

RESOLUTION NO. 37-64

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

South Galloway Avenue from the Texas & Pacific Railroad Track to Parkview Street

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 Austin Paving Co. for said improvement with 7-inch thick reinforced 3,000 P.S.I. concrete pavement; with 6-inch height roll-type integral curbs; with 6-inch thick reinforced concrete driveway approaches and alley returns; and 4-inch thick concrete sidewalks, where specified,

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 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 6 day of January, 1964, 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 or 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,

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 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:

See attached

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,

See attached

are determined against them and overruled; and,

WHEREAS, the Council, after fully considering the said assessments, and fully considering the benefits that each property owner and his property receive 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 of the said improvements, and that the said assessments should be made; and,

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WHEREAS, the Council having no further protest, 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 6 day of January, 1964, and thereafter continued until the present date, be and the same is hereby ordered closed.

SECTION 2. That the objection, protests, and remonstrances of the hereinabove respectively named owners, namely,

See attached

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 street hereinabove mentioned, the proportionate part of said cost that has been heretofore adjudged 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 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 on the 5 day of October, 1964.

ATTEST:  
[Signature]  
City Secretary

[Signature]  
Mayor

1. Clifford Moon, 224 South Walker - Property - 302 South Galloway  
Mr. Moon stated that all property owners should bear the cost of South Galloway since it is a thoroughfare --- that it should be paid from bond funds.

2. Messrs. Harold Altom, Robert Lee Hanby and Leslie Brown of the Mesquite Chamber of Commerce  
They stated that the Executive Committee of the Chamber of Commerce felt that South Galloway should be constructed with a minimum of 4 lanes and the assessment ratio should be lowered for business property fronting on main thoroughfares.

3. Robert Yarbrough, 200 South Galloway  
Mr. Yarbrough stated that he did not feel that South Galloway could be defined as "Commercial or Industrial Areas" because it is a main thoroughfare. He felt that the City's street paving policy should have better definitions of the different kinds of streets. He did not feel the property would be enhanced the extent of the assessment and he felt that 90% assessment was unfair.

4. Davis Tosch, 902 South Bryan - Property - corner of Main and South Galloway  
Mr. Tosch stated that he concurred with the statements of Mr. Moon and Mr. Yarbrough.

5. Frank Greenhaw, 425 South Galloway  
Mr. Greenhaw stated that he felt it should be done in cooperation with the County. He recommended that the intersections be paved with concrete, new curbs and gutters installed, and asphalt on the street. He felt that it was unfair to property owners to pay for the paving of a thoroughfare.

6. Mr. and Mrs. Emmett McFarlin, 501 South Galloway  
They stated they were opposed because it is a public thoroughfare.

7. Miss Geneva Barnes, 519 South Galloway  
Miss Barnes stated she was opposed to the assessment because South Galloway is a thoroughfare.

8. Mr. Julian Rorie, 1244 Tosch - Property at corner of South Galloway and Main Street  
Mr. Rorie stated that he did not feel it would enhance the property according to the amount being assessed.