

RESOLUTION NO. 21-82

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

Peachtree Road from Scyene Road to Skyline Drive
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
L.H. Lacy 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 16th day of August, 1982, 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,

00072

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. Missouri-Pacific Railroad - The amount of assessment as related to amount of enhancement; they felt their contract with the City for underpass excluded an assessment.
2. Can Cor Company - The amount of assessment and the amount of enhancement.

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. Missouri-Pacific Railroad
2. Can Cor Company

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;

00073

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 16th day of August, 1982, 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,

1. Missouri-Pacific Railroad
2. Can Cor Company

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 ordi-
nance 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.

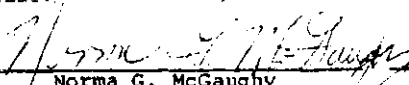
SECTION 4. That this resolution shall take effect from
and after its passage, as in the Charter in such cases is made
and provided.

PASSED by the City Council of the City of Mesquite on
the 16th day of August, 1982.


Len Gibbens
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

00074

