

RESOLUTION NO. AA 7-65

17

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

Oates Drive from the alley East of Modlin Street to the West Corporate Limit Line of the City of Mesquite

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 Texas Bitulithic for said improvement by paving with 7-inch thick 3,000 P.S.I. reinforced 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, so that the roadway width shall be 62 feet from back of curbs to back of curbs.~~

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 15 day of February, 1965, 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 attachment

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. Fred Cabiniss, 4200 Hyde Park;
2. Billy Hudson, 4202 Ridgedale;
3. Mrs. Bess Ann Motley, Dumont and Oates Drive;
4. R. C. Kennimer, 4200 Dumont;
5. Carl Neal, 4124 Modlin;
6. Wayne Howell, 4203 Modlin;
7. Johnny England, 3420 Oates Drive;
8. Dorothy Perkins, 4201 Scottsdale

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,

19

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 15 day of February, 1965, 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,

1. Fred Cabaniss, 4200 Hyde Park; 2. Billy Hudson, 4202 Ridgedale;
3. Mrs. Bess Ann Motley, Dumont and Oates Drive; 4. R. C. Kennimer, 4200 Dumont; 5. Carl Neal, 4124 Modlin; 6. Wayne Howell, 4203 Modlin; 7. Johnny England, 3420 Oates Drive; 8. Dorothy Perkins, 4201 Scottsdale

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 15 day of February, 1965

ATTEST:  
Tom J. M. Lough  
City Secretary

J. W. [Signature]  
Mayor

Those appearing in opposition:

1. Fred Cabaniss, 4200 Hyde Park - opposed to amount of assessment.
2. Billy Hudson, 4202 Ridgedale - did not feel widening of Oates would benefit him more than others down the street.
3. Mrs. Bess Ann Motley, Corner of Oates and Dumont - it was her understanding that the developers, Chapman and Dalton, would be responsible for the paving of Oates Drive.
4. R. C. Kennimer, 4200 Dumont - was told by developer he would not such an expense, and he felt that all should pay for thoroughfare.
5. Carl Neal, 4124 Modlin - would cause a financial problem and would not receive any more benefit than others in the neighborhood.
6. Wayne Howell, 4203 Modlin - unfair to be required to pay the amount of the assessment just because he lived on corner and it would cause a hardship financially.
7. Johnny England, 3420 Oates Drive - against paying the cost of a thoroughfare.
8. Dorothy Perkins, 4201 Scottsdale - would work a hardship on her.