

RESOLUTION NO. 9-65

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 street:

Rosabelle Drive from Gus Thomasson Road to a point 577 feet West of Gus Thomasson Road

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, the City Council has heretofore, by resolution, ordered the improvement of the said street enumerated above, by paving said street with 6-inch thick 3,000 P.S.I. reinforced concrete pavement; with 6-inch height roll-type integral curbs; and 6-inch thick reinforced concrete driveway approaches where specified, so that the roadway width shall be 37 feet from back of curbline to back of curbline; and by constructing all necessary drains, sewers and culverts where specified.

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, and,

WHEREAS, the Director of Public Works of the City of Mesquite has, in accordance with the law, filed his report with the City Council, setting forth the participation by the railway companies, if any, and the property owners, in 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 and its owner and all other matters required by the applicable law;



All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of the apportionment of the cost of improvements so as to produce a substantial equality of benefits received and burdens imposed.

SECTION 3. 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 5 day of April, A.D. 1965, at 3:00 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 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, Texas,  
on the 1st day of March, 1965.

B. W. Cune  
Mayor

ATTEST:

Ann D. McHugh  
City Secretary

EXHIBIT "A"

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
James F. Riggs and Joey M. Pirrung	Rosabelle Drive	239.45 ft.	\$ 3,625.40

PROPERTY DESCRIPTION

Being Tract 2 situated in Block 22 of El Rosa Addition, an addition to the City of Mesquite, Dallas County, Texas, as recorded in Volume 39, Page 83, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the southwest corner of the intersection of Rosabelle Drive and Gus Thomasson Road, said point being the Northeast corner of said Block 22 of El Rosa Addition;  
THENCE Westerly along the South R.O.W. line of Rosabelle Drive 239.45 feet to point for corner;  
THENCE South <sup>0</sup> West a distance of 350 feet, more or less, to a point for corner in the North R.O.W. line of Village Drive;  
THENCE Easterly along the North R.O.W. line of Village Drive to a point for corner in the West R.O.W. line of Gus Thomasson Road;  
THENCE Northerly along the West R.O.W. line of Gus Thomasson Road to the place of beginning.

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
James P. Riggs	Rosabelle Drive	361.28 ft.	\$ 5,151.49

PROPERTY DESCRIPTION

Being a tract of land situated in Block 22 of El Rosa Addition, an addition to the City of Mesquite, Dallas County, Texas, as recorded in Volume 39, Page 83, deeded to James F. Riggs and being more fully described as follows:

BEGINNING at a point in the South R.O.W. line of Rosabelle Drive, said point being the Northwest corner of Tract 2 of said Block 22 of El Rosa Addition and being 239.45 feet West of the West R.O.W. line of Gus Thomasson Road;  
 THENCE Westerly along the South R.O.W. line of Gus Thomasson Road a distance of 361.28 feet to point for corner, said point being the Northeast corner of Tract 5 of said Block 22 of El Rosa Addition;  
 THENCE Southerly along the East line of said Tract 5 to a point for corner in the North R.O.W. line of Village Drive;  
 THENCE Easterly along the North R.O.W. line of Village Drive to point for corner in the West line of Tract 2 of El Rosa Addition;  
 THENCE Northerly along the West line of said Tract 2 to the place of beginning.

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
George A. Boyce	Rosabelle Drive	190.0 ft.	\$ 2,328.22

**PROPERTY DESCRIPTION**

Being a .79 acre tract of land situated in the M. L. Swing Survey, Abstract #1397, City of Mesquite, Dallas County, Texas, deeded to George A. Boyce by deed dated 6-22-56, recorded Dallas County, Texas, Deed Records and being more fully described as follows:

BEGINNING at the Northwest corner of the intersection of Rosabelle Drive and Gus Thomasson Road;  
 THENCE Westerly along the North R.O.W. line of Rosabelle Drive a distance of 190 feet to point for corner;  
 THENCE Northerly a distance of 157.45 feet;  
 THENCE Easterly a distance of 162 feet to a point in the West R.O.W. line of Gus Thomasson Road;  
 THENCE Southerly along the West R.O.W. line of Gus Thomasson Road to the place of beginning.

<u>OWNER</u>	<u>LOCATION OF IMPROVEMENTS</u>	<u>FRONT FOOTAGE</u>	<u>AMOUNT OF ASSESSMENT</u>
R. S. Bentley	Rosabelle Drive	364.66 ft.	\$4,262.88

**PROPERTY DESCRIPTION**

Being a 6.05 acre tract of land situated in the M. L. Swing Survey, Abstract #1397, City of Mesquite, Dallas County, Texas, deeded to R. S. Bentley, and being more fully described as follows:

BEGINNING at a point in the North R.O.W. line of Rosabelle Drive, said point being the Southwest corner of a .79 acre tract owned by George A. Boyce and said point also being 190 feet West of the West R.O.W. line of Gus Thomasson Road;

THENCE Westerly along the North R.O.W. line of Rosabelle Drive to the East line of a 2.837 acre tract of land owned by the City of Mesquite;

THENCE Northerly along the said East line of the City of Mesquite tract a distance of 428.70 feet to point for corner, said point being the South line of Hillview Addition;

THENCE Easterly along the South line of Hillview Addition 250 feet to point for corner;

THENCE Southerly 105 feet to point for corner;

THENCE Easterly 370 feet to a point for corner in the West R.O.W. line of Gus Thomasson Road;

THENCE Southerly along the West R.O.W. line of Gus Thomasson Road 196 feet to point for corner, said point being the Northeast corner of the said George A. Boyce tract;

THENCE Westerly and Southerly around the George A. Boyce tract to the place of beginning.