

RESOLUTION NO. 4A 27-68

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

Gus Thomasson Road from a point approximately 2,000 feet south of the intersection of Town East Boulevard and Gus Thomasson Road to a point approximately 3,650 feet north of the intersection of Mariposa Drive and Gus Thomasson 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 by paving said street with 6-inch thick 3,000 P.S.I. reinforced concrete pavement; with 6-inch height roll-type integral curbs, so that the roadway width shall be 37 feet from back of curb to back of curb; and by constructing all necessary drains, sewers and culverts where specified; 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 15 day of January, 1968, 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:

1. Mrs. Annie Riggs, 207 Rugel - stated she felt this paving is as important as the parks, recreation centers, golf course, swimming pools and other improvements and she did not feel the property owners should be assessed.
2. Dr. E. K. Franklin, 2700 Oak Lawn - stated when he exchanged right of way for land on the other side of I.H. 635 he did not know that he would be involved in an assessment on the east side of I.H. 635. He did not feel that he should be assessed since his property did not abut the paving.

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,

Mrs. Annie Riggs, 207 Rugel, Mesquite  
Dr. E. K. Franklin, 2700 Oak Lawn, Dallas

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 15 day of January, 1968, 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,

Mrs. Annie Riggs, 207 Rugel, Mesquite, Texas  
Dr. E. K. Franklin, 2700 Oak Lawn, Dallas, Texas

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 January, 1968

ATTEST:

Norm H. M. Goughy  
City Secretary

Brady Dwyer  
Mayor