

00105

RESOLUTION NO. 26-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ADOPTING A POLICY FOR THE PAVING OF UTILITY EASEMENTS NON-DEDICATED ALLEYS AND ESTABLISHING CRITERIA THEREFOR AND PROVIDING THE EFFECTIVE DATE THEREOF.

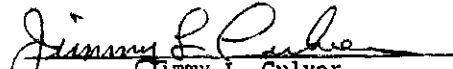
WHEREAS, it is determined to be proper to exercise the power of Eminent Domain in certain circumstances to obtain the right to pave certain utility easement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the attached Policy for Paving Utility Easements (non-dedicated alleys) is hereby adopted as an official policy of the City of Mesquite for the purposes expressed therein.

SECTION 2. That this resolution shall take effect immediately upon passage as the charter in such cases provides.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 5th day of November, A.D., 1984.


Jimmy L. Culver
Mayor Pro Tem

ATTEST:


Lynn Prugel
City Secretary

06166

City of Mesquite Policy for Paving
Utility Easements
(undedicated alleys)

For many years the City has had an established policy of paving unpaved dedicated alleys upon petition of sixty per cent (60%) of the owners of abutting property and the execution of mechanics liens guaranteeing payment of the assessment of the homeowner's share of cost of paving.

In addition to dedicated alleys there exists numerous utility easements that are not dedicated for alley purposes. It has been the policy of the City to pave such easements upon petition and the dedication by 100% of abutting property owners of right-of-way for alley purposes as a utility easement does not provide the right of public vehicular access. It has been noted that there are very few instances in which it is possible to gain 100% dedication for alley purposes.

A minimum segment for purposes of paving has been determined to be a distance between two thoroughfares or a thoroughfare and an existing alley so as to not have dead-end alleys. All references hereto will be to that minimum segment unless otherwise provided.

Change of Policy

Effective upon the adoption hereof the City Council will consider petitions for paving of utility easements with the same percentage of petitioners and mechanic liens (currently 60%) as for dedicated alleys but with dedication of the following portions of right-of-way:

1. Rights-of-way across all properties in a minimum segment except two (2); lots or
2. Rights-of-way across 90% of all properties in a minimum segment; or
3. Rights-of-way across the property of all owners within a minimum segment except one without regard to the amount of property owned by such owner provided that the percentage of dedicated right-of-way from all owners except one equal at least 60% of the total. For this alternative to be applicable the ownership of property by the non-dedicating owner must be the same for all properties of the non-dedicating owner.

06107

Upon acceptance and approval of the petition the City Council will authorize the staff to enter into Eminent Domain proceedings to acquire the land not available through dedication. The cost of acquisition of such land shall be assessed as the property owners share of the project.

Other than the foregoing, the established policy of the City for paving dedicated alleys shall control.