

RESOLUTION NO. 33-90

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 TOWNE CENTRE, FROM IH-635 TO GUS THOMASSON; OVERRULING OBJECTIONS, PROTESTS AND REMONSTRANCES; 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:

TOWNE CENTRE - FROM IH-635 TO GUS THOMASSON ROAD

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:

COPELL CONSTRUCTION

for said improvement of said street by excavating or filling to the grade specified; by consulting 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 CITY'S OFFICIAL NEWSPAPER, a newspaper of general circulation in the City of Mesquite, to appear before the City

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Council, at a hearing set by said Council on the 2nd day of July, 1990, 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,

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:

Jim Smith, 8910 Capri, Dallas, Texas, and Morris Gregory, 8440 Walnut Hill Lane, Dallas, Texas, on behalf of Jeanette Franklin, 629 Pecan Creek Drive, Sunnyvale, Texas (owner of 8.0811 acres, Abstract 1462, Page 632, Tract 66) - property developable without new roadway; asked that consideration be given to right-of-way donated in 1974 for the roadway.

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,

Jim Smith, 8910 Capri, Dallas, Texas, and Morris Gregory, 8440 Walnut Hill Lane, Dallas, Texas, on behalf of Jeanette Franklin, 629 Pecan Creek Drive, Sunnyvale, Texas (owner of 8.0811 acres, Abstract 1462, Page 632, Tract 66) --property assessed at 70% enhancement value and credit given for right-of-way previously donated, based on the valuation by appraisers per square foot of property.

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

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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:

SECTION 1. That the said hearing heretofore ordered had on the 2nd day of July, 1990, 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 be overruled.

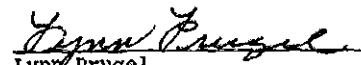
SECTION 3. That this resolution shall take effect from and after its passage, as in the Charter in such cases is made and provided.

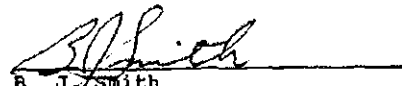
DULY RESOLVED by the City Council of the City of Mesquite on the 2nd day of July, 1990.


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED:


Lynn Prugel
City Secretary


B. J. Smith
City Attorney