

RESOLUTION NO. 4745-65

WHEREAS, heretofore, a resolution was duly adopted by the City Council of the City of Mesquite, Texas, for the improvement of the following alleys between Town East Estates Addition No. 8, First Section, and Byrd Estates Addition No. 1 at rear of Lots 6 thru 15 and Part of Lot 5 in Block 6; at side of Lot 1 and at rear of Lots 1 thru 20 in Block 9; at rear of Lots 1 thru 4 in Block 10; and at rear of Lots 1 thru 3 and Part of Lot 4 in Block 3 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 by paving with 5-inch thick 3,000 P.S.I Reinforced Concrete Pavement eight (8) feet wide meeting the City's Standard Specifications

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 7th day of September, 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,

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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,

1. Mr. Thadus W. Moore, 2807 Harlan
2. Mr. Johnny Reid, 3112 Emily
3. Mr. H. M. Parks, 2803 Harlan
4. Mrs. Elliott Eyring, 3188 Emily
5. Mr. C. A. Sears, 3031 Harlan
6. Mr. Donald Wafford, 3035 Harlan

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

Resolution No. 45-65

OBJECTIONS FROM PROPERTY OWNERS AT HEARING HELD SEPTEMBER 7, 1965:

1. Mr. Thadus W. Moore, 2807 Harlan, stated that (1) it was his understanding that all peripheral alleys would be paved; (2) builder told him would have paved alleys and that an escrow account would be established for that purpose; and (3) he felt that he had already paid for the paving of the alley once.

2. Mr. Johnny Reid, 3112 Emily, stated (1) he did not want the alley paved because of conditions of existing alleys; (2) because he did not believe garbage trucks would be able to use alleys, and (3) bought with understanding that he would never be forced to pay for paving of alleys.

3. Mr. H. M. Parks, 2803 Harlan, stated it was a matter of principle with him because of the way the petition was presented and he was not able to pay for it.

4. Mrs. Elliott Eyring, 3108 Emily, stated they could do without alley and felt that it would not be useful because of shape of alley.

5. Mr. C. A. Sears, 3031 Harlan, stated he objected because he was told he would have paved alley without cost to property owner.

6. Mr. Donald Wafford, 3035 Harlan, stated he objected because was told alleys would be paved.

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,

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 7th day of September, 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. Mr. Thadus W. Moore, 2807 Harlan
2. Mr. Johnny Reid, 3112 Emily
3. Mr. H. M. Parks, 2803 Harlan
4. Mrs. Elliott Eyring, 3108 Emily
5. Mr. C. A. Sears, 3031 Harlan
6. Mr. Donald Wafford, 3035 Harlan

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 alleys 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 7 day of September, 1965.

ATTEST:

[Signature]
City Secretary

[Signature]
Mayor