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RESOLUTION NO. 51-62

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RESOLUTION 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 street and highway, to-wit: North Galloway Avenue from Gus Thomasson Road and Belt Line Road Wye to the Texas & Pacific Railroad Track, 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 Texas Bitulithic 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 17th day of December, 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:

1. Mr. Robert Ashley, Attorney for Danna Construction Company, advised the Council that Danna Construction Company was in favor of the improvement, but was asking the Council to consider giving some relief from the amount of the assessment as they did not feel that the improvement at this time would enhance the value of the property \$22,000. He also advised that Danna Construction Company did object to the construction of sidewalks at this time.

2. Mr. Forrest Thompson, 602 S. Bryan, owning property at 201 N. Galloway, protested the assessment because (1) Galloway is a thoroughfare, (2) Galloway is County Belt Line, (3) it was his understanding, after talking with County Commissioner, that the County had an obligation to help on Galloway, (4) he felt that he shouldn't have to pay 90% of the cost since \$160,000 had been set up in bond program, which should be adequate and (5) he felt that he should be treated like any other citizen -- for instance, Davis Street--was done without cost to property owners.

3. Mr. Dick Singleton, 205 and 211 North Galloway, objected because he felt that if the improvement of North Galloway would increase the value of his property \$50 per front foot it would increase his neighbor's property \$50 per front foot -- he felt that everyone should be treated alike -- residential and business, because eventually it would all be commercial. He stated that he had rather not have the improvement at this time.

4. Mr. J. B. Galloway, Rt. 2, Mesquite, objected because he felt that 90% assessment was too high -- should be more reasonable; "in the Capital Improvement Book it said the same thing about Davis Street as it did about Galloway -- Davis Street was done without cost to property owners --"and he felt that this project should not be done at this time.

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:

- 1. Danna Construction Company, Dallas, Texas
- 2. Forrest Thompson, 602 S. Bryan, Mesquite, Texas
- 3. Dick Singleton, 205 and 211 N. Galloway, Mesquite, Texas
- 4. J. B. Galloway, Rt. 2, Mesquite, Texas

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 17th day of December, 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 remonstrances of the hereinabove respectively named owners, namely, to-wit:

- 1. Danna Construction Company, Dallas, Texas
- 2. Forrest Thompson, 602 S. Bryan, Mesquite, Texas
- 3. Dick Singleton, 205 and 211 N. Galloway, Mesquite, Texas
- 4. J. B. Galloway, Rt. 2, Mesquite, Texas

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 17 day of December, 19 62.

B.W. C...
MAYOR

ATTEST:

Norm G. M. ...
CITY SECRETARY