

RESOLUTION NO. 11-63RESOLUTION 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:

Andrew Street from Crest Park Drive to dead end West of Lee St.

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:

Andrew Street from Crest Park Drive to dead end West of Lee St.

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

(1) That said street shall be cut or filled so 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 corresponding 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 respectively.

(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 sixty 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 advertisement 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 for such improvements against abutting property and the owners thereof, and against railway companies whose tracks occupy said street, if any, are as follows, to-wit:

SEE LIST 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 15 day of July, A.D. 1963, 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 3 day of
June, 1963.

B. W. Cruse, Jr.
MAYOR

ATTEST:

Thomas L. M. Haugh
CITY SECRETARY

ASSESSMENT LIST
PAVING OF ANDREW STREET FROM CREST PARK DRIVE TO WEST OF LEE ST.

<u>Property Owner</u>	<u>Property Description</u>	<u>Frontage</u>	<u>Unit Cost</u>	<u>Total</u>
	Northridge Estates Addn. <u>No. 4 Block 42</u>			
John F. Hogan 2017 Lee St.	Lot 5	60 ft.	\$2.75/Fr.Ft.	\$165.00
	<u>Block 48</u>			
Arlie Boone 1302 Andrew St.	Lot 1	70 ft.	\$2.75/Fr.Ft.	\$192.50
Billy G. Reagan 1306 Andrew St.	Lot 2	60 ft.	\$2.75/Fr.Ft.	\$165.00
Veterans Administration 1310 Andrew St.	Lot 3	60 ft.	\$2.75/Fr.Ft.	\$165.00
H. V. Alford 1314 Andrew St.	Lot 4	60 ft.	\$2.75/Fr.Ft.	\$165.00
Obie Cantrell 1318 Andrew St.	Lot 5	60 ft.	\$2.75/Fr.Ft.	\$165.00
Damon H. Leger 1322 Andrew St.	Lot 6	60 ft.	\$2.75/Fr.Ft.	\$165.00
Edward B. Stahl 1326 Andrew St.	Lot 7	60 ft.	\$2.75/Fr.Ft.	\$165.00
Jacob C. Bolthausen 1330 Andrew St.	Lot 8	60 ft.	\$2.75/Fr.Ft.	\$165.00
Ray Cox 1334 Andrew St.	Lot 9	60 ft.	\$2.75/Fr.Ft.	\$165.00
Jack D. Spillman 1400 Andrew St.	Lot 10	60 ft.	\$2.75/Fr.Ft.	\$165.00
George E. Pitts 1404 Andrew St.	Lot 11	60 ft.	\$2.75/Fr.Ft.	\$165.00
James S. Hobbs 1408 Andrew St.	Lot 12	60 ft.	\$2.75/Fr.Ft.	\$165.00
Thomas G. DeBerry 1412 Andrew St.	Lot 13	60 ft.	\$2.75/Fr.Ft.	\$165.00
James Smith 1416 Andrew St.	Lot 14	60 ft.	\$2.75/Fr.Ft.	\$165.00

Andrew St. from Crest Park to Lee St.

<u>Property Owner</u>	<u>Property Description</u>	<u>Frontage</u>	<u>Unit Cost</u>	<u>Total Cost</u>
	<u>Northridge Estates</u>			
	<u>Addn. #4, Block 48</u>			
Loy I. Whittaker 1420 Andrew St.	Lot 15	60 ft.	\$2.75/Fr.Ft.	\$165.00
Johnny C. Youngblood 1424 Andrew St.	Lot 16	60 ft.	\$2.75/Fr.Ft.	\$165.00
William L. Gilbert 1428 Andrew St.	Lot 17	60 ft.	\$2.75/Fr.Ft.	\$165.00
Tom D. Lankford 1432 Andrew St.	Lot 18	70 ft.	\$2.75/Fr.Ft.	\$192.50
	<u>Block 49</u>			
Milburn R. Cravens 1303 Andrew St.	Lot 36	70 ft.	\$2.75/Fr.Ft.	\$192.50
Calvin A. Walters 1307 Andrew St.	Lot 35	60 ft.	\$2.75/Fr.Ft.	\$165.00
Chas. K. Thomas 1311 Andrew St.	Lot 34	60 ft.	\$2.75/Fr.Ft.	\$165.00
R. A. Finch 1315 Andrew St.	Lot 33	60 ft.	\$2.75/Fr.Ft.	\$165.00
O. M. Parrish 1319 Andrew St.	Lot 32	60 ft.	\$2.75/Fr.Ft.	\$165.00
R. W. LaQuey, Jr. 1323 Andrew St.	Lot 31	60 ft.	\$2.75/Fr.Ft.	\$165.00
Frank A. Meisell, Jr. 1327 Andrew St.	Lot 30	60 ft.	\$2.75/Fr.Ft.	\$165.00
J. H. Hendley 1331 Andrew St.	Lot 29	60 ft.	\$2.75/Fr.Ft.	\$165.00
Larry W. Lowe 1335 Andrew St.	Lot 28	60 ft.	\$2.75/Fr.Ft.	\$165.00
L. D. King 1401 Andrew St.	Lot 27	60 ft.	\$2.75/Fr.Ft.	\$165.00
Jimmy Hefley 1405 Andrew St.	Lot 26	60 ft.	\$2.75/Fr.Ft.	\$165.00

Page 3

Andrew St. from Crest Park Dr. to Lee St.

<u>Property Owner</u>	<u>Property Description</u>	<u>Frontage</u>	<u>Unit Cost</u>	<u>Total Cost</u>
	Northridge Estates Addn. #4, Block 49			
C. A. Leslie 1409 Andrew St.	Lot 25	60 ft.	\$2.75/Fr.Ft.	\$165.00
Murrell B. Thomas 1413 Andrew St.	Lot 24	60 ft.	\$2.75/Fr.Ft.	\$165.00
Lloyd B. Robinson 1417 Andrew St.	Lot 23	60 ft.	\$2.75/Fr.Ft.	\$165.00
Willard E. Allen 1421 Andrew St.	Lot 22	60 ft.	\$2.75/Fr.Ft.	\$165.00
E. W. Allen 1425 Andrew St.	Lot 21	60 ft.	\$2.75/Fr.Ft.	\$165.00
W. C. Carr 1429 Andrew St.	Lot 20	60 ft.	\$2.75/Fr.Ft.	\$165.00
James E. Bramhall 1433 Andrew St.	Lot 19	70 ft.	\$2.75/Fr.Ft.	\$192.50
	<u>Block 47</u>			
Geo. M. Gislar, Jr. 1502 Andrew St.	Lot 1	70 ft.	\$2.75/Fr.Ft.	\$192.50
D. R. Raney 1506 Andrew St.	Lot 2	60 ft.	\$2.75/Fr.Ft.	\$165.00
Billy Joe Lucas 1510 Andrew St.	Lot 3	60 ft.	\$2.75/Fr.Ft.	\$165.00
B. J. Rasco 1514 Andrew St.	Lot 4	60 ft.	\$2.75/Fr.Ft.	\$165.00
M. L. Richardson 1518 Andrew St.	Lot 5	60 ft.	\$2.75/Fr.Ft.	\$165.00
E. M. Juricek 1522 Andrew St.	Lot 6	60 ft.	\$2.75/Fr.Ft.	\$165.00
Robert R. Ponton 1526 Andrew St.	Lot 7	60 ft.	\$2.75/Fr.Ft.	\$165.00
Stanley Mallison 1530 Andrew St.	Lot 8	60 ft.	\$2.75/Fr.Ft.	\$165.00

Andrew St. from Crest Park Dr. to Lee St.

<u>Property Owner</u>	<u>Property Description</u>	<u>Frontage</u>	<u>Unit Cost</u>	<u>Total Cost</u>
	Northridge Estates Addn <u>No. 4 - Block 47</u>			
B. A. Lathrop 1600 Andrew St.	Lot 9	60 ft.	\$2.75/Fr.Ft.	\$165.00
O. C. Bauguss 1604 Andrew St.	Lot 10	60 ft.	\$2.75/Fr.Ft.	\$165.00
Wendell R. Marks 1608 Andrew St.	Lot 11	60 ft.	\$2.75/Fr.Ft.	\$165.00
J. W. Russell, Jr. 1612 Andrew St.	Lot 12	60 ft.	\$2.75/Fr.Ft.	\$165.00
Harvey L. Evans 1616 Andrew St.	Lot 13	60 ft.	\$2.75/Fr.Ft.	\$165.00
R. M. Kelch 1620 Andrew St.	Lot 14	60 ft.	\$2.75/Fr.Ft.	\$165.00
Northridge Baptist Church 1624 Andrew St.	Lot 15	60 ft.	\$2.75/Fr.Ft.	\$165.00
Leo P. Sharp 1628 Andrew St.	Lot 16	70 ft.	\$2.75/Fr.Ft.	\$192.50
	<u>Block 50</u>			
James W. Hester 1503 Andrew St.	Lot 32	70 ft.	\$2.75/Fr.Ft.	\$192.50
E. L. Numbers 1507 Andrew St.	Lot 31	60 ft.	\$2.75/Fr.Ft.	\$165.00
B. L. Swanson 1511 Andrew St.	Lot 30	60 ft.	\$2.75/Fr.Ft.	\$165.00
Clint W. Wynn 1515 Andrew St.	Lot 29	60 ft.	\$2.75/Fr.Ft.	\$165.00
Arthur B. McIntyre 1519 Andrew St.	Lot 28	60 ft.	\$2.75/Fr.Ft.	\$165.00
Chas. R. Gilbreath 1523 Andrew St.	Lot 27	60 ft.	\$2.75/Fr.Ft.	\$165.00
C. M. Barnhart 1527 Andrew St.	Lot 26	60 ft.	\$2.75/Fr.Ft.	\$165.00

Page 5
Andrew St. from Crest Park Dr. to Lee St.

<u>Property Owner</u>	<u>Property Description</u>	<u>Frontage</u>	<u>Unit Cost</u>	<u>Total Cost</u>
	<u>Northridge Estates Addn</u>			
	<u>No. 4 - Block 50</u>			
Cecil R. Toney 1531 Andrew St.	Lot 25	60 ft.	\$2.75/Fr.Ft.	\$165.00
R. D. Mayfield 1601 Andrew St.	Lot 24	60 ft.	\$2.75/Fr.Ft.	\$165.00
B. J. Holley 1605 Andrew St.	Lot 23	60 ft.	\$2.75/Fr.Ft.	\$165.00
D. R. Ramsey 1609 Andrew St.	Lot 22	60 ft.	\$2.75/Fr.Ft.	\$165.00
James H. Reed 1613 Andrew St.	Lot 21	60 ft.	\$2.75/Fr.Ft.	\$165.00
H. W. Williams 1617 Andrew St.	Lot 20	60 ft.	\$2.75/Fr.Ft.	\$165.00
Ray G. Lester 1621 Andrew St.	Lot 19	60 ft.	\$2.75/Fr.Ft.	\$165.00
W. G. Lumpkin 1625 Andrew St.	Lot 18	60 ft.	\$2.75/Fr.Ft.	\$165.00
R. W. Whitacre 1629 Andrew St.	Lot 17	70 ft.	\$2.75/Fr.Ft.	\$192.50
	<u>Block 46</u>			
Chas. H. Waid 1702 Andrew St.	Lot 1	70 ft.	\$2.75/Fr.Ft.	\$192.50
R. J. McDowell 1706 Andrew St.	Lot 2	60 ft.	\$2.75/Fr.Ft.	\$165.00
Jas. E. Davidson 1710 Andrew St.	Lot 3	60 ft.	\$2.75/Fr.Ft.	\$165.00
Paul L. Chambers 1714 Andrew St.	Lot 4	60 ft.	\$2.75/Fr.Ft.	\$165.00
H. D. Wright 1718 Andrew St.	Lot 5	60 ft.	\$2.75/Fr.Ft.	\$165.00
Jerry K. Bolton 1722 Andrew St.	Lot 6	60 ft.	\$2.75/Fr.Ft.	\$165.00

Page 6
Andrew St. from Crest Park Dr. to Lee St.

<u>Property Owner</u>	<u>Property Description</u>	<u>Frontage</u>	<u>Unit Cost</u>	<u>Total Cost</u>
	Northridge Estates Addn. #4 - Block 46			
A. W. Warren 1726 Andrew St.	Lot 7	60 ft.	\$2.75/Fr.Ft.	\$165.00
E. M. Gauntt 1730 Andrew St.	Lot 8	185 ft.	\$2.75/Fr.Ft.	\$343.75
J. G. Martell 1738 Andrew St.	Lot 9	65 ft.	\$2.75/Fr.Ft.	\$178.75
Joseph B. Money 1742 Andrew St.	Lot 10	65 ft.	\$2.75/Fr.Ft.	\$178.75
	<u>Block 51</u>			
Arnold Clark 1703 Andrew St.	Lot 18	70 ft.	\$2.75/Fr.Ft.	\$192.50
Thomas J. Gowen 1707 Andrew St.	Lot 17	60 ft.	\$2.75/Fr.Ft.	\$165.00
I. P. Moon 1711 Andrew St.	Lot 16	60 ft.	\$2.75/Fr.Ft.	\$165.00
Hershel E. Troxell 1715 Andrew St.	Lot 15	60 ft.	\$2.75/Fr.Ft.	\$165.00
J. A. Youngblood 1719 Andrew St.	Lot 14	60 ft.	\$2.75/Fr.Ft.	\$165.00
M & S Development Co. 1723 Andrew St.	Lot 13	135 ft.	\$2.75/Fr.Ft.	\$371.25
Kenneth D. Watson 1731 Andrew St.	Lot 12	60 ft.	\$2.75/Fr.Ft.	\$165.00
Durwood Wheeler 1735 Andrew St.	Lot 11	60 ft.	\$2.75/Fr.Ft.	\$165.00
Emmit Evans 1739 Andrew St.	Lot 10	70 ft.	\$2.75/Fr.Ft.	\$192.50
		<u>5,540 ft.</u>		<u>\$ 15,235.00</u>