

00203

RESOLUTION NO. 23-90

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MESQUITE, TEXAS
DETERMINING A NECESSITY FOR THE
CONSTRUCTION OF A CERTAIN STREET
AND THOROUGHFARE IN THE CITY AND
THE NECESSITY FOR ASSESSMENTS
AGAINST ABUTTING PROPERTY OWNERS
AND ANY RAILWAY COMPANY WHOSE
TRACKS OCCUPY SAID STREET;
APPROVING THE REPORT OF THE CITY
ENGINEER AND CALLING A PUBLIC
HEARING FOR JUNE 4, 1990.

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

BRUTON ROAD - FROM IH-635 TO PIONEER ROAD

and against railway companies whose tracks occupy said street, if any, for a part of the cost of improving said street, fixing a time for the hearing of the owners of said property, and the said railway companies, concerning the same, and directing the City Secretary to give notice of said hearing, as required by law; and

WHEREAS, the City of Mesquite deems it necessary to permanently improve the hereafter named street, by paving said street with 3,000 P.S.I. reinforced concrete pavement meeting the City's Standard Specifications; by constructing all necessary drainage facilities where specified. Any existing paving in place, meeting these specifications, or which can be utilized, shall be left in place, if any,

WHEREAS, the City Engineer of the City of Mesquite has, in accordance with the law, filed her report with the City Council, setting forth the participation by the railway companies, if any, and the property owners, in the cost thereof, together with the names of the owners and the description of said property, and the work to be done adjacent thereto, and the amounts to be assessed against each lot or parcel and its owners and all other matters required by the applicable law; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE

SECTION 1. That the report or statement filed by the City Engineer, having been duly examined, is hereby approved.

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SECTION 2. 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 "A" attached.

All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of the apportionment of the cost of improvements so as to produce a substantial equality of benefits received and burdens imposed.

SECTION 3. That a hearing shall be given to said owners of abutting property, and of railways, if any, 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 railways, and as to the benefits to said property by reason of said improvements, or any other matter or thing in connection therewith, which hearing shall be held in the Council Chamber of the Municipal Building of the City of Mesquite, County of Dallas, on the 4th day of June 1990, at 3:00 p.m. at which time all the said owners, their agents or attorneys or other interested persons are notified 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 the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, which said law, as an alternative method for the construction of street and alley improvements in the City of Mesquite, Texas, has been adopted and made a part of the Charter of said City, being Section 12, Article III of said Charter. Said notice shall be by advertisement inserted at least three times in a newspaper published in the City of Mesquite, Texas, the first publication to be made at least twenty-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 Act.

The City Secretary is hereby further directed to give notice of said hearing by mailing to said owners, their agents or attorneys, and to said railway companies, their agents or attorneys, if any, a copy of said notice by mail, deposited in the Post Office at Mesquite, Texas, 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.

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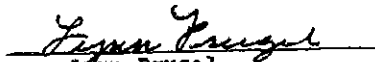
SECTION 4. That this resolution shall take effect from and after its passage as in the Charter in such cases is made and provided.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of May, A.D., 1990.


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary


B.J. Smith
City Attorney

DATE: May 1, 1990

EXHIBIT "A"

PAYING ASSESSMENT FORM
BRUTON ROAD - FROM LBJ TO PIONEER RD.

CITY CONTRACT NO. 90-48

PAGE 1 OF 9

TRACT NO	LEGAL DESCRIPTION	OWNER/ADDRESS	DCAD ACCOUNT NO.	FOOTAGE	UNIT COST/L.F. (70% CITY COST)	TOTAL ASSESSMENT COST
1	Abst. 340, Pg. 555 Tract 6, 1 0.5182 Acres. Vol. 87111 Pg. 2233 77001	Exxon Corporation P. O. Box 53 Houston, Texas	65014055510060100	200.00'	\$61.81	\$12,362.00
2	Abstract 340 Tract 2 16.435 Acres Vol. 84015 Pg. 3573	Great Reliance Corp. P. O. Box 18363 Dallas, Texas 75219	65014055510020000	615.76'	\$61.81	\$38,060.13
3	1529 Jessica Lane Chamberlain Place No. 1, Phas 2, Blk. E Lot 1, Vol. 87089 Pg. 3827 Ex.	Great Reliance Corp. 3606 Maple Avenue Dallas, Texas 75219	380412100E0010000	113.00' Side	N/A	Assessment Prepaid by Developer
4	Chamberlain Pl. No. 1 LL. 42, Blk. C-Repeat 1532 Jessica Lane Vol. 87089/3027 Ex.	Great Reliance Corp. 3606 Maple Avenue Dallas, Texas 75219	380412100C0420000	109.49 Side	N/A	Assessment Prepaid by Developer
5	1525 Doris Lane Chamberlain Pl. No. 1 Blk. C, Lot 1 - Repeat Vol. 87214/3066 Ex	Great Reliance Corp. Lawrence C. Galloway 3606 Maple Avenue Dallas, Texas 75219	380412000C0010000	114.89' Side	N/A	Assessment Prepaid by Developer
6	1528 Doris Lane Chamberlain Pl. No. 1 Ph. 1, Lot 37, Blk. B Vol. 87214/3066 Ex.	Great Reliance Corp. Lawrence C. Galloway 3606 Maple Avenue Dallas, Texas 75219	380412000B0370000	114.98' Side	N/A	Assessment Prepaid by Developer
7	700 Paula Court Chamberlain Pl. No. 1 Ph. 1, Lot 1, Blk. B Vol. 87214/3066 Ex.	Great Reliance Corp. Lawrence C. Galloway 3606 Maple Avenue Dallas, Texas 75219	380412000B0010000	55.13' Back	N/A	Assessment Prepaid by Developer

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DATE: May 1, 1990

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EXHIBIT "A"

PAVING ASSESSMENT FORM

BRUTON ROAD - FROM LBJ TO PIONEER RD.

CITY CONTRACT NO. 90-48

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TRACT NO.	LEGAL DESCRIPTION	OWNER/ADDRESS	DCAB ACCOUNT NO.	FOOTAGE	UNIT COST/L.F. (70% CITY COST)	TOTAL ASSESSMENT COST
8	Chamberlain Pl. 81 Ph. 1, Lt. 1, Blk. A 1530 Paula Lane Vol. 87218/2066 Ex.	Great Reliance Corp. 1606 Maple Ave. Dallas, Texas 75219	380412000A0010000	131.33' Side	N/A	Assessment Prepaid by Developer
9	Abst. 99, Sht. 181 Tract 8.1 (2.2 Acres) (91805 Bruton - Tax)	TriK Ent., Inc. P. O. Box 6914 Tyler, Texas 75711	65009691810000100	356.53'	\$61.81 (Residential, Vacant)	\$22,037.12
10	Abst. 93, Sht. 687 Tract 10(10.00 Acres) (901030 Bruton-Tax)	City of Mesquite P. O. Box 385 Mesquite, Texas 75149	65009368710300000	1,468.02'	Park	
11	Abst. 93, Pg. 688 Abst. 163 & 190, Tr. 2,110.507 Acres 300 Bruton - Tax Vol. 83187/2281	Kathryn S. Schade P. O. Box 850069 Mesquite, Texas 75185	65009368816020000	527.14'	\$61.81	\$32,582.52
12	Abst. 93, Pg. 688 Tract 2.1 8.1157 Acres Vol. 88237/3168 102 Bruton	Christy-Mark Schade P. O. Box 350069 Mesquite, Texas 75185	65009368810020100	139.70'	\$61.81	\$8,534.86
13	Bruton/Beth Line Retail, Lt. 3, Blk. A .7937 Acres 225 W. Bruton Road	La Petite Academy, Inc. P. O. Box 28610 Kansas City, Missouri 64196	38012900A00300000	209.85'	\$61.81	\$12,970.83
14	Abst. 93 Sht. 688 Abst. 190 Sht. 395 Pl. Tr. 313-3956 A) (Carried under Abst. 83-8-05 Acres)	S.H. Whitehurst 531 Larken Sunnyvale, Texas 75182	65009368810030000	354.19'	\$61.81 (Residential, Vacant)	\$21,852.48

DATE: May 1, 1990

EXHIBIT "A"
PAVING ASSESSMENT FORM

BRUTON ROAD - FROM LBJ TO PIONEER RD.

CITY CONTRACT NO. 90-48

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TRACT NO	LEGAL DESCRIPTION	OWNER/ADDRESS	DC/AD ACCOUNT NO.	FOOTAGE	UNIT COST/L.F. (703 CITY COST)	TOTAL ASSESSMENT COST
15	Bruton/Belt Line Retail Blk. A, Lot 2 (1.1733 Acres.) Vol. 86251/5001	One Stop Food Store, Inc. P. O. Box 475488 Garland, Texas 75047	380729900A0020000	263.41'	\$61.81	\$16,281.37
16	Bruton/Belt Line Retail Blk. A, Lot 1 (0.9497 Acres) Vol. 86673/2808	Metro Cecil J.V. I P. O. Box 475489 Garland, Texas 75047	380729900A0010000	192.20'	\$61.81	\$8,289.39
17	Bruton Plaza Lot 1, Blk. 1 1433 W. Bruton Vol. 87089/5125	BB2 Inc. Attn: Patricia Horvath 717 N. Harwood St. 1300 Boston, MA 21100	38072970010010000	928.60'	\$61.81	\$58,091.77
18	Executive Heights Lot 8, Blk. 1 1513 Long Shadow Vol. 85911/3287	Lamar D. Robinson Rt. 1, Box 81-M1 Royse City, Texas 75089	38087300010040000	74.97' Side	Residential	-----
19	Executive Heights Lot 1, Blk. 5 200 Edith Drive Vol. 82103/2921	Dan J. Page 200 Edith Lane Mesquite, Texas 75143	38087300050019000	75.00' Back	Residential	-----
20	Executive Heights Blk. 5, Lot 2 204 Edith Drive	Vernon D. Vantandt 4021 East 104th Tulsa, Oklahoma 74137	38087300050020000	65.00' Back	Residential	-----
21	Executive Heights Lot 3, Blk. 5 208 Edith Drive	Loraine Dewbre 208 Edith Drive Mesquite, Texas 75149	38087300050030000	65.00' Back	Residential	-----

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DATE: May 1, 1990

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EXHIBIT "A"
PAVING ASSESSMENT FORM

BRUTON ROAD - FROM LBJ TO PIONEER RD.

CITY CONTRACT NO. 90-48

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TRACT NO.	LEGAL DESCRIPTION	OWNER/ADDRESS	DCAD ACCOUNT NO.	FOOTAGE	UNIT COST/L.F. COST	TOTAL ASSESSMENT COST
22	Executive Heights Lot 8, Blk. 5 212 Edith Drive Vol. 8400/11091	Randy L. & Marion K. Pack 212 Edith Drive Mesquite, Texas 75149	38007300050040000	65.00' Back	Residential	-----
23	Executive Heights Lot 5, Blk. 5 216 Edith Drive	Paul Allen Shurcoet 216 Edith Drive Mesquite, Texas 75149	38007300050050000	71.00' Back	Residential	-----
24	Executive Heights Lot 6, Blk. 5 220 Edith Drive Vol. 88054/1630	Steven G. & Laura Wright 220 Edith Drive Mesquite, Texas 75149	38007300050060000	115.61' Back	Residential	-----
25	Executive Heights Lot 7, Blk. 5 224 Edith Drive Vol. 83143/10174	Herman Walter Weber, Jr. 224 Edith Drive Mesquite, Texas 75149	38007300050070000	88.33' Back	Residential	-----
26	Executive Heights Lot 8, Blk. 5 228 Edith Drive Vol. 83221/3421	Carlton Alan Tillery 228 Edith Drive Mesquite, Texas 75149	38007300050080000	98.49' Back	Residential	-----
27	Executive Heights Lot 9, Blk. 5 232 Edith Drive	P & W Enterprises 12249 Center Court Drive Dallas, Texas 75243	38007300050090000	77.24' Back	Residential	-----
28	Executive Heights Lot 10, Blk. 5 236 Edith Drive Vol. 88073/1725	Gene C. & Brenda Nancy 236 Edith Drive Mesquite, Texas 75149	38007300050100000	73.28' Back	Residential	-----

DATE: May 1, 1996

EXHIBIT "A"
PAVING ASSESSMENT FORM
BRUTON ROAD - FROM LBJ TO PIONEER RD.

CITY CONTRACT NO. 90-88

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TRACT NO	LEGAL DESCRIPTION	OWNER/ADDRESS	DCAD ACCOUNT NO.	FOOTAGE	UNIT COST/L.F. 798 CITY COSIL	TOTAL ASSESSMENT COST
29	Executive Heights Lot 11, Block 6 1580 Valley Trail	Berry R. Burke 1580 Valley Trail Mesquite, Texas 75149	38087380004010000	122.21' Side	Residential	-----
30	Casa Terrace No. 4 Lot 1, Blk. K 1708 Regent Street Vol. 87221/2274	Centex Real Estate Corp. 7995 LBJ Frwy. #106 Dallas, Texas 75240	380169900K0010000	119.85' Side	N/A	Assessment Paid by Developer
31	Casa Terrace No. 2 Lot 1A, Blk. L 1728 Rancho Drive Vol. 87221/2274	Centex Real Estate Corp. 7995 LBJ Frwy. #106 Dallas, Texas 75240	380264900L01A0000	128.90' Side	N/A	Assessment Paid by Developer
32	Casa Terrace No. 6 Lot 1A, Blk. M 1736 Rancho Drive Vol. 87221/2274	Centex Real Estate Corp. 7995 LBJ Frwy. #106 Dallas, Texas 75240	380264900M01A0000	119.20' Side	N/A	Assessment Paid by Developer
33	Casa Terrace No. 4 Lot 29B, Blk. M 1721 Mayfair Drive Vol. 87221/2274	Centex Real Estate Corp. 7995 LBJ Frwy. #106 Dallas, Texas 75240	380264900M29B0000	119.00' Side	N/A	Assessment Paid by Developer
34	Abst. 161, Tr. 6 15.68 Acres 610 Sierra-Tax Vol. 85057/2189	Polaris Prop. Suite 300 11311 Central Expwy. Dallas, Texas 75243	65016121010960000	1309.11'	\$61.81	\$80,916.09
35	Bruton Oaks Lot 2, Blk. A (1.098 Acres) Vol. 87047/47A3 Ex.	Metropolitan Plan. S & L 6688 N. Central Expwy. Dallas, Texas 75206	380129800A0020000	869.97'	\$61.81	\$29,058.85

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DATE: May 1, 1990

EXHIBIT "A"

PAVING ASSESSMENT FORM
BRUTON ROAD - FROM LBJ TO PIONEER RD.

CITY CONTRACT NO. 89-18

TRACT NO	LEGAL DESCRIPTION	OWNER/ADDRESS	DCAD ACCOUNT NO.	FOOTAGE	UNIT COST/L.F. (200 C.I.Y./C.DST.)	TOTAL ASSESSMENT COST
36	Bruton Oaks Lot 1, Blk. A Vol. 97827/4793 Ex	Metropolitan Fian. S & L 6688 N. Central Expwy. Dallas, Texas 75206	360129800A0010000	279.00'	\$61.81	\$17,269.71
37	Abstract 420 Tract 6 (2.054 Acres) 734 Bruton East (49.50' Pl. 42 Nile Valley Plant.	John Digglins 734 Bruton Lane East Mesquite, Texas 75149	60142500000020200	189.50'	Residential	-----
38	Abstract 420 Tract 3(2.2 Acres) 636 Bruton	W.C. Paschall 636 East Bruton Rd. Mesquite, Texas 75149	60142500000020100	158.00'	Residential	-----
39	Abstract 420 Tract 3(10.03 Acres) Nile Valley Plant. 628 Bruton	Joe A. Starr 321-B, S. Galloway Ave. Mesquite, Texas 75149	60142500000030600	337.00'	150' Residential not assessed 18.5' @ \$61.81	\$11,558.97
40	Renfro Addition Lot 2, Blk. A 600 East Bruton	Olden K. Paul 1821 Wilkinson Road Mesquite, Texas 75149	65097219510020100	168.50'	150' Residential not assessed 18.5' @ \$61.81	\$1,143.45
41	Renfro Addition Lot 1, Blk. A 328 East Bruton	W.E. Baly 1801 Wilkinson Road Mesquite, Texas 75149	65097219510030400	168.50'	150' Residential not assessed 18.5' @ \$61.81	\$1,143.45
42	Abst. 972, Sht. 195 Nile Valley Plant. Lot 7 480 Bruton	Vincent A. Tkac 4145 N. E. Sunset Jensen Beach, Florida 33467	60142500000070000	488.50'	\$61.81 (Residential, Vacant)	\$30,194.19

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DATE: May 1, 1990

EXHIBIT "A"

PAVING ASSESSMENT FORM
BRUTON ROAD - FROM LBJ TO PIONEER RD.

CITY CONTRACT NO. 90-88

TRACT NO	LEGAL DESCRIPTION	OWNER/ADDRESS	DCAD ACCOUNT NO.	FOOTAGE	UNIT COST/L.F. FOR CITY COSTS	TOTAL ASSESSMENT COST
43	Abst. 972, Sht. 195 Lot 8 Nile Valley Plant.	Vincent A. Tkac 4195 N. E. Sunset Jensen Beach, Florida 33457	6019250000070000	400.00'	\$61.81 (Residential, Vacant)	\$24,724.00
44	Abst. 972, Pg. 195 Tract 6	Murphy E. Baty 1813 Wilkinson Mesquite, Texas 75181	65097219510030300	158.00'	Residential	-----
45	Abst. 972, Page 195 Tract 8	W. E. Baty 1801 Wilkinson Mesquite, Texas 75181	65097219510030600	172.58'	156' Residential not assessed 22.5' @ \$61.81	\$1,390.73
46	Abst. 972, Pg. 195 Tract 12 318 East Bruton Vol. 85094/3590	Robert Flint 1326 Eastern Heights Mesquite, Texas 75149	65097219510120000	70.00'	Residential	-----
47	Abst. 972, Pg. 195 Tract 3, 2 310 East Bruton Vol. 85075/4510	Olden K. Paul 1821 Wilkinson Mesquite, Texas 75149	65097219510030200	83.50'	Residential	-----
48	Abst. 972, Pg. 195 Tract 5 240 East Bruton Mitchell Addition	Calvin A. Walker 2017 Wilkinson Mesquite, Texas 75181	65097219510150001	130.00'	Residential	-----
49	Abst. 972, Pg. 196 Tract 17 (1.739 Acres)	BB1 Inc. Attn: Patricia Horvath 100 Federal St. Boston, Ma. 21100	65097219610170000	578.11'	\$61.81	\$35,732.99

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DATE: May 1, 1990

EXHIBIT "A"

PAVING ASSESSMENT FORM
BRUTON ROAD - FROM LBJ TO PIONEER RD.

CITY CONTRACT NO. 90-48

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TRACT NO	LEGAL DESCRIPTION	OWNER/ADDRESS	DEAD ACCOUNT NO.	FOOTAGE	UNIT COST/L.F. (OR CITY COST)	TOTAL ASSESSMENT COST
50	Abst. 872, Pgs. 196 Tract 16 100 Federal St. (5.87 Acres)	BB: Inc. Attn: Patricia Horvath 100 Federal St. Boston, Ma. 21166	65097219610150000	981.50'	\$61.81	\$28,525.32
51	Bruton/Belt Line Retail Bk. B, Lot 1 1505 S. Belt Line Vol. 87255/3473	Diamond Shamrock #793 P. O. Box 696000 San Antonio, Texas 78069	38612950080010000	171.35'	\$61.81	\$10,591.14
52	Abst. 93, Pg. 1C Tract 3.1 (6.8206 Acres)	Devis Brothers P'S Suite 105 4301 Westside Dallas, Texas 75209	65009368810030100	987.05'	\$61.81	\$30,108.56
53	Abst. 97, Sht. 1C Tract 17(9.3 Acres) Hodge Park 230 West Bruton	City of Mesquite P. O. Box 267 Mesquite, Texas 75149	65009368810170000 65009368810010000	914.32'	Park	-----
54A 54B	Balcis Springs Property			1794.78'	Residential	-----
55	Creek Village II Bk. A, Lot 2 800 West Bruton Vol. 85117/4707	Strawberry Hill Apts. Suite 100 10551 Miller Rd. Dallas, Texas 75238	386581200A0020000	532.30'	\$61.81	\$32,901.06
56	Creek Village Bk. A., Lot 1 913 West Bruton (1028 I.H.635-Tax)	First Gibraltar Bank FSB 10851 Dallas Pkwy. Suite 1000 Dallas, Texas 75240	386581000A0010000	1410.35'	\$61.81	\$87,173.73

DATE: May 1, 1980

EXHIBIT "A"

PAVING ASSESSMENT FORM

BRUTON ROAD - FROM LBS TO PIONEER RD.

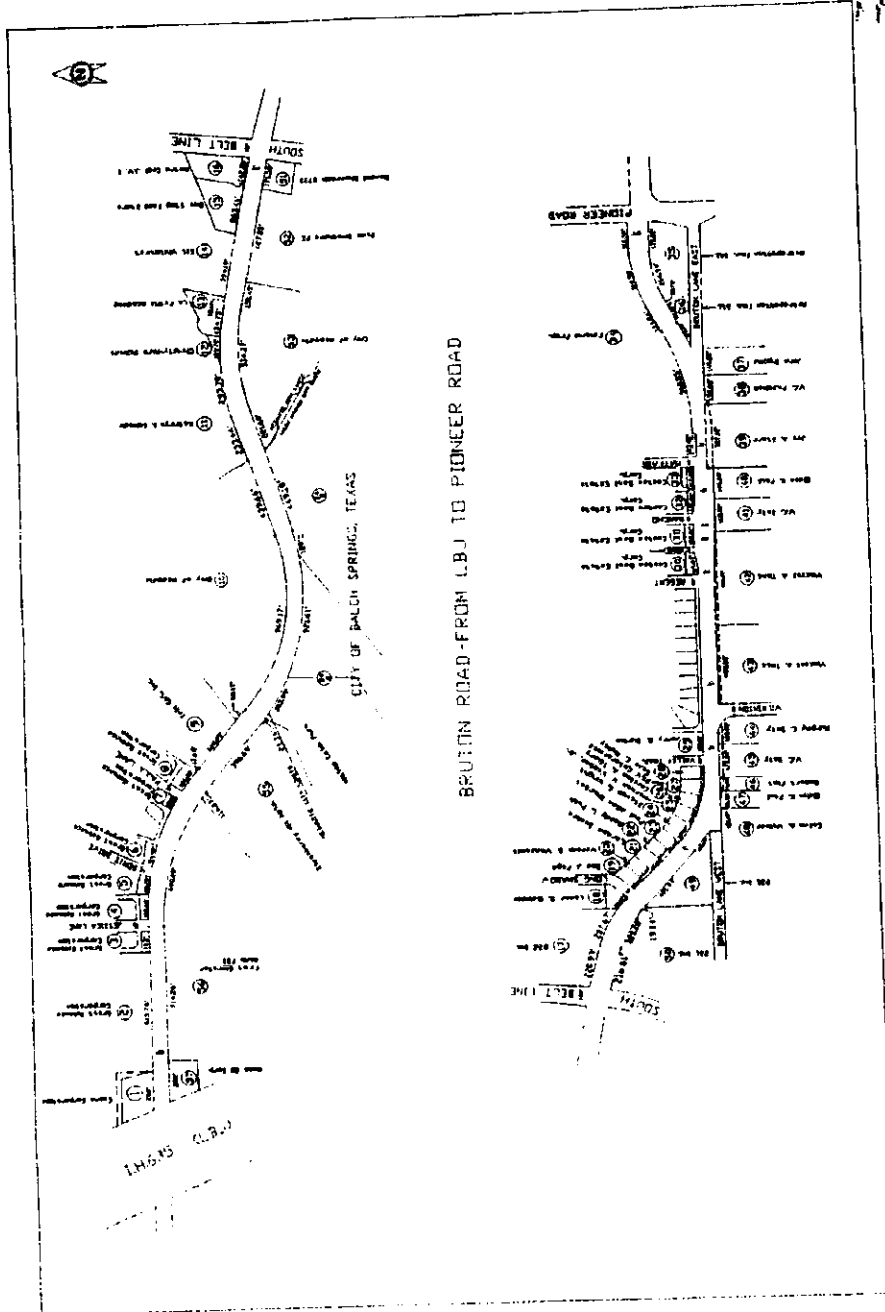
CITY CONTRACT NO. 96-88

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TRACT NO	LEGAL DESCRIPTION	OWNER/ADDRESS	DEAD ACCOUNT NO.	FOOTAGE	UNIT COST/L.F. (200' CITY COST)	TOTAL ASSESSMENT COST
57	Abst. 969, Sht. 161 Tract 1-A, 0.59 Acres	Mobil Oil Corporation c/o Property Tax Dept. P. O. Box 290 Dallas, Texas 75221	6509691811010000	200.00'	\$61.81	\$12,362.00

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BRUTON ROAD-FROM LBJ TO PIONEER ROAD

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BRUTON ROAD ASSESSMENT CALCULATIONS
FROM LBJ TO PIONEER ROAD
CITY CONTRACT NO. 90-48
May 1, 1990

ESTIMATED PROJECT COST BY DALLAS COUNTY

Total Construction Cost	\$4,370,605.00
Engineering (County's Consultant) Cost	204,848.00
Administrative (County) Cost	115,287.00
Right-Of-Way Cost	131,544.00
Enhancement Study Cost (City's Consultant)	7,500.00
Total Estimated Project Cost	\$4,829,784.00

COST TO CITY

Total Estimated Project Cost	\$4,829,784.00
Less Dallas County Funding	\$3,000,000.00
City's Cost	\$1,829,784.00

ASSESSABLE COST

City's Cost	\$1,829,784.00
Less R.O.W. Cost	131,544.00
Cost to Use for Assessment Calculation	\$1,698,240.00

TOTAL FRONT FOOTAGE = 19,233 L.F.

ASSESSMENT RATE

This calculation is based on current policy as stated in Resolution 17-87.

Assessment Rate = $\frac{70\% \times \text{Total Project Cost to City Less R.O.W. Cost}}{\text{Total Front Footage}}$

= $\frac{0.70 \times 1,698,240.00}{19,233 \text{ F.F.}}$ = \$61.8088 or \$61.81/Front Foot

PRIVATE vs CITY PARTICIPATION

Private Participation	\$ 634,882.67 - 13.15%
City of Mesquite Participation	1,194,901.33 - 24.74%
County's Participation	3,000,000.00 - 62.11%
Total	\$4,829,784.00 - 100.00%