

WHEREAS, heretofore, a resolution was duly adopted by the City Council of the City of Dallas for the improvement of the following street between the limits set forth, out of materials specified, ordering that bids be taken for the construction, and ordering that an estimate of the cost of such improvements be prepared, to wit:

Korgan Street from South Ewing Avenue West to Dead-End
and,

WHEREAS, by resolution such estimate and specifications were duly adopted therefore, and the Purchasing Agent was authorized to advertise for bids for such construction; and,

WHEREAS, by resolution the City Council determined the necessity for assessing a portion of the cost of such improvements against the property abutting such improvements, and the owners thereof, and duly and legally set a time and place for a public hearing thereon, and provided for notice to be given to such owners, as provided by law; and,

WHEREAS, the said hearing was duly held at said time and place; and,

WHEREAS, the City Council, after fully considering said proposed assessments, and fully considering the benefits that each property owner and his property receive from making said improvements, is of the opinion that the said proposed assessments determined to be levied are fair and equitable, and in accordance with the enhancement report submitted by the Real Estate Manager, Development Services Department, representing 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 DALLAS

SECTION 1. That the said hearing held on the 10th day of November A.D. 2008 be and the same is hereby ordered closed.

November 10, 2008

SECTION 2. That the City Attorney is hereby directed to prepare an ordinance assessing against the several owners of the abutting property, and against their property abutting upon the street hereinabove mentioned, the proportionate part of said cost herein adjudged against the said respective owners and their property, such assessments to be in accordance with the attached enhancement report. 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 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, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Lisa Valladares, OCMC, Room 307
City Attorney
Office of Financial Services

III-AP-2

APPROVED BY
CITY COUNCIL

NOV 10 2008


City Secretary

PAVING ASSESSMENT ENHANCEMENT STUDY – KORGAN STREET

DEFINITIONS AND LIMITING CONDITIONS

MARKET VALUE

The most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.

The price which the property would bring when it is offered for sale by who desires, but is not obligated to sell, and is bought by one who is no necessity of buying it. State v. Carpenter (Tex Comm App 1936) S.W.2d 194, 2002.

FRONT FOOT RULE

Each front foot of an abutting owner's property is assessed a portion of the total cost of improvements which is equal to the portion of the assessment levied against each front foot of property of other abutting owners along the improved segment of the road. Provided that the assessment must be no greater than the benefit to the particular individual abutting property and there must be an equitable adjustment for any application of the rule in an injustice or inequality, see Dufford v. City of Corpus Christi (Civ.App.1960) 332 S.W.2d 447,450 and Section 313.044, Transportation Code.

SPECIAL BENEFITS

An enhancement more localized than a general improvement in community welfare, but not necessarily unique to a given piece of property. A special benefit is going beyond the general benefits supposed to diffuse itself from the improvements through the municipality. Haynes v. City of Abilene (Tex 1983) 659 S.W.2d 638,641.

LIMITATIONS

1. Ownership information was obtained from information appearing on the Tax Rolls.
2. Information furnished by others is assumed to be correct and reliable.
3. The existence of potentially hazardous materials on or in the properties has not been considered.
4. **THIS IS AN OPINION OF VALUE OR COMPARATIVE MARKET ANALYSIS AND SHOULD NOT BE CONSIDERED AN APPRAISAL.** In making any decision that relies upon our work, you should know that we have not followed the guidelines for development of an appraisal or analysis contained in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.

PAVING ASSESSMENT STUDY BASIC PROCEDURES

The City of Dallas by City Council policy and in accordance with State law assesses abutting property owners a portion of the cost for paving of streets, sidewalks and alleys. This program is administered by the Public Works and Transportation Department (Public Works) with an enhancement review and adjustments as required by the Department of Development Services Real Estate Division (Real Estate.)

The Public Works calculates proposed assessments based upon the Front Foot Rule with adjustments for factors such as irregularly shaped lots, flood plains, zoning and lot orientation. The City council has established policy guidelines to lessen the impact of the Front Foot Rule and to provide for more equitable assessments (Resolution #65-2602 and Resolution #74-1272). The proposed assessments per the construction bid, as adjusted by Public Works, are submitted to Real Estate.

Upon receipt of the preliminary assessment figures from the Public Works, Real Estate staff review each assessment to ensure that special benefits are estimated to ensure that special benefits exceed the assessment, then the assessment is adjusted downward to an amount which, in the opinion of the Real Estate staff, is clearly supported by the special benefits to the property. Real Estate goes through a review process which includes the following:

1. The tax rolls are checked to determine the size of the parcel and the land value on the tax roll;
2. Comparable land sales are checked to assist in determining land value estimates;
3. Zoning maps are checked to determine the correct zoning of each parcel to be assessed;
4. Flood plain and drainage maps are reviewed, where drainage problems appear to significantly affect parcels to be assessed;
5. All parcels are viewed by staff to identify special or unique factors which could affect the level of benefits resulting from the project for each property to be assessed;
6. Paving assessments in connection with other comparable City Projects are reviewed to ensure overall consistency and fairness.

DESCRIPTION OF PROJECT

This project is generally described as follows:

KORGAN STREET FROM SOUTH EWING AVENUE TO DEAD-END SHALL BE PAVED WITH 6-INCH THICKNESS 4000 POUNDS PER SQUARE-INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH HEIGHT INTEGRAL CURB; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH.

While acknowledging the positive impact that the proposed improvements will have on the overall aesthetic value of the neighborhood, it is difficult to quantify this value correctly and virtually impossible to present the cost of such improvements as their value-added to property owners. A typical example is landscape or flooring installation. A property owner may spend \$20,000 on such improvements, but these improvements may add not more than \$5,000 to the value of the property.

For this reason, the proposal to assess the property owners for their proportionate cost by the front-foot method is not recommended. We acknowledge that the new improvements will enhance the value of the properties. In our opinion, however, the improvements will not increase values of the properties at the rate indicated.

In an effort to be equitable to the property owners, we recommend that the property owners be assessed as indicated in following tables. We feel that the values presented are a fair and reasonable value for the assessments.

It is the opinion of the City of Dallas that the subject properties will experience a slight increase in overall land value in lieu of the residential real estate market.

KORGAN STREET FROM SOUTH EWING AVENUE TO DEAD-END SHALL BE PAVED WITH 6-INCH THICKNESS 4000 POUNDS PER SQUARE-INCH REINFORCED CONCRETE PAVEMENT; WITH 6-INCH HEIGHT INTEGRAL CURB; WITH 6-INCH THICKNESS REINFORCED CONCRETE/ DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WHERE SPECIFIED; SO THAT THE ROADWAY SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT	ASSESSED VALUE - LAND	ZONING	RECOMMENDED ASSESSMENT
NORTH SIDE OF STREET									
<i>Korgans Homestead</i>									
SANTOS P. ADAMES 703 KORGAN ST. DALLAS, TX 75216-1523	25A	16/3760	74 FT 49 FT 11.6 SY	\$78.35 \$9.50 \$43.92	\$5,797.90 \$465.50 \$509.47	\$6,772.87	\$16,250	R-7.5	\$1,693.22
CURTIS L. HILL 707 KORGAN ST. DALLAS, TX 75216-1523	24	16/3760	50 FT 30 FT 9.7 SY	\$78.35 \$9.50 \$43.92	\$3,917.50 \$285.00 \$426.02	\$4,628.52	\$13,000	R-7.5	\$1,157.13
TONY D. TREVINO 715 KORGAN ST. DALLAS, TX 75216-1523	23 711 KORGAN ST.	16/3760	50 FT 30 FT 9.7 SY	\$78.35 \$9.50 \$43.92	\$3,917.50 \$285.00 \$426.02	\$4,628.52	\$13,000	R-7.5	\$1,157.13
ANTONIO D. TREVINO 715 KORGAN ST. DALLAS, TX 75216-1523	22	16/3760	50 FT 40 FT 10 FT	\$78.35 NO COST NO COST	\$3,917.50 \$0.00 \$0.00	\$3,917.50	\$13,000	R-7.5	\$979.36
ENRIQUE G. & MARIA T. TREVINO 719 KORGAN ST. DALLAS, TX 75216-1523	21	16/3760	50 FT 40 FT 10 FT	\$78.35 NO COST NO COST	\$3,917.50 \$0.00 \$0.00	\$3,917.50	\$13,000	R-7.5	\$979.36
<i>Korgans Homestead</i>									
ENRIQUE D. TREVINO 723 KORGAN ST. DALLAS, TX 75216-1523	20	16/3760	50 FT 40 FT 10 FT	\$78.35 NO COST NO COST	\$3,917.50 \$0.00 \$0.00	\$3,917.50	\$13,000	R-7.5	\$979.36

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CERTIFICATE

We certify that, except as otherwise noted in this report, that:

1. The statements of fact contained in this report are true and correct to the best of our knowledge.
2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and is our personal, unbiased and professional analyses, opinions and conclusions.
3. We have no present or prospective interest in the property which is the subject of this report and we have no personal interest or bias with respect to the parties involved.
4. Our compensation is not contingent upon an action or event resulting from the analyses, opinions or conclusions in, or the use of, our report.
5. Ownership and site data was obtained from information appearing in the Tax Rolls and for data provided to us by the Department of Public Works and Transportation.
6. The analyses, opinions and conclusions were developed and this report has been prepared in conformity with the rules of the Texas Real Estate Commission.
7. Mark Gooch has made a personal inspection of the project area, which is the subject of this report.
8. This assignment was not based on a requested minimum valuation or a specific valuation.
9. Race, color, religion, sex, national origin, handicap or familial status was not considered in estimating the values in this report.
10. **THIS IS NOT AN OPINION OF VALUE; IT IS A COMPARATIVE MARKET ANALYSIS AND SHOULD NOT BE CONSIDERED AN APPRAISAL. In making any decision that relies upon this report, you should know that we have NOT followed the guidelines for development of an appraisal or analysis contained in the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.**

Bonnie Meeder

Bonnie Meeder
Interim Assistant Director, Real Estate Division
Development Services

9-30-2008

Date

ORDINANCE NO. 27405

AN ORDINANCE LEVYING ASSESSMENTS AGAINST VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND PAVING PORTIONS OF THE FOLLOWING STREET IN THE CITY OF DALLAS, TEXAS, TO WIT:

Korgan Street from South Ewing Avenue West to Dead-End

PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS BECOME DUE AND PAYABLE, THE RATE OF INTEREST, AND FIXING A CHARGE AND LIEN AGAINST SAID PROPERTY AND MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON SAID STREET, AND PROVIDING FOR THE COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, heretofore a resolution was duly adopted by the City Council ordering the improvements of

Korgan Street from South Ewing Avenue West to Dead-End by filling, raising, grading, and paving same; and,

WHEREAS, pursuant to said resolution, specifications and an estimate of the cost of such improvements were prepared for said work by the Director of Public Works and Transportation (City Engineer), filed with said Council, examined, approved, and adopted by it, all as required by applicable law; and,

WHEREAS, in compliance with the law the City Engineer prepared his statements or lists showing the names of property owners upon said street the description of their property, the total cost of the said improvements, the cost there of per front foot and cost to each property owner, said statements possessing all the other requisites required by law; and,

WHEREAS, thereafter the said statements were filed with the City Council and by them examined and approved and a resolution was passed by said Council determining the necessity of making an assessment for part of the cost of said pavement against property owners and their property, and fixing a time and providing for a hearing to such property owners, all in accordance with the terms of applicable law, at which hearing to such property owners were to be heard as to the benefits of the said improvements to their property, as to any error or invalidity in said proceedings, or to any matter or thing connected with the said improvements; and,

WHEREAS, the said resolution in connection with the improvement of said street was duly adopted in compliance with the law on the 8th day of October, 2008; and,

WHEREAS, in accordance with the terms of the law, the City Secretary of the City of Dallas gave notice to the property owners on said street of said hearing, by publishing a copy of said notice in the Dallas Morning News, a daily paper of general circulation in the City of Dallas, for three successive days prior to the days set for the hearing, to wit, the 10th day of November, 2008; and the City Secretary also gave notice of said hearing by mailing letters containing the same to said property owners at least fourteen (14) days before the said hearing; provided, however, that any failure of the property owners to receive said notices shall not invalidate these proceedings; and,

WHEREAS, said hearing was held at the time and place mentioned in the said resolution and notice, to wit, on the 10th day of November, 2008 at 1:00 o'clock P.M. at the Council Chamber in the City Hall of the City of Dallas, Texas, which hearing was then closed; and,

WHEREAS, at said hearing, all desiring to contest the said assessments, correct the same, or in any manner be heard concerning the benefits thereof, or in any related matter, were heard, and errors and all matters of error or mistake or inequalities or other matters requiring rectification which were called to the attention of the Council were rectified and corrected.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS:

SECTION 1. That the action of the City Council closing the hearing and overruling the protests at the public hearing on the 10th day of November, 2008, in these proceedings is hereby ratified and confirmed by this ordinance.

That the City Council, from the evidence, finds that the assessments herein levied should be made and levied against the respective parcels of property abutting upon the street herein below mentioned and against the owners thereof; that such assessments and charges are right and proper, and are substantially in proportion to the benefits to the respective parcels of property by means of the improvement in the unit or district for which such assessments are levied, and establish substantial justice, equality, and uniformity between the respective owners of the respective properties between all parties concerned, considering the benefits received and burdens imposed.

SECTION 1. (continued)

The Council further finds that in each case the abutting property assessed is specially benefited in enhanced value to the said properties by means of the said improvements in the unit or district upon which the particular property abuts, and for which assessment is levied and charge made, in a sum in excess of the said assessment and charge made against the same by this ordinance. The Council further finds that the apportionment of the cost of the improvements is in accordance with the law in force in this City and that the proceedings of the City heretofore had with reference to said improvements are in all respects valid and regular.

SECTION 2. That there shall be and is hereby levied and assessed against the parcels of property hereinbelow mentioned, and against the real and true owners thereof (whether such owners be correctly named herein or not), the sums of money below mentioned and itemized shown opposite the description of the respective parcels of property, and the several amounts assessed against the same and the owners thereof, as far as such owners are known, being as follows:

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KORGAN STREET FROM S. EWING AVENUE WEST TO DEAD-END
 SHALL BE PAVED WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED
 CONCRETE PAVEMENT; WITH 6-INCH HEIGHT INTEGRAL CURB; WITH 6-INCH THICKNESS
 REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED
 CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY
 SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
NORTH SIDE OF STREET						
<i>Korgans Homestead</i>						
SANTOS P. ADAMES 703 KORGAN ST. DALLAS, TX 75216-1523	25A	16/3760	74 FT PVMT 49 FT WALK 11.6 SY DR(10'WIDE)	\$78.35 \$9.50 \$43.92	\$5,797.90 \$465.50 <u>\$509.47</u>	
			TOTAL		\$6,772.87	
			ADJ PER ENHANCEMENT EVAL.		\$5,079.65	
			NET DUE BY OWNER			\$1,693.22
CURTIS L. HILL 707 KORGAN ST. DALLAS, TX 75216-1523	24	16/3760	50 FT PVMT 30 FT WALK 9.7 SY DR(10'WIDE)	\$78.35 \$9.50 \$43.92	\$3,917.50 \$285.00 <u>\$426.02</u>	
			TOTAL		\$4,628.52	
			ADJ PER ENHANCEMENT EVAL.		\$3,471.39	
			NET DUE BY OWNER			\$1,157.13
TONY D. TREVINO 715 KORGAN ST. DALLAS, TX 75216-1523	23 711 KORGAN ST.	16/3760	50 FT PVMT 30 FT WALK 9.7 SY DR(10'WIDE)	\$78.35 \$9.50 \$43.92	\$3,917.50 \$285.00 <u>\$426.02</u>	
			TOTAL		\$4,628.52	
			ADJ PER ENHANCEMENT EVAL.		\$3,471.39	
			NET DUE BY OWNER			\$1,157.13
ANTONIO D. TREVINO 715 KORGAN ST. DALLAS, TX 75216-1523	22	16/3760	50 FT PVMT 40 FT WALK 10 FT DRIVE	\$78.35 NO COST NO COST	\$3,917.50 \$0.00 <u>\$0.00</u>	
			TOTAL		\$3,917.50	
			ADJ PER ENHANCEMENT EVAL.		\$2,938.14	
			NET DUE BY OWNER			\$979.36
ENRIQUE G. & MARIA T. TREVINO 719 KORGAN ST. DALLAS, TX 75216-1523	21	16/3760	50 FT PVMT 40 FT WALK 10 FT DRIVE	\$78.35 NO COST NO COST	\$3,917.50 \$0.00 <u>\$0.00</u>	
			TOTAL		\$3,917.50	
			ADJ PER ENHANCEMENT EVAL.		\$2,938.14	
			NET DUE BY OWNER			\$979.36

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KORGAN STREET FROM S. EWING AVENUE WEST TO DEAD-END
 SHALL BE PAVED WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED
 CONCRETE PAVEMENT; WITH 6-INCH HEIGHT INTEGRAL CURB; WITH 6-INCH THICKNESS
 REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED
 CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY
 SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
<i>Korgans Homestead</i>						
ENRIQUE D. TREVINO 723 KORGAN ST. DALLAS, TX 75216-1523	20	16/3760	50 FT PVMT 40 FT WALK 10 FT DRIVE	\$78.35 NO COST NO COST	\$3,917.50 \$0.00 <u>\$0.00</u>	
			TOTAL		\$3,917.50	
			ADJ PER ENHANCEMENT EVAL.		\$2,938.14	
			NET DUE BY OWNER			\$979.36
ENRIQUE D. TREVINO ET AL 723 KORGAN ST. DALLAS, TX 75216-1523	19 727	16/3760	50 FT PVMT 40 FT WALK 10 FT DRIVE	\$78.35 NO COST NO COST	\$3,917.50 \$0.00 <u>\$0.00</u>	
			TOTAL		\$3,917.50	
			ADJ PER ENHANCEMENT EVAL.		\$2,938.14	
			NET DUE BY OWNER			\$979.36
ESTATE OF ANDREW ROBERTS JR. 731 KORGAN ST. DALLAS, TX 75216-1523	18	16/3760	50 FT PVMT 34 FT WALK 9.7 SY DR(10'WIDE)	\$78.35 \$9.50 \$43.92	\$3,917.50 \$323.00 <u>\$426.02</u>	
			TOTAL		\$4,666.52	
			ADJ PER ENHANCEMENT EVAL.		\$3,499.89	
			NET DUE BY OWNER			\$1,166.63
JOSE RAMON & MAYELA E. VERDIN 735 KORGAN ST. DALLAS, TX 75216-1523	17	16/3760	50 FT PVMT 24 FT WALK 9.7 SY DR(10'WIDE)	\$78.35 \$9.50 \$43.92	\$3,917.50 \$228.00 <u>\$426.02</u>	
			TOTAL		\$4,571.52	
			ADJ PER ENHANCEMENT EVAL.		\$3,428.64	
			NET DUE BY OWNER			\$1,142.88
JOAQUIN VERDIN JR. & GUADALUPE A. VERDIN 739 KORGAN ST. DALLAS, TX 75216-1523	16	16/3760	50 FT PVMT 25 FT WALK 13.6 SY DR(15'WIDE)	\$78.35 \$9.50 \$43.92	\$3,917.50 \$237.50 <u>\$597.31</u>	
			TOTAL		\$4,752.31	
			ADJ PER ENHANCEMENT EVAL.		\$3,564.23	
			NET DUE BY OWNER			\$1,188.08

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KORGAN STREET FROM S. EWING AVENUE WEST TO DEAD-END
SHALL BE PAVED WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED
CONCRETE PAVEMENT; WITH 6-INCH HEIGHT INTEGRAL CURB; WITH 6-INCH THICKNESS
REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED
CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED; SO THAT THE ROADWAY
SHALL BE 26 FEET IN WIDTH.

OWNER	LOT	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
<i>Korgans Homestead</i>						
GUADALUPE GOMEZ	15	16/3760	140 FT ADJ. TO			
1523 S. EWING AVE	EWING &		125 FT PVMT	\$16.44	\$2,055.00	
DALLAS, TX 75216-1511	KORGAN		112 FT WALK	\$4.75	\$532.00	
	COURT		21.7 SY DR(23'WIDE)	\$43.92	<u>\$953.06</u>	
			TOTAL		\$3,540.06	
			ADJ PER ENHANCEMENT EVAL.		\$2,655.00	
			NET DUE BY OWNER			\$885.06

SOUTH SIDE OF STREET

Sunshine Home Addn

DALLAS COUNTY	4.1656 ACS	NO ASSESSMENT
DETENTION HOME	CALC	CITY PROPERTY
	KORGAN &	
	EWING	

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Korgan Street from South Ewing Avenue West to Dead-End

Total Property Owners' Cost - Assessments	\$49,230.32	
Adjustments Per Enhancement Evaluation	\$36,922.75	
Net Due by Owner		\$12,307.57
Total City of Dallas' Cost - Paving	\$219,864.53	
Total City of Dallas' Cost - Drainage	\$49,375.00	
Total Water Utilities Department Cost Water and Wastewater Main Construction	\$160,676.00	
Total City of Dallas' Cost		\$429,915.53
Total Cost of Improvements		\$442,223.10

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SECTION 3. That where more than one person, firm or corporation owns an interest in any property above described, each said person, firm or corporation shall be personally liable for its, his or her pro rata of the total assessment against such property in proportion as its, his or her respective interest bears to the total ownership of such property, and its, his or her respective interest in such property may be released from the assessment lien upon payment of such proportionate sum.

SECTION 4. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight per centum (8.00%) per annum, together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a lien upon the respective parcels of property against which the same are assessed, and a personal liability and charge against the real and true owners of such property, whether such owners be named herein or not, and the said liens shall be and constitute the first enforceable lien and claim against the property on which such assessments are levied, and shall be a first paramount lien thereon, superior to all other liens and claims except State, County, School District and City ad valorem taxes.

The sums so assessed against the abutting property and the owners thereof, shall be and become due and payable as follows, to wit, in twelve (12) equal installments, the first payable on or before thirty (30) days after the acceptance of the completed improvements by the City, and one (1) each month thereafter until the total amount is paid; deferred payments shall bear interest from the date of such completion and acceptance at the rate of eight per centum (8.00%) per annum, payable monthly with each installment, so that upon the completion and acceptance of the improvements in a particular unit or district, assessments against such completed and accepted unit or district shall be and become due and payable in such installments and with interest from the date of such completion and acceptance. Provided, however, that any owner shall have the right to pay the entire assessment, or any installment thereof, before maturity, by payment of principal and accrued interest, and further provided that if default shall be made in the payment of any installment of principal or interest promptly as the same matures, then the entire amount of the assessment upon which such default is made shall, at the option of the said City of Dallas, or its assigns, be and become immediately due and payable, and shall be collectible, together with reasonable attorney's fees and costs of collection, if incurred. Any assessed property owner, however, shall have the right to execute a mechanics and materialman's lien contract and a promissory note whereby the assessments due, together with interest at the rate mentioned above, shall be payable over a period of not longer than ten years in equal monthly payments, but each monthly payment shall never be less than \$5.00.

SECTION 5. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof shall be enforced either by suit in any court having jurisdiction or by lien foreclosure.

SECTION 6. That for the purpose of evidencing the several sums payable by said property owners and the time and terms of payment, and to aid in the enforcement thereof, assignable certificates may be issued by the City of Dallas upon the completion and acceptance of the said work of improvement, which shall be executed by the Mayor, signing the same or by his facsimile signature impressed thereon, attested by the City Secretary, under the impress of the corporate seal, and shall be payable to the City of Dallas, or its assigns, which certificate shall declare the said amounts and the time and terms of payment thereof, and the said rate of interest payable thereof, and shall contain the name of the owner and the description of his property by Lot or Block Number of front feet thereof, or such description as may otherwise identify the same by reference to any other fact, and if said property shall be owned by an estate, then the description thereof as so owned shall be sufficient.

And that the said certificates shall further provide that if default shall be made in the payment of any installment of principal or interest thereon, when due then at the option of the said City of Dallas being the owner and holder thereof, the whole of the said assessment shall at once become due and payable and shall be collectible with reasonable attorney's fees and costs if incurred.

And that the said certificates shall further set forth and evidence the said personal liability of the owner and the lien upon his premises and shall provide that if default shall be made in the payment thereof, the same may be enforced as above provided.

And the said certificates shall further recite that the proceedings with reference to making said improvements have been regularly in compliance with the terms of the applicable law, and that all prerequisites to the fixing of the lien and claims of personal liability evidenced by such certificates have been performed, which recitals shall be prima facie evidence of the facts so recited and no further proof thereof shall be required.

That the said certificates shall also provide that the amounts payable thereunder shall be paid to the City Controller of the City of Dallas, who shall credit said payments upon the said certificates, and shall immediately deposit the amounts so collected with the City Treasurer of the City of Dallas, to be kept and held by him in a special fund, which is hereby designated as Capital Assessments Fund and which payments shall be by the Treasurer paid to the said City of Dallas or other holder of the said certificates, on presentation thereof to him, duly credited by the City Controller the said credit by said City Controller being the Treasurer's Warranty for making such payment and the said City of Dallas or other holder of said certificate, shall receipt in writing to said Treasurer when paid in full, together with all costs of collection.

SECTION 6. (continued)

And that the said certificates shall further provide that the City of Dallas shall exercise all legal power, when requested so to do by the holder of said certificate, to aid in the collection thereof; but the City of Dallas shall in nowise be liable to the holder of said certificates in any manner for payment of the amount evidenced by the said certificates or for any costs or expense in the premises, or for any failure of the said City Council or any of its officers in connection therewith.

Full power to make and levy reassessments, and to correct mistakes, errors, invalidates or irregularities, either in the assessments or in the certificates issued in evidence thereof, is in accordance with the law in force in this City, vested in the City.

SECTION 7. That all assessments levied are a personal liability and charged against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 8. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of an Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, known as Chapter 106 of the Acts of said Session, with amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law has been adopted as an alternative method for the construction of street improvements in the City of Dallas, Texas, by Chapter XX of the Charter of the City of Dallas.

SECTION 9. That the assessments so levied are for the improvements in the particular unit or district upon which the property described abuts, and the assessments for the improvements in one unit or district are in nowise related to or connected with the improvements in any other unit or district, and in making assessments and in holding said hearing, the amounts assessed for improvements in one unit or district have been in nowise affected by any fact in anywise connected with the improvements or the assessments therefore in any other unit or district.

SECTION 10. That the City Manager, or her designee, is hereby authorized to execute releases of any paving assessment liens herein levied and assessed against the parcels of property and owners thereof, if same are fully paid, such releases to be approved as to form by the City Attorney and attested by the City Secretary.

SECTION 11. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas and it is accordingly ordained.

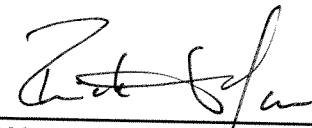
Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Lisa Valladares, OCMC, Room 307
City Attorney
Office of Financial Services

APPROVED AS TO FORM:

Thomas P. Perkins, Jr.
City Attorney

By 
Assistant City Attorney

Prepared by 
Paving Assessment Manager

Approved by 
Director, Public Works & Transportation

Passed and correctly enrolled NOV 10 2008

083110-02
 November 10, 2008

WHEREAS, on October 8, 2008, Resolution No. 08-2778 authorized improvements and the public hearing; and,

WHEREAS, bids were received on August 28, 2008, for street paving, storm drainage, water and wastewater main improvements on Korgan Street from South Ewing Avenue west to dead-end, as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
McMahon Contracting, L.P.	\$442,223.10
Jeske Construction	\$486,873.00
Goteck Enterprise	\$496,411.75
Muniz Construction	\$496,557.75
PAEE Corporation	\$520,967.75
P E Contractors, Inc.	\$533,396.00
Camino Construction LP	\$547,653.00

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with McMahon Contracting, L.P. for street paving, storm drainage, water and wastewater main improvements for Korgan Street from South Ewing Avenue west to dead-end, in an amount not to exceed \$422,223.10, this being the lowest responsive bid received as indicated by the tabulation of bids.

Section 2. That the City Manager is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.

Section 3. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the agreement from:

Street and Transportation Improvements Fund Fund 3R22, Department PBW, Unit R294, Act. STPT Obj. 4510, Program #PB03R294, CT PBW03R294B1 Vendor #505096, in an amount not to exceed	\$281,547.10
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Water Construction Fund 0102, Department DWU, Unit CW42, Act. RELP Obj. 4550, Program #709037, REP WX46, CT PBW709037EA Vendor #505096, in an amount not to exceed	\$ 81,419.00
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Water Construction
Fund 0102, Department DWU, Unit CW42, Act. RELP
Obj. 3221, Program #709037X, REP WX46, CT PBW709037EN
Vendor #505096, in an amount not to exceed \$ 2,400.00

Wastewater Construction
Fund 0103, Department DWU, Unit CS42, Act. RELP
Obj. 4560, Program #709038, REP TN99, CT PBW709038EA
Vendor #505096, in an amount not to exceed \$ 74,057.00

Wastewater Construction
Fund 0103, Department DWU, Unit CS42, Act. RELP
Obj. 3222, Program #709038X, REP TN99, CT PBW709038EN
Vendor #505096, in an amount not to exceed \$ 2,800.00

Total in an amount not to exceed \$442,223.10

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, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Lisa Valladares, OCMC, Room 307
City Attorney
Controller's Office, Sherrian Parham, 4BN

APPROVED BY
CITY COUNCIL

NOV 10 2008


City Secretary