

ORDINANCE NO. 456

AN ORDINANCE ADOPTING THE PRELIMINARY ASSESSMENT ROLL IN CONNECTION WITH THE IMPROVEMENT OF CERTAIN STREETS WITHIN THE CITY; ORDERING AND SETTING A HEARING FOR THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHER INTERESTED IN SAID ABUTTING PROPERTY OR IN THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY SECRETARY TO GIVE NOTICE OF SAID HEARING; ENACTING OTHER PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EMERGENCY.

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

Addison Road from its intersection with the south right-of-way line of Keller Springs Road to the north city limits line of the City of Addison.

Addison Road from its intersection with the south right-of-way line of Keller Springs Road to the north right-of-way of Belt Line Road

Keller Springs Road from its intersection with the east right-of-way of Addison Road to the west right-of-way of Dallas Parkway

For a part of the cost of improving said streets, fixing a time for the hearing of the real and true owners of said abutting property and all others interested in said abutting property or in the proceedings and directing the City Secretary to give notice of

said hearing, as required by law; and,

WHEREAS, the City Council has heretofore by ordinance, ordered the improvement of the streets enumerated above, by paving said streets from curb to curb with approximately eight (8) inch thick asphaltic concrete together with curbs and gutters and storm sewers. Any existing permanent improvements in place, meeting these specifications, are which may be utilized, shall be left in place, if any, any corresponding credits to the property owners shall be allowed on the assessments; and,

WHEREAS, the City Engineer, in accordance with the law, filed his report with the City Council, setting forth the participation by the railway or street railway companies, if any, and the property owners and the cost thereof, together with the names of the owners and the description of said property, and the work to be done adjacent thereto, and the amounts to be proposed to be assessed against each lot or parcel and its owner and all other matters required by the applicable law; therefore,

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

SECTION 1. Every recital and finding contained in the preamble of this ordinance is hereby found as a fact and brought forward, adopted and made a part of this ordinance to the same extent and with like effect as though written again at length under this ordaining clause. Without anywise limiting the generality of the

foregoing, it is hereby found and determined that the portion of the streets as shown, defined and listed by units in the preamble hereof are to be improved by filling, grading, raising, paving, repaving, and repairing in a permanent manner and realigning curbs and gutters and by widening, narrowing, straightening and by constructing appurtenances and incidentals to any of such improvements, including drains and culverts in the manner and to the extent described in the plans and specifications on file with the City Council heretofore and hereby approved by this Council, and such improvements shall be made or ordered to be made by this Council.

SECTION 2. The written statement and report, described in the preamble hereof and on file with this Council, showing the estimated total cost of all the improvements on which said streets or units, within the limits above defined, showing the amount per foot proposed to be assessed against the abutting property, and the real and true owners thereof on each of said streets or units for said improvements, showing the estimated cost of said improvements on each of said streets or units proposed to be assessed against and paid by the abutting property and the real and true owners thereof, showing the total estimated cost of said improvements on each of the said streets or units proposed to be paid by the City of Addison, Texas, and showing other matters relative thereto, having been received and examined by the City

Council, said report and estimates therein shown are hereby in all things approved and adopted; and it is hereby found and determined by the City Council that the estimated amounts of the several respective items of cost of said improvements as above described on each of said units are as set forth in the documents attached hereto and marked Exhibit "A" and made a part of this ordinance as though written verbatim herein.

SECTION 3. This City Council shall apportion the cost of said improvements and assess said costs as it may deem just and equitable, having in view the special benefits and enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and adjustments of such apportionment so as to produce substantial equality of benefits received and burdens imposed, all in accordance with the provisions of Article 1105b, V.A.T.C.S.

SECTION 4. A hearing shall be held and given to the real and true owners of, and all persons owning or claiming any interest in, any property abutting upon said streets or units within the limits above defined, and to all others owning, claiming or interested in said property or said improvements, any of said matters as to the assessments, and as to the amount to be assessed against each parcel of abutting property and the real and true owners thereof, and

as to the special benefits, if any, to said property to be received from said improvements, and concerning any error and invalidity, irregularity, or deficiency in any proceedings or contract with reference thereto or concerning any matter or thing connected therewith, which hearing shall be held by the City Council of the City of Addison at City Hall in said City at 7 o'clock p.m., on the 9<sup>th</sup> day of January, 1979, at which time and place all persons, firms, corporations or estates owning or claiming any such abutting property, or an interest therein, and their agents or attorneys, and persons interested in said proceedings, shall be notified to appear and to be heard in person or by Council, and may offer evidence; and said hearing may be adjourned from day to day and from time to time and kept open until all evidence and protests have been duly offered and heard; and the City Secretary is hereby directed to give notice of said hearing. Said notice shall be by advertisement inserted at least three (3) times in a newspaper published in the City of Addison, Texas. The first publication to be made at least twenty-one (21) days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of Article 1105b V.A.T.C.S. The City Secretary is hereby further directed to give additional notice of said hearing by mailing to said owners a copy of said notice by depositing in the United States mail at least fourteen (14) days prior to the date of said hearing, written notice of such hearing, postage prepaid, in an envelope addressed to the owners of the respective

properties abutting the hereinabove described streets to be improved, provided however, that any failure of the property owners to receive said notice shall not invalidate these proceedings. Said notice shall comply with and be in accordance with the terms and provisions of Article 1105b V.A.T.C.S.

SECTION 5. The fact that streets and portions thereof to be improved as heretofore and hereinabove provided for are in bad and dangerous condition and should be improved without delay constitutes an emergency requiring that this ordinance be passed and take effect as an emergency measure, and this ordinance is accordingly passed as an emergency measure and shall take effect and be in force immediately from and after its passage.

Passed and approved this the 28<sup>th</sup> day of November, 1978.

Jerry Redding  
Mayor

ATTESTED:

Jacque Sharp  
City Secretary

APPROVED AS TO FORM:

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City Attorney