

June 22, 2011

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

Alley between Goodwin Avenue and Vanderbilt Avenue from Laneri Avenue to Glencoe Street
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, Sustainable Development and Construction 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 June A.D. 2011 be and the same is hereby ordered closed.

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 alley 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.

APPROVED BY
CITY COUNCIL

JUN 22 2011


City Secretary

111787

REPORT #11-08

on

ENHANCEMENT EVALUATION STUDY
LOG NOS. 36502 & 36503

PROJECT:

- 1) ALLEY BETWEEN NEBRASKA AVENUE AND
RAMONA AVENUE FROM MAYWOOD AVENUE
TO GRACELAND AVENUE
- 2) ALLEY BETWEEN THURSTON DRIVE AND
WANEBE DRIVE FROM BOMBAY AVENUE
TO GILFORD STREET
- 3) ALLEY BETWEEN GOODWIN AVENUE AND
VANDERBILT AVENUE FROM LANERI AVENUE
TO GLENCOE STREET
DALLAS, TEXAS

For:

Mr. Vincent Leal
City of Dallas
Department of 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

Handwritten signature

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

Date of Inspection:	April 15, 2011
Effective Date of Study:	April 15, 2011
Date Report Prepared:	April 14, 2011 to April 29, 2011
Date of Transmittal:	April 29, 2011
Subject Properties:	Various Residential Properties
Locations:	<p>Project 1) Alley between Nebraska Avenue and Ramona Avenue from Maywood Avenue to Graceland Avenue</p> <p>Project 2) Alley between Thurston Drive and Wanebe Drive from Bombay Avenue to Gilford Street</p> <p>Project 3) Alley between Goodwin Avenue and Vanderbilt Avenue from Laneri Avenue to Glencoe Street, Dallas, Texas</p>
Zoning Classifications:	<p>Project 1) R-7.5(A) - Single Family Residential</p> <p>Project 2) TH-2(A) - Townhouse Residential/Single Family Residential</p> <p>Project 1) R-7.5(A) - Single Family Residential</p>
Current Use:	Single Family Dwellings
Highest & Best Use:	Residential 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 street, sidewalk and driveway improvements that affect the subject properties as of April 15, 2011.

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 alley and driveway 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.

GENERAL DATA

Project Description for Project 3:

Alley between Goodwin Avenue and Vanderbilt Avenue from Laneri Avenue to Glencoe Street, Dallas, Texas (Mapsco - Dallas 35 V)

Property Owners: Varied (see tables)

AREA/NEIGHBORHOOD ANALYSIS

Area Description: North central section of Dallas; a mix of residential and commercial developments; US 75 (Central Expressway), Mockingbird Lane, Monticello Avenue, McCommas Avenue, Greenville Avenue and Skillman Avenue are the major roadways

Neighborhood Description: Older, middle income residential neighborhood with scattered schools, churches, retail and commercial businesses; level to rolling terrain

Property Values: \$150,000 - \$300,000+ Residential (typical)

Demand/Supply: Stable/Adequate

Neighborhood Land Use: 80% residential; 20% retail, commercial and parks

Neighborhood Trend & Probable Changes: Neighborhood is stable; no anticipated changes

Factors Affecting the Neighborhood: No adverse factors noted

Zoning Classification of Project Area: "R-7.5(A)" - Single Family Residential

Highest and Best Use: Residential Uses

Utilities: All available

Easements, Encumbrances, Special Assessments: None noted

FEMA Flood Zone: "X" - No Flood Plain

FEMA Map No.: 48113 C0510 J dated 8/23/2001

Known or Apparent Environmental Hazards: No environmental hazards noted.

IMPROVEMENT ANALYSIS

General Description and Use: The project area contains single family residences

Size and Shape: Various

Comments: Based only on a cursory inspection, the improvements in the project area appeared to be in fair-to-very good condition at the time of inspection.

EVALUATION ANALYSIS

In the Assessment Study performed by the City of Dallas, the City calculated a Front-Foot price in order to estimate the enhancement value derived by the property owner due to the paving of the alley and/or driveway that is located at the rear of each affected property. This front foot value was taken from the estimated cost of the materials and labor associated with the actual amount of paving along the rear of each property in the project area.

The assessed value of the enhancement was based on \$15.90 per front foot for concrete and labor required to pave the alley and \$42.34 per square yard for the driveways. Properties that have existing alleys or driveways that are paved are not being assessed any additional monies 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 two other ways to analyze the value the alley improvements enhancement 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 alley improvements. In addition to that study, we have tested two other approaches that we deem reasonable for estimating an equitable assessment to the property owners for any enhancements they might receive from the alley improvements. These methods are a Tax Assessment Analysis, whereby both types of properties (properties with paved and unpaved alleys) are compared to each other, and the Sales Comparison Method that employs the sales of properties with unimproved and improved alleys in the area for purposes of comparing the prices paid for properties that have and do not have paved alleyways.

TAX ASSESSMENT ANALYSIS

A study by the analysts of lots without paved alleys were compared to the tax assessments of the lots of similar, nearby properties that had paved alleys. The analysis is as follows:

<u>Lots with Paved Alleys:</u>	<u>Lot Assessment</u>	<u>Size/SF</u>	<u>Assessment/SF</u>
2700 Hibernia St.	\$403,200	10,080	\$40.00
2706 Hibernia St.	\$403,200	10,080	\$40.00
2712 Hibernia St.	\$ 91,720	2,293	\$40.00

<u>Lots W/O Paved Alleys:</u>	<u>Lot Assessment</u>	<u>Size/SF</u>	<u>Assessment/SF</u>
2315 Routh St.	\$200,000	5,000	\$40.00
2508 State St.	\$300,000	7,500	\$40.00
2512 State St.	\$300,000	7,500	\$40.00

As indicated above, the analysis does not produce any evidence that lots with paved alleys were being assessed at a higher rate than properties without paved alleys. It should be noted that this study was previously performed and that the lots without paved alleys have subsequently been paved.

SALES COMPARISON METHOD

This method involves comparing the sales prices of recent sales of vacant tracts of land and improved residential properties with & without existing paved alleys and forming an opinion as to how much, if any, a purchaser is willing to pay for a property that has existing paved alley over a tract that does not have a paved alley.

The subject areas were searched for recent sales of vacant lots 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 very few of sales due to the fact that most alleys in the area have already been constructed with asphalt or concrete paving and sales of lots without these features were not commonplace. As such, the analysts has included a study that was previously performed in another area of town. Despite the fact that the study was not performed in any of the project areas described in this report, it is our opinion that the information gathered in the study would also relate to the subject properties that are part of this report. It should be noted that this study was previously performed and that the lots without paved alleys may have subsequently been paved.

Lot Sales
Unimproved Alley vs. Improved Alley

Sales Price/ Per Square Foot	3614 Brown \$51.39	Sale 1 2630 Welborn \$40.32	Sale 2 2626 Welborn \$40.32	Sale 3 3633 Brown \$35.09
Cash Equivalency	-0-	-0-	-0-	-0-
Eff. Sale Pr.	\$51.39	\$40.32	\$40.32	\$35.09
Bulk Sale	No	Yes +10%	Yes +10%	Yes +10%
Size/SF	3600	2,852 +20%	2,852 +20%	3,438 -0-
Paved Alley	No	Yes	Yes	Yes
Location	Good	Similar -0-	Similar -0-	Similar -0-
Net Adjustment		+30% +\$12.10	+30% +\$12.10	+10% +\$3.51
Adjusted Sale Price	\$51.39	\$52.42	\$52.42	\$38.60

The sale at 3614 Brown (the subject in this analysis) **does not** have a paved alley and sold for \$51.39 per square foot. The three other sales **did** have a paved alley adjoining their sites and sold at adjusted prices ranging from \$38.60 to \$52.42 square foot. All of the sales are located in the same neighborhood and each has similar locational characteristics in regards to surrounding developments, type of improved properties and assessed lot values. In fact, all of the sales were within ½ block of each other and the subject sale. Other than the fact that the subject did not have a paved alley, there were very few other significant or measurable differences between the subject and the comparable sales besides size and the fact that the three sales were all purchased at the same time, in bulk, for a new townhome development.

Based on the actual and adjusted 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.

ALLEY GROUP 06-1124
 ALLEY BETWEEN GOODWIN AVENUE AND VANDERBILT AVENUE FROM LANERI AVENUE
 TO GLENCOE STREET

Owner	Lot	Block	Frontage	Rate	Amount	Total Assessment	Recommended Assessment
NORTH SIDE OF STREET							
GREENLAND HILLS							
ELIZABETH BEDELL 5302 VANDERBILT AVE. DALLAS, TX 75206	1	M/2181	54 FT PVMT	\$15.90	\$858.60	\$858.60	\$429.30
SHANE & JOANNA DIVER 5306 VANDERBILT AVE. DALLAS, TX 75206	2	M/2181	53 FT PVMT	\$15.90	\$842.70	\$842.70	\$421.35
WILLIAM S. DALRYMPLE 5310 VANDERBILT AVE. DALLAS, TX 75206	3	M/2181	50 FT PVMT	\$15.90	\$795.00	\$795.00	\$397.50
KENNETH F. MILLER III & MELISSA JANE MILLER 5314 VANDERBILT AVE. DALLAS, TX 75206	4	M/2181	50 FT PVMT	\$15.90	\$795.00	\$795.00	\$397.50
ADAM M. DIAMOND & TAMAR DIAMOND 5318 VANDERBILT AVE. DALLAS, TX 75206	5	M/2181	50 FT PVM 5.4 SY DR (17' WIDE)	\$15.90 \$42.34	\$795.00 \$228.64	\$1,023.64	\$511.82
JOHN K. & ANNE K. VARGO 5322 VANDERBILT AVE. DALLAS, TX 75206	6	M/2181	50 FT PVMT	\$15.90	\$795.00	\$795.00	\$397.50
JAMES H. MCFARLIN & MICHELLE N. MCFARLIN 5328 VANDERBILT AVE. DALLAS, TX 75206	7	M/2181	50 FT PVMT	\$15.90	\$795.00	\$795.00	\$397.50

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Owner	Lot	Block	Frontage	Rate	Amount	Total Assessment	Recommended Assessment
LINDA ECHOLS 5330 VANDERBILT AVE. DALLAS, TX 75206	8	M/2181	50 FT PVMT	\$15.90	\$795.00	\$795.00	\$397.50
CHRISTOPHER SELBY 5334 VANDERBILT AVE. DALLAS, TX 75206	9	M/2181	50 FT PVMT	\$15.90	\$795.00	\$795.00	\$397.50
JOSE G. SANTOS JR. 5338 VANDERBILT AVE. DALLAS, TX 75206	10	M/2181	50 FT PVMT	\$15.90	\$795.00	\$795.00	\$397.50
JAMES RYDER HAZARD 5342 VANDERBILT AVE. DALLAS, TX 75206	11	M/2181	50 FT PVMT	\$15.90	\$795.00	\$795.00	\$397.50
G MARIE C. LLC 7226 WAKE FORREST DR. DALLAS, TX 75214	12 5346 Vanderbilt Ave	M/2181	50 FT PVMT	\$15.90	\$795.00	\$795.00	\$397.50
GREENLAND HILLS HILL TOP SEC							
TRAVIS SCOTT & KIMBERLY SUE MESSINA 5350 VANDERBILT AVE. DALLAS, TX 75206	13	M/2181	53 FT PVMT	\$15.90	\$842.70	\$842.70	\$421.35
GREENLAND HILLS							
MANU EL ROMERO 5354 VANDERBILT AVE. DALLAS, TX 75206	14	M/2181	54 FT PVMT	\$15.90	\$858.60	\$858.60	\$429.30
SOUTH SIDE OF STREET							
LISA K. GWALTNEY 5355 GOODWIN AVE. DALLAS, TX 75206	44	1/2073	54 FT PVMT	\$15.90	\$858.60	\$858.60	\$429.30

Owner	Lot	Block	Frontage	Rate	Amount	Total Assessment	Recommended Assessment
BRUCE K. THOMAS & PAMELA . T. THOMAS 5349 GOODWIN AVE. DALLAS, TX 75206	43	1/2073	50 FT PVMT	\$15.90	\$795.00	\$795.00	\$397.50
NIKUNJ & ANITA SINGHAL 5345 GOODWIN AVE. DALLAS, TX 75206	42	1/2073	60 FT PVMT 18 FT DRIVE	\$15.90 No Cost	\$954.00 \$0.00	\$954.00	\$477.00
MONICA C. HUTTON 5323 RIDGEDALE AVE. DALLAS, TX 75206	41 5343 Goodwin Ave	1/2073	50 FT PVMT	\$15.90	\$795.00	\$795.00	\$397.50
LILIA MOLINA 5411 RIDGEDALE AVE. DALLAS, TX 75206	40 5341 Goodwin Ave	1/2073	50 FT PVMT	\$15.90	\$795.00	\$795.00	\$397.50
VICKERY PLACE							
LARRY A. & MARY E. BAGBY 5335 GOODWIN AVE. DALLAS, TX 75206	39	1/2073	50 FT PVMT 3.7 SY DR (11' WIDE)	\$15.90 \$42.34	\$795.00 \$156.66	\$951.66	\$475.83
THOMAS H. KENDALL & ALICE L. RODRIGUEZ 5331 GOODWIN AVE. DALLAS, TX 75206	38	1/2073	50 FT PVMT 6.5 SY DR (21' WIDE)	\$15.90 \$42.34	\$795.00 \$275.21	\$1,070.21	\$535.10
ROBERT G. III SAUNDERS & SUE T. SAUNDERS 4502 HOLLAND AVE. #204 DALLAS, TX 75219	37 5327 Goodwin Ave	1/2073	50 FT PVMT 6.2 SY DR (20' WIDE)	\$15.90 \$42.34	\$795.00 \$262.51	\$1,057.51	\$528.75

Owner	Lot	Block	Frontage	Rate	Amount	Total Assessment	Recommended Assessment
SAMUEL F. NOVELL & SUSAN I. NOVELL 5323 GOODWIN AVE. DALLAS, TX 75206	36	1/2073	50 FT PVMT 24 FT DRIVE	\$15.90 No Cost	\$795.00 \$0.00	\$795.00	\$397.50
DIXON WONG 5319 GOODWIN AVE. DALLAS, TX 75206	35	1/2073	50 FT PVMT	\$15.90	\$795.00	\$795.00	\$397.50
JOHN B. HOLMES 6335 PROSPECT AVE. DALLAS, TX 75214	34 5315 Goodwin Ave	1/2073	50 FT PVMT	\$15.90	\$795.00	\$795.00	\$397.50
BARBARA K. HUNT 7317 PLEASANT VIEW DR. DALLAS, TX 75231	33 5311 Goodwin Ave	1/2073	50 FT PVMT	\$15.90	\$795.00	\$795.00	\$397.50
NICHOLAS LOSADA & KATHERINE LOSADA 5307 GOODWIN AVE. DALLAS, TX 75206	32	1/2073	50 FT PVMT 20 FT DRIVE	\$15.90 No Cost	\$795.00 \$0.00	\$795.00	\$397.50
PATRICIA & JOSEPH SEREMET 5303 GOODWIN AVE. DALLAS, TX 75206	31	1/2073	50 FT PVMT	\$15.90	\$795.00	\$795.00	\$397.50

Reconciliation and General Comments:

The analysts performed a search of the area for sales of vacant tracts of land both with and without paved alleyways. Despite the lack of verifiable sales data, we were able to gather enough data to perform a comparative analysis to derive an opinion for the assessment. This analysis did not indicate that a premium was being paid for properties with paved alleys when compared to sales of similar type properties that did not have paved alleys. That does not necessarily mean that a property is not more marketable or attractive to a potential purchaser, 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.

An analysis of other nearby properties tax assessments (properties with paved alleys) was also examined and then compared to the assessed values of the subject properties (without paved alleys) and this analysis did not produce any evidence that lots with paved alleys were being assessed at a higher rate than properties without paved alleys.

While it is true that the property owners will receive a benefit from having a new paved alley, the benefit received from this new alley 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 new paved alley improvements proposed by the City of Dallas, not by the actual cost of the improvements, but rather by a percentage of the actual cost of the new alley. The enhancement to the lot derived by the new paved alley and driveway improvements is estimated at 50% of the proposed paving assessment cost (per lot) as derived by the study performed by the City of Dallas and this is considered to be fair and reasonable to each property owner affected.

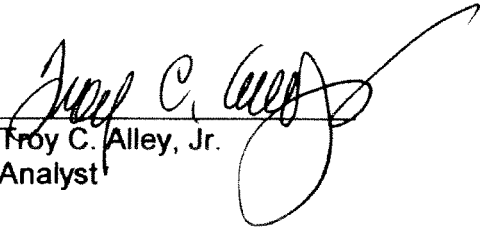
CERTIFICATE

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

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

Alley between Goodwin Avenue and Vanderbilt Avenue from Laneri Avenue to Glencoe Street

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 ALLEY, 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

Alley between Goodwin Avenue and Vanderbilt Avenue from Laneri Avenue to Glencoe Street

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 alley 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 alley was duly adopted in compliance with the law on the 25th day of May, 2011; 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 alley 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 June, 2011; 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 June, 2011 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 June, 2011, 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 alley 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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ALLEY BETWEEN GOODWIN AVENUE AND VANDERBILT AVENUE FROM LANERI AVENUE
TO GLENCOE STREET
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED
CONCRETE 10 FEET WIDE

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
NORTH SIDE OF STREET						
GREENLAND HILLS						
ELIZABETH BEDELL 5302 VANDERBILT AVE DALLAS, TX 75206	1	M/2181	54 FT PVMT	\$15.90	<u>\$858.60</u>	
			TOTAL		\$858.60	
			ADJ PER ENHANCEMENT EVAL		\$429.30	
			NET DUE BY OWNER			\$429.30
SHANE & JOANNA DIVER 5306 VANDERBILT AVE DALLAS, TX 75206	2	M/2181	53 FT PVMT	\$15.90	<u>\$842.70</u>	
			TOTAL		\$842.70	
			ADJ PER ENHANCEMENT EVAL		\$421.35	
			NET DUE BY OWNER			\$421.35
WILLIAM S. DALRYMPLE 5310 VANDERBILT AVE DALLAS, TX 75206	3	M/2181	50 FT PVMT	\$15.90	<u>\$795.00</u>	
			TOTAL		\$795.00	
			ADJ PER ENHANCEMENT EVAL		\$397.50	
			NET DUE BY OWNER			\$397.50
KENNETH F. MILLER III & MELISSA JANE MILLER 5314 VANDERBILT AVE DALLAS, TX 75206	4	M/2181	50 FT PVMT	\$15.90	<u>\$795.00</u>	
			TOTAL		\$795.00	
			ADJ PER ENHANCEMENT EVAL		\$397.50	
			NET DUE BY OWNER			\$397.50
ADAM M. DIAMOND & TAMAR DIAMOND 5318 VANDERBILT AVE DALLAS, TX 75206	5	M/2181	50 FT PVMT	\$15.90	<u>\$795.00</u>	
			5.4 SY DR(17'WIDE)	\$42.34	<u>\$228.64</u>	
			TOTAL		\$1,023.64	
			ADJ PER ENHANCEMENT EVAL		\$511.82	
			NET DUE BY OWNER			\$511.82

28273

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ALLEY BETWEEN GOODWIN AVENUE AND VANDERBILT AVENUE FROM LANERI AVENUE
TO GLENCOE STREET
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED
CONCRETE 10 FEET WIDE

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
GREENLAND HILLS						
JOHN K. & ANNE K. VARGC 5322 VANDERBILT AVE DALLAS, TX 75206	6	M/2181	50 FT PVMT	\$15.90	<u>\$795.00</u>	
			TOTAL		\$795.00	
			ADJ PER ENHANCEMENT EVAL		\$397.50	
			NET DUE BY OWNER			\$397.50
JAMES H. MCFARLIN & MICHELLE N. MCFARLIN 5328 VANDERBILT AVE DALLAS, TX 75206	7	M/2181	50 FT PVMT	\$15.90	<u>\$795.00</u>	
			TOTAL		\$795.00	
			ADJ PER ENHANCEMENT EVAL		\$397.50	
			NET DUE BY OWNER			\$397.50
LINDA ECHOLS 5330 VANDERBILT AVE DALLAS, TX 75206	8	M/2181	50 FT PVMT	\$15.90	<u>\$795.00</u>	
			TOTAL		\$795.00	
			ADJ PER ENHANCEMENT EVAL		\$397.50	
			NET DUE BY OWNER			\$397.50
CHRISTOPHER SELBY 5334 VANDERBILT AVE DALLAS, TX 75206	9	M/2181	50 FT PVMT	\$15.90	<u>\$795.00</u>	
			TOTAL		\$795.00	
			ADJ PER ENHANCEMENT EVAL		\$397.50	
			NET DUE BY OWNER			\$397.50
JOSE G. SANTOS JR. 5338 VANDERBILT AVE DALLAS, TX 75206	10	M/2181	50 FT PVMT	\$15.90	<u>\$795.00</u>	
			TOTAL		\$795.00	
			ADJ PER ENHANCEMENT EVAL		\$397.50	
			NET DUE BY OWNER			\$397.50
JAMES RYDER HAZARD 5342 VANDERBILT AVE DALLAS, TX 75206	11	M/2181	50 FT PVMT	\$15.90	<u>\$795.00</u>	
			TOTAL		\$795.00	
			ADJ PER ENHANCEMENT EVAL		\$397.50	
			NET DUE BY OWNER			\$397.50

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CONCRETE 10 FEET WIDE

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
GREENLAND HILLS						
G MARIE C. LLC	12	M/2181	50 FT PVMT	\$15.90	<u>\$795.00</u>	
7226 WAKE FORREST DR	5346		TOTAL		\$795.00	
DALLAS, TX 75214	Vanderbilt		ADJ PER ENHANCEMENT EVAL		\$397.50	
	Ave		NET DUE BY OWNER			\$397.50
GREENLAND HILLS HILLTOP SEC						
TRAVIS SCOTT &	13	M/2181	53 FT PVMT	\$15.90	<u>\$842.70</u>	
KIMBERLY SUE MESSINA			TOTAL		\$842.70	
5350 VANDERBILT AVE			ADJ PER ENHANCEMENT EVAL		\$421.35	
DALLAS, TX 75206			NET DUE BY OWNER			\$421.35
GREENLAND HILLS						
MANUEL ROMERO	14	M/2181	54 FT PVMT	\$15.90	<u>\$858.60</u>	
5354 VANDERBILT AVE			TOTAL		\$858.60	
DALLAS, TX 75206			ADJ PER ENHANCEMENT EVAL		\$429.30	
			NET DUE BY OWNER			\$429.30
SOUTH SIDE OF STREET						
VICKERY PLACE						
LISA K. GWALTNEY	44	1/2073	54 FT PVMT	\$15.90	<u>\$858.60</u>	
5355 GOODWIN AVE			TOTAL		\$858.60	
DALLAS, TX 75206			ADJ PER ENHANCEMENT EVAL		\$429.30	
			NET DUE BY OWNER			\$429.30
BRUCE K. THOMAS &	43	1/2073	50 FT PVMT	\$15.90	<u>\$795.00</u>	
PAMELA T. THOMAS			TOTAL		\$795.00	
5349 GOODWIN AVE			ADJ PER ENHANCEMENT EVAL		\$397.50	
DALLAS, TX 75206			NET DUE BY OWNER			\$397.50

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TO GLENCOE STREET
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CONCRETE 10 FEET WIDE

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
VICKERY PLACE						
NIKUNJ & ANITA SINGHAL 5345 GOODWIN AVE DALLAS, TX 75206	42	1/2073	60 FT PVMT 18 FT DRIVE	\$15.90 No Cost	\$954.00 \$0.00	
			TOTAL		\$954.00	
			ADJ PER ENHANCEMENT EVAL		\$477.00	
			NET DUE BY OWNER			\$477.00
MONICA C. HUTTON 5323 RIDGEDALE AVE DALLAS, TX 75206	41 5343 Goodwin Ave	1/2073	50 FT PVMT	\$15.90	\$795.00 \$795.00	
			TOTAL		\$795.00	
			ADJ PER ENHANCEMENT EVAL		\$397.50	
			NET DUE BY OWNER			\$397.50
LILIA MOLINA 5411 RIDGEDALE AVE DALLAS, TX 75206	40 5341 Goodwin Ave	1/2073	50 FT PVMT	\$15.90	\$795.00 \$795.00	
			TOTAL		\$795.00	
			ADJ PER ENHANCEMENT EVAL		\$397.50	
			NET DUE BY OWNER			\$397.50
LARRY A. & MARY BAGBY 5335 GOODWIN AVE DALLAS, TX 75206	39	1/2073	50 FT PVMT 3.7 SY DR(11' WIDE	\$15.90 \$42.34	\$795.00 \$156.66	
			TOTAL		\$951.66	
			ADJ PER ENHANCEMENT EVAL		\$475.83	
			NET DUE BY OWNER			\$475.83
THOMAS H. KENDALL & ALICE L. RODRIGUEZ 5331 GOODWIN AVE DALLAS, TX 75206	38	1/2073	50 FT PVMT 6.5 SY DR(21' WIDE	\$15.90 \$42.34	\$795.00 \$275.21	
			TOTAL		\$1,070.21	
			ADJ PER ENHANCEMENT EVAL		\$535.11	
			NET DUE BY OWNER			\$535.10

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CONCRETE 10 FEET WIDE

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
VICKERY PLACE						
ROBERT G. III SAUNDERS ,	37	1/2073	50 FT PVMT	\$15.90	\$795.00	
SUE T. SAUNDERS	5327		6.2 SY DR(20'WIDE)	\$42.34	<u>\$262.51</u>	
4502 HOLLAND AVE #204	Goodwin		TOTAL		\$1,057.51	
DALLAS, TX 75219	Ave		ADJ PER ENHANCEMENT EVAL		\$528.76	
			NET DUE BY OWNER			\$528.75
SAMUEL F. NOVELL &	36	1/2073	50 FT PVMT	\$15.90	\$795.00	
SUSAN I. NOVELL			24 FT DRIVE	No Cost	<u>\$0.00</u>	
5323 GOODWIN AVE			TOTAL		\$795.00	
DALLAS, TX 75206			ADJ PER ENHANCEMENT EVAL		\$397.50	
			NET DUE BY OWNER			\$397.50
DIXON WONG	35	1/2073	50 FT PVMT	\$15.90	<u>\$795.00</u>	
5319 GOODWIN AVE			TOTAL		\$795.00	
DALLAS, TX 75206			ADJ PER ENHANCEMENT EVAL		\$397.50	
			NET DUE BY OWNER			\$397.50
JOHN B. HOLMES	34	1/2073	50 FT PVMT	\$15.90	<u>\$795.00</u>	
6335 PROSPECT AVE	5315		TOTAL		\$795.00	
DALLAS, TX 75214	Goodwin		ADJ PER ENHANCEMENT EVAL		\$397.50	
	Ave		NET DUE BY OWNER			\$397.50
BARBARA K. HUNT	33	1/2073	50 FT PVMT	\$15.90	<u>\$795.00</u>	
7317 PLEASANT VIEW DR	5311		TOTAL		\$795.00	
DALLAS, TX 75231	Goodwin		ADJ PER ENHANCEMENT EVAL		\$397.50	
	Ave		NET DUE BY OWNER			\$397.50

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CONCRETE 10 FEET WIDE

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
VICKERY PLACE						
NICHOLAS LOSADA & KATHERINE LOSADA 5307 GOODWIN AVE DALLAS, TX 75206	32	1/2073	50 FT PVMT 20 FT DRIVE TOTAL ADJ PER ENHANCEMENT EVAL NET DUE BY OWNER	\$15.90 No Cost	\$795.00 <u>\$0.00</u> \$795.00 \$397.50	 \$397.50
PATRICIA & JOSEPH SEREMET 5303 GOODWIN AVE DALLAS, TX 75206	31	1/2073	50 FT PVMT TOTAL ADJ PER ENHANCEMENT EVAL NET DUE BY OWNER	\$15.90	<u>\$795.00</u> \$795.00 \$397.50	 \$397.50

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**Alley between Goodwin Avenue and Vanderbilt Avenue from Laneri Avenue to
Glencoe Street**

Total Property Owners' Cost - Assessments	\$23,628.22	
Adjustments Per Enhancement Evaluation	\$11,814.12	
Net Due by Owner		\$11,814.10
Total City of Dallas' Cost - Paving	\$40,860.90	
Total Water Utilities Department Cost Water and Wastewater Adjustments	\$7,200.00	
Total City of Dallas' Cost		\$48,060.90
Total Cost of Improvements		\$59,875.00

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 alley 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 Coordinator

Approved by 
Director, Public Works and Transportation

Passed and correctly enrolled JUN 22 2011

WHEREAS, on May 25, 2011, Resolution No. 11-1303 authorized improvements and the public hearing; and,

WHEREAS, bids were received on April 21, 2011, for alley paving, water and wastewater adjustments for the alley between Goodwin Avenue and Vanderbilt Avenue from Laneri Avenue to Glencoe Street, as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
Estrada Concrete Company, LLC	\$59,875.00
SYB Construction Co.	\$65,968.40
Texas Standard Construction	\$86,369.50
MACVAL Associates, LLC	\$90,162.00
Camino Construction, LP	\$92,262.00
PAEE Corp.	\$96,092.00

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 construction contract with Estrada Concrete Company, LLC for the construction of street paving, water and wastewater adjustments for the alley between Goodwin Avenue and Vanderbilt Avenue from Laneri Avenue to Glencoe Street in an amount not to exceed \$59,875.00, 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 contract from:

Street and Transportation Improvements Fund	
Fund 6T22, Department PBW, Unit U001, Act. APET	
Obj. 4510, Program #PB06U001, CT# PBW06U001H1	
Vendor #511236, in an amount not to exceed	\$52,675.00

Water Construction Fund	
Fund 0102, Department DWU, Unit CW42, Act. RELP	
Obj. 3221, Program #711161X, REP W2OQ, CT PBW711161EN	
Vendor #511236, in an amount not to exceed	\$ 5,800.00

June 22, 2011

Wastewater Construction Fund

Fund 0103, Department DWU, Unit CS42, Act. RELP

Obj. 3222, Program #711162X, REP T2GZ, CT PBW711162EN

Vendor #511236, in an amount not to exceed

\$1,400.00

Total in an amount not to exceed

\$59,875.00

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.

APPROVED BY
CITY COUNCIL

JUN 22 2011


City Secretary