

000203

RESOLUTION NO. 26-88

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, DETERMINING A NECESSITY FOR CERTAIN STREET IMPROVEMENTS, DETERMINING A NECESSITY FOR THE LEVY OF ASSESSMENTS AGAINST PROPERTY BENEFITED BY SAID IMPROVEMENTS AND THE OWNERS THEREOF; DEFINING THE MANNER IN WHICH SUCH IMPROVEMENTS ARE TO BE EFFECTED; APPORTIONING THE COSTS OF SAID IMPROVEMENTS AND PROVIDING AN ASSESSMENT PLAN THEREFOR; PROVIDING FOR A PUBLIC HEARING ON SAID IMPROVEMENTS AND ASSESSMENTS AND DIRECTING THE CITY SECRETARY TO GIVE NOTICE OF SAID PUBLIC HEARING; AND PROVIDING THE EFFECTIVE DATE THEREOF.

WHEREAS, the City of Mesquite deems it necessary to permanently improve the hereinafter named street within the City of Mesquite by paving the said street with 3,000 P.S.I. reinforced concrete pavement meeting the City's Standard Specifications; by constructing concrete driveway approaches and sidewalks, where specified; and by constructing all necessary drainage facilities where specified.

Any existing paving in place, meeting these specifications and which can be utilized, shall be left in place and corresponding credits to the property owners shall be allowed on the assessments; and

WHEREAS, the City Council of the City of Mesquite is of the opinion that it is necessary to levy an assessment against the benefited property and the owners thereof abutting upon the following:

*LAWSON ROAD IMPROVEMENTS, FROM THE CITY LIMITS EAST OF
LASATER ROAD TO A POINT JUST EAST OF MILAM ROAD*

for a part of the cost of improving said street, fixing a time for the hearing of the owners of said benefited property concerning the same, and directing the City Secretary to give notice of said hearing, as required by law; and

WHEREAS, the City Engineer of the City of Mesquite in accordance with the law, has filed his report with the City Council setting forth the participation by the owners of the benefited property on the cost thereof, together with the names of the owners and the description of said benefited property and the work to be done adjacent thereto, and the amounts proposed to be assessed against each lot or parcel of land, and its owner, and all other matters required by law.

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

SECTION 1. That the following street

*LAWSON ROAD IMPROVEMENTS, FROM THE CITY LIMITS EAST OF
LASATER ROAD TO A POINT JUST EAST OF MILAM ROAD*

shall be improved in the following manner:

- (1) That said street shall be cut or filled so as to bring the same to grade.
- (2) That said street shall be paved with 3,000 P.S.I. reinforced concrete pavement meeting the City's Standard Specifications; by constructing concrete driveway approaches and sidewalks, where specified; and constructing all necessary drainage facilities where specified; and

Any existing paving in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments.

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That the cost of said Improvements shall be paid for as follows, to-wit:

- (a) The cost of improving so much of said street and its intersections with other streets as is occupied by the rails and tracts of railways, if any occupying said street, and between the same and two (2) feet on the outside thereof, shall be paid by the owners of said railways respectively.
- (b) That not more than *all* of the cost of constructing, reconstructing, repairing and realigning curbs, gutters and sidewalks and up to *nine-tenths* of the remaining estimated cost of said Improvements shall be assessed against abutting property and the owners thereof in accordance with what is known as the "Front-Foot Plan", in proportion as the frontage of the property of each owner is to the whole frontage improved and shall be payable within the thirty (30) days from the date of completion of said Improvements and their acceptance by the City of Mesquite.
- (c) The City of Mesquite shall pay the remaining costs of Improvements after giving effect to the contribution of the County of Dallas.

Provided that, if the application of the above-mentioned rule of apportionment between property owners would, in the opinion of the City Council, in particular cases be unjust or unequal, the City Council may assess and apportion said cost in such manner as it may deem just and equitable, taking into consideration the enhancement of each tract, the equities of owners, and the adjustment of such apportionment, so as to produce a substantial equality of benefits received by and burdens imposed upon such owners.

That no such assessment shall be made against any owner of benefited property until after the notice and hearing provided by law, and no assessment shall be made against an owner of benefited property in excess of the benefits to such property in enhanced value thereof by means of such Improvements.

The City shall make payments to the County of Dallas as per the agreement between the parties.

That part of the cost of the Improvements that shall be determined to be assessed against the owners of benefited property and their property shall be levied by assessment as herein provided.

SECTION 2. The City Council has duly examined and approved the City Engineer's report showing project costs (attached hereto as Exhibit "A").

SECTION 3. That it is hereby found and determined that the estimated cost of Improvements on the hereinafter described street, after giving effect to the contribution of the County of Dallas, with the amount or amounts per front foot proposed to be assessed for such Improvements against benefited property and the owners thereof, are as set out on Exhibit "B" attached hereto which is incorporated herein for all purposes.

SECTION 4. That a hearing shall be given to said owners of abutting property, or their agents or attorneys and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property, and as to the benefits to said property by reason of said improvement, or any other matter or thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Mesquite, County of Dallas, on the July 18, 1988, at approximately 3:00 P.M. The City Secretary shall notify all the said owners, their agents, or other interested persons of their right to appear and be heard, and at said hearing said owners and other persons may appear, by counsel or in person, and may offer evidence, and said hearing shall be adjourned from day to day until fully accomplished.

The City Secretary of the City of Mesquite is hereby directed to give notice of the time and place of such hearing and of other matters and facts in accordance with the terms and provisions of Tex. Civ. Stat. Ann. art. 1105b, as amended. Said notice shall be by advertisement inserted at least three (3) times in a newspaper published in the City of Mesquite, Texas, the first publication to be made at least twenty-

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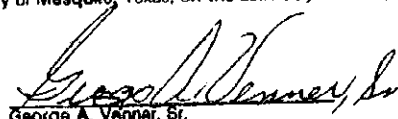
one (21) days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said statute.

The City Secretary is hereby further directed to give notice of said hearing by mailing to said owners at their last known address, a copy of said notice by mail, deposited in the U.S. mail, fourteen (14) days prior to the date of said hearing, provided, however, that any failure of the property owners to receive said notice, shall not invalidate these proceedings.

SECTION 5. The City Council, in initiating this proceeding, is acting under the terms and provisions of Tex. Rev. Civ. Stat. Ann. art. 1105b, and Article III, Section 12 of the Charter of the City of Mesquite.

SECTION 6. That this resolution shall take effect from and after its passage, as in the Charter in such cases is made and provided.


DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 20th day of June, 1988.



George A. Verner, Sr.
Mayor

APPROVED:

ATTEST:


Lynn Prugel
City Secretary
Jonathan Graham
City Attorney

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6/15/88

LAWSON ROAD ASSESSMENT CALCULATIONS

EXHIBIT "A"
Page 1 of 2

BELT LINE ROAD TO WILAM ROAD

ESTIMATED PROJECT COST

Construction	\$1,377,329.06
Prepayment for Left turn Lanes	(20,000.00)
Engineering	118,412.00
Hydrologic Study	12,000.00
R.O.W. Cost	276,756.00
R.O.W. Contingency	75,000.00
Administration Cost	1,050.00
Lab Cost (1.25% of Bid)	17,217.00
Contingency(3%)	<u>41,320.39</u>

Total Estimated Project Cost \$1,899,084.45

Total Project Cost minus R.O.W. Cost = \$1,899,084.45 - \$351,756.00
= \$1,547,328.45

PROJECT FUNDING

Total Estimated Project minus R.O.W. cost	\$1,547,328.45
Dallas County's Share minus 80% R.O.W. cost	(843,595.20)
City of Dallas Share	<u>(64,646.51)</u>

City of Mesquite's Share (Shortfall) \$ 639,086.74
minus 20% R.O.W. cost

ASSESSMENT RATE

Assessment Rate = Calculation Cost / Total Project Frontage in Mesquite
= \$639,086.74 / 8,565.87' = \$ 74.61/P.F.

Project cost per front foot = \$1,899,084.45 / 8,565.87' = \$221.70/P.F.

PRIVATE VS. CITY PARTICIPATION

Private Participation	= 24.4%
Dallas County Participation	= 59.2%
City of Dallas Participation	= 3.4%
City of Mesquite Participation	= 13.0% = Shortfall + 20% R.O.W. cost - Total Assessment
	= \$248,473.20

LAWSON ROAD ASSESSMENT CALCULATIONS
BELT LINE ROAD TO MILAM ROAD

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SUMMARY TOTAL FRONTAGE MESQUITE

Developed Residential	739.35 feet
Other	<u>7,826.52 feet</u>
Total Frontage Mesquite	8,565.87 feet
Total Frontage Dallas	778.82 feet
Total Property Frontage on Project	9,344.69 feet

LAWSON ROAD RELOCATION - C.C. NO. 88-63

6/20/85

Assessment List

Property Owner & Address	Legal	Footage	Deft Cost/LP	Total Assessment Code
1N 1S Synergy Lawson J/V 4054 McKinney, Suite 303 Dallas, Texas 75204 65000101510	Abstr. 1, Pg. 015	648.48 (N) 577.70 (S) 1,226.18	\$74.61	\$91,485.29
2N 2S Masomo Properties 13551 N. Central Expressway Suite 15 Dallas, Texas 75243 65000101510210000 65000101510200000	Abstr. 1, Pg. 015 Tr. 20 & Tr. 21	1,645.29 (N) 1,651.10 (S) 3,296.39	\$74.61 + 2 = \$37.305	\$122,971.83
3N 3S Robert R. Ambridge, Chas. W. Fletcher C/O C. L. Hicks 3023 Rouch Street Dallas, Texas 75201 65000101510190000	Abstr. 1, Pg. 015 Tr. 19	786.52 (N) 784.90 (S) 1,571.42	\$74.61	\$117,243.65
4N 4S Dennis & Linda Rogers 1605 Woodcrest Mesquite, Texas 75149 65000101510190100	Abstr. 1, Pg. 015 Tr. 19.1	185.39 (N) 185.01 (S) 370.40 -159.00 220.40	1 Homestead \$74.61	\$16,444.04

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6/20/88

Assessment List

Property Owner & Address	Legal	Footage	Unit Cost/LF	Total Assessment Cost
5N 5S Opel Ray & Sue Zan Stutts Route 1, Box 184 Mesquite, Texas 75149 65000101510530000 65000101510430000 65000101510430001	Abst. 1, Pg. 015 Tr. 55, 43, 43.1	1,156.93 (N) 655.20 (S) <u>1,812.13</u> - 300.00 1,512.13	2 Homestead \$74.61	\$12,820.02
6 Jessie D. Nutt 4220 Lawson (Rt. 1, Box 187) Mesquite, Texas 75149 65056970610100000	Abst. 569, Pg. 706 Tr. 10	66.0 <u>-150.00</u> -0-	1 Homestead	None
7 Eugene E. & Ruth Edmonds Route 1, Box 181 Mesquite, Texas 75149 65056970610120000	Abst. 569, Pg. 706 Tr. 12	115.86 <u>-150.00</u> -0-	1 Homestead	None
8 Timothy L. Jr. & Dorothy Sieman Route 1, Box 180 Mesquite, Texas 75181 65056970610130000	Abst. 569, Pg. 706 Tr. 13	107.49 <u>-150.00</u> -0-	1 Homestead	None
Total Frontage		8,565.87'		
Total Assessment				\$460,964.83

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