

RESOLUTION NO. 4\* 1-67

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

Gross Road from Town East Boulevard to U. S. Highway 67

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 improvements, 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 3 day of January, 1967, 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,

1. Judge John A. Rawlins, 6006 Swiss, Dallas
2. J. H. Briley, 614 S. Galloway, Mesquite
3. J. B. Galloway, Gus Thomasson Road, Mesquite
4. J. H. Herndon, 3503 Bonito Vista, Mesquite

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,

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 3 day of January, 1967, 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. Judge John A. Rawlins, 6006 Swiss, Dallas
2. J. H. Briley, 614 S. Galloway, Mesquite
3. J. B. Galloway, Gus Thomasson Road, Mesquite
4. J. H. Herndon, 3503 Bonito Vista, Mesquite

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 3 day of January, 19 67

ATTEST:

Norma G. W. Gandy  
City Secretary

George Boyce  
Mayor

1. Judge A. Rawlins - Opposed to assessment because paving of Gross Road would benefit entire City and he didn't think City could prove this would benefit him.  
6006 Swiss Ave.,  
Dallas, Texas
2. J. H. Briley  
614 S. Galloway  
Mesquite, Texas  
He stated he did not think the City could prove this paving would benefit his property.
3. J. B. Galloway  
Gus Thomasson Rd.  
Mr. Galloway stated that he was not speaking as a property owner with property on Gross Road, but wanted to voice his opposition to the assessment program of the City of Mesquite in general. He felt that the City should take a new attitude on the assessment program--that thoroughfares should be paid for by the entire City.
4. J. H. Herndon  
3503 Bonito Vista  
Mr. Herndon stated that he did not think it was fair for him to be assessed an amount totaling \$593 since Gross Road runs along the side of his home and everyone uses the road. He further stated it would be a hardship for him to pay this assessment.