

WHEREAS, heretofore, a resolution was duly adopted by the City Council of the City of Dallas for the improvement of the following streets 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:

Sidewalk Group 06-140

1. Ewing Avenue (S)(leave outs) from Clarendon Drive to 12th Street
2. Huttig Avenue from Shortal Drive to South Buckner Boulevard; 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 22nd day of September A.D. 2010 be and the same is hereby ordered closed.

September 22, 2010

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 streets 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.

III-AP-2

APPROVED BY
CITY COUNCIL

SEP 22 2010


City Secretary

REPORT #10-06

on

ENHANCEMENT EVALUATION STUDY

LOG NO. 35242

PROJECT: STREET GROUP 06-140

- 1) CLAYMONT DRIVE FROM DAINGERFIELD DRIVE TO
7233 CLAYMONT DRIVE AT DAINGERFIELD DRIVE;**
- 2) EWING AVENUE (S)(EAST SIDE ONLY) (LEAVE OUTS) FROM
CLARENDON STREET TO 12TH STREET; AND**
- 3) HUTTIG AVENUE FROM SHORTAL DRIVE TO SOUTH
BUCKNER BOULEVARD**

For:

**Ms. Lou Jones
Chief Real Estate Specialist
Development Services - Real Estate Division
City of Dallas
320 E. Jefferson Boulevard, Room 203
Dallas, Texas 75203**

Prepared by:

**Con-Real, LP
Troy C. Alley, Jr.
5801 Marvin D. Love Freeway, Suite 301
Dallas, Texas 75237**

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

Date of Inspection:	February 13, 2010
Effective Date of Study:	February 13, 2010
Date Report Prepared:	February 11 - 25, 2010
Date of Transmittal:	February 26, 2010
Subject Property:	Various Residential Dwellings
Locations:	1) Claymont Drive from Daingerfield Drive to 7233 Claymont Drive at Daingerfield Drive; 2) Ewing Avenue (S)(East Side Only) (Leave Outs) from Clarendon Street to 12 th Street; and 3) Huttig Avenue from Shortal Drive to South Buckner Boulevard, Dallas, Texas
Zoning Classifications:	1) "R-7.5(A)" - Single Family Residential 2) "MF-2(A)" - Multi-Family and "RR" - Regional Retail 3) "R-7.5(A)" - Single Family Residential and "PD no. 366-D" - Retail
Current Use:	1) Single Family Dwellings 2) Single Family Dwellings & Retail Bldgs. 3) Single Family Dwellings & Retail Bldgs.
Highest & Best Use:	1) Residential Uses 2) Residential & Retail Uses 3) Residential & Retail Uses
Purpose of Study:	The purpose of this study is to estimate the value of the enhancement, if any, to the properties in the defined enhancement study area based on the completion of the proposed sidewalk improvements that affect the subject properties as of February 13, 2010.

Function of Study:

The function of this enhancement study is to assist the City of Dallas in estimating a fair and reasonable amount of the actual costs of the sidewalk improvements that the subject property owners should be levied based on the estimated market value enhancement to each property due to the proposed improvements by the City of Dallas.

Scope of Study:

The scope of this study encompasses the inspection of the subject properties, neighborhood and comparable properties. It also includes the collection of macro and micro data pertinent to the assignment. Further, the analysis of data is undertaken in order to support a conclusion of estimated value for the enhancement, if any, to the subject properties.

PAVING ENHANCEMENT STUDY

A paving assessment study is a method of allocating assessments for public improvements, to the properties specially benefitted, in proportion to the special benefit derived by each property from the project.

Nearly a century ago, the United States Supreme Court recognized in the case of *Norwood v. Baker* that the principle underlying special assessments to meet the costs of public improvements is that "the property upon which they are imposed is peculiarly benefitted, and therefore, the owners do not, in fact, pay anything in excess of what they receive by reason of such improvement."¹

Valid recommended assessments from a paving enhancement study prepared for a final assessment roll meet the following two criteria:

- They are equal to or less than the benefit accruing to that particular parcel.
- They are fair and in proportion to the special benefit derived by that parcel and all other parcels due to the project.

Significant variance in the assessment is sometimes noted on adjacent properties. This can result from the influence of factors including, but not limited to, existing building improvements, differences in zoning or projected intensity of use, corner influence, terrain, ratio of frontage to area, or changes in access characteristics.²

The question is whether a measurable benefit to properties abutting municipal improvements could be realized in the foreseeable future. In addressing this the Texas Court of Appeals quoted Iowa case law.

The benefits to be derived in such cases are ordinarily not instant upon the inception or completion of the improvement, but materialize with developments of the future. They are nonetheless benefits because their full fruition is postponed, or because the present use to which the property is devoted is not of a character to be materially affected by the improvement.³

The analyst employed an approach, as outlined in an article authored by *Robert Martin and Nicholas Ordway* as published in *The Appraisal Journal*, October 1985, that has been deemed an industry standard for estimating an equitable assessment to the property owners for any enhancements they might receive from the improvements. This method is the Sales Comparison Method that employs the sales of properties that are located on both

¹Norwood v. Baker, 172 U.S. 269, 43L. Ed 443, 19 S. Ct. 187 (1898).

²Charles R. Macaulay, MAI, SRA "Special Benefit/Proportionate Assessment: Funding for Public Improvements" *The Appraisal Journal*, January 1997

³Page v. City of Lockhart, 397 S.W. 2d 113, 119 (1965).

unimproved and improved streets in the area, or similar type areas for purposes of comparing the prices paid for properties that have and do not have curb/gutters/sidewalks.

In addition to the Sales Comparison method, the analyst's conducted a Market Data Analysis and enlisted the advice and counsel of persons knowledgeable in the field of real estate and government officials with experience dealing with paving enhancement operations. Combined, we believe that a fair and reasonable opinion can be concluded.

EVALUATION ANALYSIS

The improvements proposed by the City of Dallas are to include new concrete sidewalks where necessary. In the Enhancement Study performed by the City of Dallas, the City calculated a Lineal Foot price in order to estimate the actual cost for each property for the sidewalk improvement. A summary of the assessment values presented in the study are as follows:

The assessed value of the enhancement was based on \$3.82 and \$7.64 per lineal foot for the new sidewalks. Properties that have existing sidewalks are not being assessed for the new improvements that take the place of the current improvements. This is one method of estimating the value the improvements enhance the assessed value of the subject, however, there are other ways to analyze the value the sidewalk improvements enhance the property.

We have reviewed the study performed by the City of Dallas pertaining to the subject properties regarding assessments to the property owners for the construction of the sidewalk improvements. In addition to that study, we have tested another approach that we deem reasonable for estimating an equitable assessment to the property owners for any enhancements they might receive from the improvements. This method is the Sales Comparison Method that employs the sales of unimproved and improved properties in the area, or similar type areas for purposes of comparing the prices paid for properties that have and do not have curb/gutters/sidewalks. Concrete driveways do not play an important role in analyzing sales of unimproved properties since the builder/contractor is responsible for constructing a new driveway when building a new structure.

SALES COMPARISON METHOD

This method involves comparing the sales prices of recent sales of vacant tracts of land with & without existing curb/gutter/sidewalks and forming an opinion as to how much, if any, a purchaser is willing to pay for a property that has existing curb/gutter/sidewalk improvements over a tract that does not have those improvements.

The subject's area was searched for recent sales of a variety of vacant residential lots and non-residential tracts that were similar in size and location to the subject properties so that a comparative analysis of each type could be performed. This search provided no comparable sales of properties that had curbs/gutter/sidewalks due to the fact that all of the interior streets in the area do not have these features and a comparative analysis of sales with and without these amenities within the defined subject neighborhood could not be performed. As such, a search outside of the subject's immediate area was performed in order to locate sales of vacant lots with and without curbs/gutters/sidewalks. Numerous sales were located and examined and from this vast number of sales only a few were found that, because of the number of dissimilar features to the subject properties, that could be used for comparative analysis purposes. The subject properties employed in the analysis include both vacant residential lots and non-residential lots, and residential dwellings.

Adjustment grids for the following types of properties are located on the following pages:

- 1) Residential Lot Sales - Unimproved Street vs. Improved Streets
- 2) Non-Residential Lot Sales - Unimproved Street vs. Improved Streets
- 3) Residential Home Sales - Unimproved Street vs. Improved Streets

**Residential Lot Sales
Unimproved Street vs. Improved Streets**

Sales Price/ Per Square Foot	Subject 928 W. 7th \$3.27	Sale 1 721 N. Madison \$2.73	Sale 2 630 W. Neely \$3.36	Sale 3 4323 Dutton \$2.27
Cash Equivalency	-0-	-0-	-0-	-0-
Eff. Sale Pr.	\$3.27	\$2.73	\$3.36	\$2.27
Size/SF	5,950	7,500 +20%	5,360 -0-	8,150 +25%
Curbs/Gutters	No	Yes	Yes	Yes
Location	Good	Similar -0-	Similar -0-	Similar -0-
Net Adjustment		+20% +\$0.55	-0- \$0.00	+25% +\$0.57
Adjusted Sale Price	\$3.27	\$3.28	\$3.36	\$2.84

The sale at 928 W. 7th Street is a 5,950 square foot lot that **did not** have curbs/gutters or sidewalks and sold for \$3.27 per square foot. The three other sales **did** have curbs/gutters and sidewalks on their sites and sold at prices ranging from \$2.27 to \$3.36 per square foot. All of the sales are located in the same general area and each has similar locational characteristics in regards to surrounding developments, type of homes and assessed lot and dwelling values. The main difference between the sales is their respective sizes. Sales 1 and 3 were each adjusted upward for their much larger sizes in comparison to the sale at 928 W. 7th Street. After making the warranted adjustments to the sales comparables, a range of values of \$2.84 to \$3.36 per square foot was derived.

Based on the sales prices of these sales, and taking into account any locational or site differences, it did not appear that there was any great variance in the prices paid for the two separate types of properties.

**Non-Residential Lot Sales
Unimproved Street vs. Improved Streets**

Sales Price/ Per Square Foot	3312 Hardrock \$2.00	Sale 1 3001 Roy Orr \$2.00	Sale 2 3009 Roy Orr \$2.00	Sale 3 3301 Roy Orr \$2.89
Cash Equivalency	-0-	-0-	-0-	-0-
Eff. Sale Pr	\$2.00	\$2.00	\$2.00	\$2.89
Size/SF	129,809	149,497 -0-	172,062 -0-	152,068 -0-
Curbs/Gutters	No	Yes	Yes	Yes
Location	Corner/ Interior Streets	Major Street/No Corner -0-	Major Street/No Corner -0-	Corner Lot on Major Street -25%
Net Adjustment		-0- \$0.00	-0- \$0.00	-25% -\$0.72
Adjusted Sale Price	\$2.00	\$2.00	\$2.00	\$2.17

The sale at 3312 Hardrock Road (the subject in this analysis) **does not** have curbs/gutters and sold for \$2.00 per square foot. The three other sales **did** have curbs/gutters on their sites and sold at prices ranging from \$2.00 to \$2.89 per square foot. All of the sales are located in the same neighborhood. The subject had a corner location at the intersection of Shady Grove Road and Hardrock Road, two interior streets that do not have curbs or gutters. Sales 1 and 2 were both located on Roy Orr Boulevard, a four-lane major roadway with curbs and gutters, but neither sale had frontage on two streets. Overall, no adjustments were deemed necessary to Sales 1 and 2 for their locations in comparison to the subject. Sale 3 had a corner location at the intersection of Roy Orr Boulevard and Shady Grove Road, and one street **did** have curbs and gutters. Sale 3, with its frontage on Roy Orr Boulevard was deemed to have superior locational characteristics in comparison to the subject and a downward adjustment was warranted.

Based on the sales prices of these sales, and taking into account any locational or site differences, it did not appear that there was any great variance in the prices paid for the two separate types of properties.

ASSESSMENT VALUATION PROCESS

The analyst acknowledges that the new street improvements will provide some enhancement to the overall value of the subject properties, but the improvements will not increase the value of the subject properties at the same rate the City is proposing to assess the property owners. As with all home improvements, the value of the enhancement is very rarely equal to or greater than the actual cost of the improvement. Samples of these types of improvements are: new roofs, replaced fencing, updating of flooring, kitchens, bathrooms, etc. Generally speaking, these type of repairs, renovations or enhancements cost more to replace/construct than they will ever return should the property be sold. A good example is the addition of a swimming pool. A typical swimming pool can cost \$25,000 to install, but upon resale rarely yields \$10,000 more than a similar property without a swimming pool. The same goes for a new roof. While a new roof may be a selling feature in trying to market the property, very rarely does the property owner ever realize a return on the sale of the property equal to the cost to install the new roof. The same is true with the proposed street improvements and accompanying sidewalks and drives. **Based on the market data gathered and examined by the analyst, it is my opinion that the market value of the subject properties will only experience a slight increase in value because of the proposed improvements.**

In an effort to be equitable to the property owners, given that all of the property owners are supposedly paying their fair share, it is our opinion that the property owners be assessed at a rate of 50% of the estimated construction cost of the sidewalk improvements. Some of the properties in the project areas already have sidewalks. Those property owners should not be compelled to pay additional monies for improvements that they already have in place.

The Tables on the following pages identifies each of the subject properties, the assessment process employed by the City of Dallas, and finally, my estimation of a fair and reasonable value for the assessment.

Sidewalk Group 06-140

2) Ewing Avenue (S)(East Side Only) (Leave Outs) From Clarendon Street to 12th Street

Owner	Lot	Block	Frontage	Rate	Amount	Total Assessment	Recommended Assessment
Mary Louise Funk 3635 Fontana Drive Dallas, TX 75220	Pt Lts 11 & 12 53X100 Ewing 90FR Viola 416 S Ewing Ave	A/3114	53 Ft Walk	\$7.64	\$404.92	\$404.92	\$202.46
Jesus A Ortiz Jr & Veronica G Zavala 802 E 12 th Street Dallas, TX 75293	1 8 th St & Ewing Ave 802 E 12 th St	A/3114	115 Ft Walk	\$3.82	\$439.30	\$439.30	\$219.65

Sidewalk Group 06-140
 3) Huttig Avenue from Shortal Drive to South Buckner Boulevard

Owner	Lot	Block	Frontage	Rate	Amount	Total Assessment	Recommended Assessment
North Side of Street							
R M BRUTONS SUBD							
Don Gutierrez 8344 E S R L Thornton Frwy Suite 402 Dallas, TX 75228	10 Shortal Dr & Huttig Av 8003 Huttig Av	19/6228	61 Ft Walk	\$7.64	\$466.04	\$466.04	\$233.02
R M BRUTON							
Joan P Moton 8007 Huttig Ave. Dallas, TX 75217	9	19/6228	41 Ft Walk	\$7.64	\$313.24	\$313.24	\$156.62
Dennis A Morris 8011 Huttig Ave. Dallas, TX 75217	8	19/6228	49 Ft Walk	\$7.64	\$374.36	\$374.36	\$187.18
Thaddeus McDonald P.O. Box 868 McKinney, Tx 75070	7 8017 Huttig Av	19/6228	49 Ft Walk	\$7.64	\$374.36	\$374.36	\$187.18

Reconciliation and General Comments:

The Sales Comparison Method was not extremely beneficial in this study due to a lack of recent sales of properties needed to perform a comparative analysis. The subject properties are improved tracts of land. We have employed sales of vacant lots with and without curbs/gutters/sidewalks in order to perform a comparative analysis.

The analyst performed a search of the area for sales of vacant tracts of land and sales of single family residences, both with and without curbs/gutters and sidewalks. This search proved rather futile and we were compelled to expand our search for properties outside of the immediate area for sales for properties that had curb/gutters or sidewalks. Despite the distance between the subject sites and the sales, we were able to gather enough data to perform a comparative analysis on both types of properties. These analyses did not indicate that a premium was being paid for properties with curbs/gutters and sidewalks when compared to sales of similar type properties that did not possess those features. That does not necessarily mean that a property is not more marketable or attractive to a potential purchasers, it only means that based on the data we were able to gather and verify, we could not positively prove that a difference existed in the marketplace.

While it is true that the property owners will receive a nominal benefit from having new sidewalks, the benefit received from these new items will only provide a minimal amount of enhanced value to the properties when compared to the largest portion of the value of the lot; the land mass itself. As such, it is our contention that the subject properties will increase in value from the sidewalk improvements proposed by the City of Dallas, but not by the actual cost of the improvements, but rather, by a percentage of the estimated cost of construction. The enhancement to the site caused by the construction of the sidewalks is estimated at one-half of the actual cost to construct the improvements.

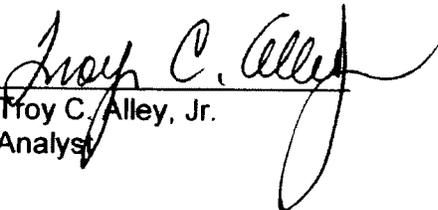
CERTIFICATE

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

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, unbiased 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. This assignment was not based on a requested minimum valuation, a specific valuation, or approval of a loan.
5. Ownership and site data was obtained from information appearing on the Tax Rolls and from data provided by the client.
6. Our analyses, opinions and conclusions were developed and this report has been prepared in conformity with the rules of the Texas Real Estate Commission.
7. Troy C. Alley, Jr. and Richard Darnell are both Certified General Real Estate Appraisers by the State of Texas.
8. Troy Alley, Jr. has made a personal inspection of the property which is the subject of this report. Richard Darnell has also made a personal inspection of the property.
9. The analysts are currently and properly certified by the Texas Appraiser Licensing and Certification Board, P.O. Box 12188 Austin, Texas.
10. Richard Darnell provided significant professional assistance to the person signing this report.
11. The assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
12. The analyst(s) is not an employee, officer or appointed board or commission member of the City of Dallas. We did not consider race, color, religion, sex, national origin, handicap or familial status in determining the value of the Subject Property.

13. **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 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.**

Con-Real, LP


Troy C. Alley, Jr.
Analyst

ORDINANCE NO. 28005

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 STREETS IN THE CITY OF DALLAS, TEXAS, TO WIT:

Sidewalk Group 06-140

1. Ewing Avenue (S)(leave outs) from Clarendon Drive to 12th Street
2. Huttig Avenue from Shortal Drive to South Buckner Boulevard

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 STREETS, 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

Sidewalk Group 06-140

1. Ewing Avenue (S)(leave outs) from Clarendon Drive to 12th Street
2. Huttig Avenue from Shortal Drive to South Buckner Boulevard

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 streets was duly adopted in compliance with the law on the 25th day of August, 2010; 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 streets 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 22nd day of September, 2010; 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 22nd day of September, 2010 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 22nd day of September, 2010, 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 streets 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. 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

SECTION 1. (Continued) 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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SIDEWALK GROUP 06-140

**1. EWING AVENUE (S)(LEAVE OUTS) FROM CLARENDON DRIVE TO 12TH STREET
SHALL BE IMPROVED WITH 4-INCH THICK REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET
WIDE WHERE SPECIFIED**

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
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WEST SIDE OF STREET

OAK CLIFF ORIGINAL

CITY OF DALLAS 1500 MARILLA ST DALLAS, TEXAS 75201	Pt Lt 12 15Ft 11 & 35Ft 12 N 85Ft Lt 11 S 1/2 Lt 10 N 1/2 Lt 10 Acs. 0.2095 S Pt Lt 9 Acs. 0.2097 N Pt Lt 9 Acs. 0.1428	120/3103				NO ASSESSMENT CITY OF DALLAS
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EAST SIDE OF STREET

DALLAS LAND

JESUS A ORTIZ JR & VERONICA G ZAVALA 802 E 12TH STREET DALLAS, TEXAS 75293	1	A/3114 115 FT WALK	\$3.82	<u>\$439.30</u>		
		TOTAL		\$439.30		
		ADJ PER ENHANCEMENT EVAL		\$219.65		
		NET DUE BY OWNER				\$219.65
MARY LOUISE FUNK 3635 FONTANA DRIVE DALLAS, TEXAS 75220	Pt Lts 11 & 12 53X100 Ewing 90FR Viola 416 S Ewing Av	A/3114 53 FT WALK	\$7.64	<u>\$404.92</u>		
		TOTAL		\$404.92		
		ADJ PER ENHANCEMENT EVAL		\$202.46		
		NET DUE BY OWNER				\$202.46

28005

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SIDEWALK GROUP 06-140

1. EWING AVENUE (S)(LEAVE OUTS) FROM CLARENDON DRIVE TO 12TH STREET

TOTAL PROPERTY OWNERS' COST ASSESSMENTS	\$844.22	
ADJUSTMENT PER ENHANCEMENT EVALUATION	\$422.11	
NET DUE BY OWNER		\$422.11
TOTAL CITY OF DALLAS' COST - PAVING	\$37,866.89	
TOTAL CITY OF DALLAS' COST		\$37,866.89
TOTAL COST OF IMPROVEMENTS		\$38,289.00

28005

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SIDEWALK GROUP 06-140

2. HUTTIG AVENUE FROM SHORTAL DRIVE TO SOUTH BUCKNER BOULEVARD
 SHALL BE IMPROVED WITH 4-INCH THICK REINFORCED CONCRETE SIDEWALKS
 4 OR 5 FEET WIDE WHERE SPECIFIED

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
NORTH SIDE OF STREET						
<i>R M BRUTONS SUBD</i>						
INOCENCIO & MERIBEL FLORES	10	19/6228	61 FT WALK	\$7.64	<u>\$466.04</u>	
8003 HUTTIG AVENUE	Shortal Dr &	TOTAL			\$466.04	
DALLAS, TEXAS 75217	Huttig St	ADJ PER ENHANCEMENT EVAL			\$233.02	
		NET DUE BY OWNER				\$233.02
<i>R M BRUTON</i>						
JOAN P MOTON	9	19/6228	41 FT WALK	\$7.64	<u>\$313.24</u>	
8007 HUTTIG AVE		TOTAL			\$313.24	
DALLAS, TEXAS 75217		ADJ PER ENHANCEMENT EVAL			\$156.62	
		NET DUE BY OWNER				\$156.62
DENNIS A MORRIS	8	19/6228	49 FT WALK	\$7.64	<u>\$374.36</u>	
8011 HUTTIG AVE		TOTAL			\$374.36	
DALLAS, TEXAS 75217		ADJ PER ENHANCEMENT EVAL			\$187.18	
		NET DUE BY OWNER				\$187.18
THADEUS MCDONALD	7	19/6228	49 FT WALK	\$7.64	<u>\$374.36</u>	
P O BOX 868	8017 Huttig Av	TOTAL			\$374.36	
MCKINNEY, TEXAS 75070		ADJ PER ENHANCEMENT EVAL			\$187.18	
		NET DUE BY OWNER				\$187.18

28005

102430

SIDEWALK GROUP 06-140

2. HUTTIG AVENUE FROM SHORTAL DRIVE TO SOUTH BUCKER BOULEVARD

TOTAL PROPERTY OWNERS' COST ASSESSMENTS	\$1,528.00	
ADJUSTMENT PER ENHANCEMENT EVALUATION	\$764.00	
NET DUE BY OWNER		\$764.00
TOTAL CITY OF DALLAS' COST - PAVING	\$27,475.00	
TOTAL CITY OF DALLAS' COST		\$27,475.00
TOTAL COST OF IMPROVEMENTS		\$28,239.00

28005

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Sidewalk Group 06-140

1. Ewing Avenue (S)(leave outs) from Clarendon Drive to 12th Street
2. Huttig Avenue from Shortal Drive to South Buckner Boulevard

Grand Total Property Owners' Cost - Assessments	\$2,372.22	
Adjustments Per Enhancement Evaluation	\$1,186.11	
Grand Net Due by Owner		\$1,186.11
Grand Total City of Dallas' Cost - Paving	\$65,341.89	
Grand Total City of Dallas' Cost		\$65,341.89
Grand Total Cost of Improvements		\$66,528.00

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 streets 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.

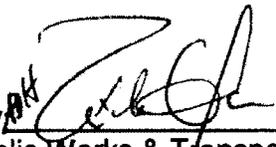
SECTION 11. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas and it is accordingly ordained.

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 SEP 22 2010.