

February 28, 2007

WHEREAS, the City of Dallas deems it necessary to permanently improve the hereinafter named street within the City of Dallas;

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the following street

Bissonet Avenue from the alley north of Antler Avenue to Elam Road

shall be improved in the following manner, to wit:

(1) That said street shall be filled so as to bring same to grade.

(2) That said street shall be paved from curb to curb with 6-inch thickness 4000-pounds per square inch reinforced concrete pavement; with a 6-inch lime stabilized base; with 6-inch height integral curbs; with 6-inch thickness reinforced concrete drive approaches; with 4-inch thickness reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 in width; and

any permanent improvements 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.

That bids shall be taken for the construction of the work for the type of construction enumerated above, and the work shall be done with the materials and according to plans and methods selected by the City Council after the bids are opened.

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 their intersections with other streets and alleys as is occupied by the rails and tracks of street railways and steam railway, 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.

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(b) The City of Dallas shall pay only an amount equal to the cost of storm sewers, and also all the cost of improving intersections of said street with other street and alleys, and partial adjusted frontages on side property, except so much thereof as shall be borne by street railways and steam railways, as provided in Subsection (a).

(c) That after deducting the proportion of the cost provided for in said Subsections (a) and (b) above, the whole remaining cost, including the cost of concrete curbs or curbs and gutters, driveways, and sidewalks shall be paid by the owners of property abutting on said street named to be paved, in the following manner, to wit:

The cost shall be assessed against said owners and their property respectively, 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 in monthly installments not to exceed one hundred twenty (120) in number, the first of which shall be payable within thirty (30) days from the date of the completion of said improvements and their acceptance by the City of Dallas, and one installment each month thereafter until paid, together with interest thereon at the current rate established and adopted by the City Council applicable to Public Improvement Assessment Accounts being paid by installments and not to exceed the statutory rate, with the provision that any of said installments may be paid at any time before maturity by the payment of the principal and the accrued interest thereon. Any property owner against whom and whose property an assessment has been levied may pay the whole assessment chargeable to him without interest within thirty (30) days after the acceptance and completion of said improvements.

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, it shall be the duty of the said Council to assess and apportion said cost in such manner as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, 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 abutting property, or of a street railway or steam railway, if any, until after the notice and hearing provided by law, and no assessment shall be made against an owner of abutting property in excess of the benefits to such property in enhanced value thereof by means of such improvements.

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That the contractor shall be paid for the work performed under the specifications, upon monthly estimates to be prepared by the Director of Public Works and Transportation. That there shall be deducted as a retainage fee, ten (10%) percent of such monthly estimates, to be held by the City of Dallas until the contract is performed and executed to the satisfaction of the Director of Public Works and Transportation. The monthly estimates shall be paid on or before the 10th day of the next succeeding month for the work performed during the previous month.

For that part of the cost of the improvements that shall be determined to be levied against the owners of abutting property and their property shall be levied by assessment as herein provided, and said improvements may further be secured by Mechanic's Liens to be executed in favor of the City of Dallas, provided by law in accordance with the terms and provisions of this resolution. Paving certificates evidencing the assessment shall be issued in favor of the City of Dallas for the amount of the assessment, whether the property owners have executed Mechanic's Liens to secure the payment or not, and shall be payable for the use and benefit of the Revolving Fund established for the purpose of financing paving improvements.

That the Director of Public Works and Transportation is hereby directed to prepare at once the specifications and an estimate of the cost of such improvements and file the same with the City Council for the hereinabove described pavement and improvements. That in the specifications prepared, provision shall be made to require all contractors to give such bonds as may be necessary or as required by law.

That such specifications shall require the bidder to make a bid upon the type of improvements above described, with such bonds as may be required.

That the specifications shall also state the amounts of the required bonds, as well as the method by which it is proposed to pay the cost of said improvements, said method being in accordance with this resolution.

SECTION 2. The City Council, in initiating this proceeding, is acting under 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, now shown as Texas Transportation Code Annotated Sections 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the Charter of said City, being Chapter XX of said Charter.

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February 28, 2007

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

Distribution: Public Works and Transportation, Cheryl Nichols, OCMC, Room 101
Public Works and Transportation, Athan Thompson, OCMC, Room 307
City Attorney
Office of Financial Services 4FS

I-SP-4

APPROVED BY
CITY COUNCIL

FEB 28 2007

Deborah Wittman
City Secretary

APPROVED  HEAD OF DEPARTMENT

APPROVED  CITY CONTROLLER

APPROVED  CITY MANAGER

AGENDA – February 28, 2007

NOTICE OF ASSESSMENT PROCEEDINGS AND LIEN UPON ABUTTING PROPERTY

Bissonet Avenue from the alley north of Antler Avenue to Elam Road

ATTENTION CITY SECRETARY

Please distribute approved copies to:

- Public Works & Transportation (1)
- Athan M. Thompson, Assessments, Public Works & Transportation (1)
- Office of Financial Services (1)

NOTICE OF ASSESSMENT PROCEEDINGS AND LIEN UPON ABUTTING PROPERTY

NOTICE is hereby given that the Governing Body of the City of Dallas, in the County of Dallas, in the State of Texas, by Resolution No. _____ dated _____ has ordered and directed that the following street in said City be improved, to wit:

Bissonet Avenue from the alley north of Antler Avenue to Elam Road

West side of street

<u>Subdivision</u>	<u>Block</u>	<u>Lot(s)</u>
Pleasantwood	4-A/6262	14 through 23

East side of street

<u>Subdivision</u>	<u>Block</u>	<u>Lot(s)</u>
Hill Creek Estates Addition	5/6262	14 through 7

In case of conflict between numbers and street names and limits, street names will govern. A portion of the cost of such improvements is to be specially assessed as a lien upon property abutting thereon.

City of Dallas, Texas

By _____
City Secretary

(File in Deed of Trust Records)

070659
February 28, 2007

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

Bissonet Avenue from the alley north of Antler Avenue to Elam Road

and against street and steam 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 steam railway companies and street railway companies, concerning the same, and directing the City Secretary to give notice of said hearing, as required by law; and,

WHEREAS, The City Council has heretofore, by resolution, ordered the improvement of the street enumerated above, by paving said street from curb to curb with 6-inch thickness 4000-pounds per square inch reinforced concrete pavement; with 6-inch lime stabilied base; with 6-inch height integral curbs; with 6-inch thickness reinforced concrete drive approaches; with 4-inch thickness reinforced concrete sidewalks 4 or 5 feet wide; so that the roadway shall be 26 feet in width width; and,

Any existing permanent improvements 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; and,

WHEREAS, The Director of Public Works and Transportation of the City of Dallas has, in accordance with the law, filed his report with the City Council, setting forth the participation by the steam railway companies and street 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 proposed to be assessed against each lot or parcel and its owners and all other matters required by the applicable law.

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February 28, 2007

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the report or statement filed by the Director of Public Works and Transportation having been duly examined is hereby approved.

SECTION 2. That it is hereby found and determined that the cost of improvements on the hereinafter described street, with the amount or amounts per front foot proposed to be assessed for such improvements against abutting property and the owners thereof, and against street and steam railway companies whose tracks occupy said street, if any, are as follows, to wit:

Bissonet Avenue from the alley north of Antler Avenue to Elam Road

shall be improved from curb to curb with 6-inch thickness 4000-pounds per square inch reinforced concrete pavement; with 6-inch lime stabilied base; with 6-inch height integral curbs; with 6-inch thickness reinforced concrete drive approaches; with 4-inch thickness reinforced concrete sidewalks 4 or 5 feet wide; so that the roadway shall be 26 feet in width width; and,

The estimated cost of the improvements is **\$392,985.00 (est)**

- a. The estimated rate per square yard to be assessed against abutting property and the owners thereof for concrete drive approaches is **\$39.90/S. Y.**
- b. The estimated rate per front foot to be assessed against abutting property and the owners thereof for pavement improvements including sidewalks is as follows:

Where Property Classification is WSR-I (R-7.5 (A) Residential)

The front rate for 6-inch thickness reinforced concrete pavement 13.5 feet wide with curb: **\$65.12/L.F.**

The front rate for 6-inch thickness reinforced concrete pavement 13.5 feet wide with credit for existing curb: **\$63.22/L.F.**

The side rate for 6-inch thickness reinforced concrete pavement 2.5 feet wide with curb: **\$13.62/L. F.**

Front rate for 4-inch reinforced concrete sidewalk is: **\$7.51/L. F.**

Side rate for 4-inch reinforced concrete sidewalk is: **\$3.76/L. F.**

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SECTION 2. (continued)

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 and of street 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 street railways and as to the benefits to said property by reason of said improvement, or any other matter of thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Dallas, County of Dallas, on the 11th day of April A.D. 2007, at 1:00 o'clock 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 Dallas 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 of 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, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the charter of said City, being Chapter XX of said Charter. Said notice shall be by advertisement inserted at least three times in a newspaper published in the City of Dallas, 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.

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SECTION 3. (continued)

The City Secretary is hereby further directed to give additional written notice of said hearing by mailing to said owners and to said railway companies and street railway companies, if any, a copy of said notice deposited in the Post Office at Dallas, Texas, at least 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 immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.



Distribution: Public Works and Transportation, Cheryl Nichols, OCMC, Room 101
Public Works and Transportation, Athan Thompson, OCMC, Room 307
City Attorney
Office of Financial Services 4FS

II-SP-4

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City Secretary

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