

RESOLUTION NO. 48 15-66

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

Town East Blvd. from U. S. Highway 80 to Gross Road

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 Co. for said improvement, 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 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 June, 1966, 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 JUNE, 1966, 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 6 day of June, 1966.

ATTEST:

Wm. H. Hedges  
City Secretary

George Boyce  
Mayor

## Attachment to Resolution #15-66

1. B. W. Cruce, an attorney representing five property - I.S. Fonville, A. P. Roffino, Charley G. Roffino, Roy Dixon and Charley T. Roffino. Mr. Cruce stated that the property owners felt that their needs would be best served by the repair of the street. Also requested that property zoned Apartment be accessed on the same basis as Residential property. Also stated that homes siding on the street would be de-valued by F.H.A. because of the increased traffic generated by a thoroughfare.
2. Mr. Russell Smith stated that a six-lane thoroughfare would be needed in the future, but not at this time, and requested that the Council take into consideration the amount of assessments charged by other cities for similar work and the major part of the cost should be paid for out of bond money.
3. Mr. Alex Sanders, owner of Triangle Improvement Co., urged that assessments to persons owning homes siding on Town East be reduced because they should not have to stand so much of the expense since the project as a whole is for the good of the entire community.
4. Mr. Bob Locke, 2501 Catalina, stated that he was opposed to a six-lane thoroughfare in a residential area and that its construction would be detrimental to the value of his property.
5. Mrs. Betty Jones, 2602 Viva, asked why should be assessed when her neighbors will use the street as much as she.
6. Mr. Sam Harris, 2500 Catalina, said he did not believe the value of his property should be lessened while others who live on the same street would benefit from the paving.
7. Mr. J. D. Chambers, 2402 Luau, said he is in the process of trying to sell his house and the assessment would make it very difficult to do so.
8. Mr. Tony Wheeler, 2603 Viva, said he was opposed to the assessment because it would not add to the value of his property. He also said the widening of the street would cause the traffic to pass too close to his house.
9. Mrs. Tony Wheeler stated they could not afford to pay the assessment.