

RESOLUTION NO. 19-94

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 ASSESSMENT AGAINST ABUTTING PROPERTY OWNERS; APPROVING THE REPORT OF THE CITY ENGINEER AND CALLING A PUBLIC HEARING FOR TRIPP ROAD.

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:

**TRIPP ROAD FROM N. GALLOWAY AVENUE TO BELT LINE 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 his 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.

00174

SECTION 2. That it is hereby found and determined that the estimated cost of improvements on the hereafter described street 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 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 18th day of July, 1994, 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 term 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.

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

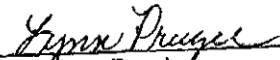
00175

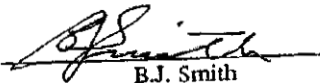
DULY PASSED AND APPROVED by the City Council of the City of Mesquite,  
Texas, on the 20th day of June, A.D., 1994.

  
\_\_\_\_\_  
Cathie Ray  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lynn Prugel  
City Secretary

  
\_\_\_\_\_  
B.J. Smith  
City Attorney

00176

EXHIBIT A  
Page 1 of 3

TRIPP ROAD  
PAVING ASSESSMENT  
JUNE 14, 1994  
TOTAL ASSESSMENT = \$379,738.58

TRACT NO.	LEGAL DESCRIPTION	OWNER AND ADDRESS	DCAD ACCOUNT NO.	FOOTAGE	UNIT COST/FT.	TOTAL ASSESSMENT
1.	ABST. 594, PG. 070 TRACT 42, 1.7736 ACS. CALC. (900 TRIPP ROAD)	H.M.S. INC. & HENRY S. MILLER CORP. 5420 LBJ FRWY. STE. 1600 DALLAS, TEXAS 75240	65059407010040200	236.53'	\$ 321.48	\$ 76,039.66
2.	QUAIL HOLLOW RETAIL LOT 2, BLOCK 1 22388 ACS. CALC.	RYAN'S FAMILY STEAK HOUSES 405 LANCASTER AVENUE GREER, S.C. 29650	38159700010030000	208.42'	\$ 321.48	\$ 67,002.86
3.	ABST. 594, PG. 070 TRACT 46, 1.3977 CALC. (900 TRIPP ROAD)	H.M.S. INC. & HENRY S. MILLER CORP. 5420 LBJ FRWY. STE. 1600 DALLAS, TEXAS 75240	65059407010040600	205.13'	\$ 321.48	\$ 65,945.19
4.	GALLOWAY CROSSING LOT 6 (WALMART) 72353 ACS. 2302 N. GALLOWAY AVE.	WALMART STORES INC. 702 S.W. 8TH STREET BENTONVILLE, AR. 72716	38092510000600000	162.51'	\$ 321.48	\$ 52,243.71
5.	GALLOWAY CROSSING LOT 10 (900 TRIPP ROAD)	BURGER STREET INC. SUITE 1840 5420 LBJ FREEWAY DALLAS, TEXAS 75240	3809251000061000000	202.28'	\$ 321.48	\$ 65,028.97

00177

EXHIBIT A  
Page 2 of 3

Quail Hollow No.2

WHITEWING

HOLLOW BEND

TRIPP ROAD

Bradford Park  
Phase Two

LEGEND:

Assessable  
Commercial  
Property



RYAN'S FAMILY  
STEAK HOUSES  
INC.

HSM INC.

HSM INC.

208.42'

205.13'

35.08'

236.53'

30.93'

32.35'

BURGER STREET

202.28'

41.92'

55.46'

177.29'

131.96'

ROBERT  
BLAIR

TOM  
RANDALL

E.D.S. CORP.

WALMART STORES, INC.

Galloway Crossing

TRIPP ROAD

From N. Galloway Ave. To Belt Line Road

N. GALLOWAY AVE.

00178

EXHIBIT A  
Page 3 of 3

TRIPP ROAD ASSESSMENT CALCULATIONS  
N. GALLOWAY AVENUE TO BELT LINE ROAD  
CITY CONTRACT NO. 94-21

Estimated Project Cost

Construction	\$2,118,571.90
Contingency	172,700.00
Engineering (Consultant)	26,900.00
Inspection (5%)	105,928.59
R.O.W. (Consultant)	7,000.00
Enhancement (Consultant)	<u>9,200.00</u>
	\$2,440,300.40

Total Front Footage: 6,831.80 L.F.

Assessment Rate

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

$$\text{Assessment Rate} = \frac{90\% \times \text{Total Project Cost}}{\text{Total Front Footage}}$$

$$= \frac{90\% \times \$2,440,300.40}{6,831.80 \text{ L.F.}}$$

$$= \$321.48/\text{Frontage Foot}$$