H.A. 1002 Pampa Dr.	Lot 28	120	\$2.75	\$330.00
Johnnie E. Ennis 1001 Rancho Dr.	Mesquite Park Add'n <u>No. 4 - Block 25</u> Lot 1	125	\$2.75	\$343.75
Republic Nat'l Life 1000 Lindo Dr.	Lot 44	125	\$2.75	\$343.75
		<u>7005.60</u>		<u>\$19,265.42</u>