

## RESOLUTION NO. 6-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, CLOSING THE PUBLIC HEARING HELD TO HEAR FROM CERTAIN PROPERTY OWNERS CONCERNING ASSESSMENTS AGAINST THEM AND THEIR PROPERTY FOR IMPROVEMENTS TO KEARNEY STREET FROM 700' EAST OF BELT LINE TO S.H. 352; OVERRULING OBJECTIONS, PROTESTS AND REMONSTRANCES; DIRECTING THE CITY ATTORNEY TO PREPARE AN ASSESSMENT ORDINANCE; AND DECLARING THE EFFECTIVE DATE.

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

KEARNEY STREET - 700' EAST OF BELT LINE TO S.H. 352

as defined and set out in said resolution, and out of materials named and specified in said resolution; and,

WHEREAS, specifications were duly adopted therefore, and bids accepted, after advertisement having been duly made; and,

WHEREAS, the City Council let the contract to:

**XIT PAVING AND CONSTRUCTION**

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 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 6th day of February, 1989, 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,

00030

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) David Cole, 2011 N. Galloway, Trustee for 3 tracts (Abst. 1353, Sht. 370, Tr. 23; Abst. 1353, Sht. 370, Pt. of Tr. 37; and Abst. 1353, Sht. 370, Pt. of Tr. 37) Asked for consideration on amount of assessment; felt purchasers would receive enhancement, not joint venture partners, present owners of the tracts.
- (2) Al Nix, Tax Consultant for W.E. Newman, 702 and 706 Kearney, requested an opportunity to review the enhancement study; property not enhanced since median cut not proposed, thereby limiting access.

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) David Cole
- (2) Al Nix, representing W.E. Newman

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;

00031000  
SECTION 1. That the said hearing heretofore ordered had on the 6th day of February, 1989, and thereafter continued until the present date, be and the same is hereby ordered closed.

SECTION 2. That the objections, protests and remonstrances of the hereinabove respectively named owners, namely, 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 6th day of February, 1989.

  
George A. Venner, Sr.  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
Lynn Prugel  
City Secretary

  
B. J. Smith  
City Attorney