

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

Galloway Avenue from U.S. 80 to IH-30

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 Company for said improvement of said street by excavating or filling to the grade specified; by constructing necessary drainage facilities where specified; and by paving with reinforced concrete in accordance with the City's Standard Specifications and the approved engineering plans, as is more particularly shown by the terms of the said contract and proceedings had for same; 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 MESQUITE DAILY NEWS 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 18th day of June, 1979, 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,

RESOLUTION/PAGE 2

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WHEREAS, the following objections, protests, and remonstrances were made, to-wit:

SEE ATTACHMENT

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 ATTACHMENT

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:

RESOLUTION/PAGE 2

60188

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SEE ATTACHMENT

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 ATTACHMENT

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:

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RESOLUTION/PAGE 3

SECTION 1. That the said hearing heretofore ordered had on the 18th day of June, 1979, and there-  
after 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,

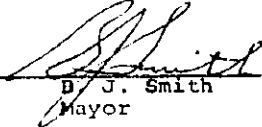
SEE ATTACHMENT

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 and 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.

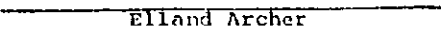
PASSED by the City Council of the City of Mesquite on the  
18th day of June, 1979.

  
B. J. Smith  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
Norma G. McGaughey  
City Secretary

  
Elland Archer  
City Attorney

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ATTACHMENT TO RESOLUTION NO. 26-79

The following objections, protests and remonstrances were made to the Galloway Avenue Extension from U.S. 80 to IH-30:

- (1) Mr. Loncy L. Leake, Attorney for Florence Schulz, Frank Schulz, Jr., and Schulz and McHaffey Properties. Mr. Leake stated that the County has no right to assess property directly nor indirectly, as the improvement will benefit the public in general more than the abutting property owners and no appraisals were presented as to the amount of enhancement to be derived.
- (2) Mr. Don Plunk, representative of Palos Verdes Venture (Raldon). Mr. Plunk stated that they had been informed that this was a County project with no assessments and requested alternative methods be considered such as paving of two lanes instead of three lanes; also, that a committee be appointed to consider the matter.
- (3) Mr. Bruce Harbour, representative of J.H. Foster, Trustee.
- (4) Mr. Mike Burris. Messrs. Harbour and Burris stated that their main objections had been stated.
- (5) Mr. Bob Gass, representative of Fox and Jacobs. Mr. Gass stated there were no special benefits to be derived by the abutting property owners and that he felt that this was a County project and no assessments should be made. Mr. Gass also stated he felt that four lanes would be adequate instead of the six lanes proposed.
- (6) Mr. Robert Pope, Trustee, appeared and stated he felt that alternative methods should be considered and that no assessments should be made since it is a County project.
- (7) Mr. Willard Baker felt that other alternatives should be explored.