

RESOLUTION NO. 36-63

WHEREAS, heretofore a resolution was duly adopted by the City Council of the City of Mesquite for the improvement of the following street:

Gus Thomasson Road from Karla Drive to the Dallas City Limits

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 let the contract to Uvalde Construction Company for said improvement 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; by constructing all necessary drains, sewers and culverts where specified,

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 a reassessment against the abutting property owners for their pro rata parts of the cost of said improvement, 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 3rd day of September, 1963, in the Council Chamber in the City Hall of the City of Mesquite, Texas, to then and there make protest and objection, if any, to said improvement, and the cost of the same, and any other objection that may appear to such property owners; and,

WHEREAS, the agent of such property owners and 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,

Page 2

WHEREAS, the said hearing was duly had at said time and place, 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, 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 C. Jones protested the assessment of residential property.
2. Mr. Harold Berman, representing I. Hechtman and M. L. McKinney, made the following objections: (1) it is not a fair assessment; (2) does not in any way enhance value in the amount of \$5,000; and (3) felt that it was a double assessment since Ordinance No. 433 is on the books,

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 of the following property owners :

1. Mr. Robert C. Jones, 3652 Demaret, Mesquite, Texas
2. Mr. Harold Berman, repres. Mr. I. Hechtman and M. L. McKinney, owners of property located on Gus Thomasson Road and being part of Lot 18, Block 1, Casa View #15, Mesquite, Texas

are determined against them and overruled; and,

WHEREAS, Harry Solomon, a well-known and qualified real estate agent, appeared and testified that property zoned for residential purposes would not be enhanced in value and would receive no benefits as a result of the construction of the improvements; and, that in his opinion, the value of the property in question would be enhanced by \$50.00 per front foot;

WHEREAS, the Council, after fully considering the said reassessments and fully considering the benefits that each property owner and his property receive from making said improvements, are of the opinion that the said reassessment to be levied are fair and equitable and represent the benefits that the said property receives in enhanced values from the making of said improvements, and that the said reassessments should be made; and,

WHEREAS, the Council having no further protest, remonstrance or objection before it, is of the opinion that the said hearing should be closed:

Page 3

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 3rd day of September, A.D. 1963, 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 respective named owners, namely,

1. Mr. Robert C. Jones, 3652 Demaret, Mesquite, Texas
2. Mr. Harold Berman, representing Mr. I. Hechtman and M. L. McKinney, owners of property located on Gus Thomasson Road and being part of Lot 18, Block 1, Casa View #15, Mesquite, Texas

be overruled.

SECTION 3. That after due consideration and based upon the evidence, testimony and findings as to the benefits to be received by the property and owners of property abutting upon the improvements, the City Council is of the opinion and so finds that property zoned for residential purposes will not be enhanced in value as a result of said improvements and should not be assessed for the pro rata cost of said improvements.

SECTION 4. That the City Attorney be, and he is hereby directed to prepare an ordinance reassessing against the several owners of property and against their property abutting upon the streets or alleys hereinabove mentioned, the proportionate part of said cost against the said 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 5. That this resolution shall take effect from and after its passage, as the Charter in such cases provides.

PASSED by the City Council of the City of Mesquite, Texas, on the 3rd day of September, 1963.

ATTEST: Norma G. McGaughey
Norma G. McGaughey, City Secretary

B. W. Cruce, Jr.
B. W. Cruce, Jr.
Mayor