

ORDINANCE NO. 610

AN ORDINANCE RATIFYING AND CONFIRMING PRIOR ACTIONS AND PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS IN RELATION TO THE IMPROVEMENT OF BELT LINE ROAD WITHIN SAID CITY AND MAKING CERTAIN FACT FINDINGS IN CONNECTION THEREWITH, ORDERING SUCH IMPROVEMENTS TO BE MADE; APPROVING AND ADOPTING THE REVISED ENGINEER'S REPORT SHOWING THE ESTIMATE OF TOTAL COST OF ALL IMPROVEMENTS, THE ESTIMATE OF COST PER FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING AND FIXING THE COST PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST THE ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF FOR PART OF SAID COST APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 7:30 P.M. ON THE 14TH DAY OF OCTOBER, 1980, AT TOWN HALL IN SAID CITY AS THE TIME AND PLACE 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 CONTRACT CONCERNING SAID ASSESSMENT, PROCEEDINGS AND IMPROVEMENTS: PRESCRIBING THE FORM OF NOTICE AND DIRECTING THE CITY SECRETARY TO GIVE NOTICE OF SAID HEARING; ENACTING SUCH OTHER PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Addison has heretofore determined the necessity for and ordered the improvement of Belt Line Road within the limits of the City in the manner and according to the plans and specifications therefor, which plans and specifications were approved and adopted by the said Council; and

WHEREAS, a notice duly executed in the name of the City of the enactment of said ordinance has heretofore been filed with the County Clerk of Dallas County, Texas, the county in which said City of Addison is situated; and

WHEREAS, the City Council, after advertising for bids in the manner required by law, did award the contract for the construction of said improvements to H. P. Zachry Company; and

WHEREAS, H. Wayne Ginn, P.E., City Engineer, has prepared and filed with this Council his Revised engineer's Report showing the estimate of cost of such improvements and a proposed assessment roll on which has been shown the proposed amounts to be assessed against the several parcels of abutting property and the real and true owners thereof, together with a description of said properties, number of feet abutting the proposed improvements and other matters; and

WHEREAS, the Council has carefully considered the estimate filed by the Engineer and determined that the same has been prepared based upon the contract between the City and H. P. Zachry Company, the expenses of engineering, which expenses are now found to be expenses which are incident to the construction of the improvements, and such estimate is hereby accepted and approved by this Council;

WHEREAS, the Council has also considered the tentative assessment roll filed by the City Engineer and the same is hereby accepted and approved subject to a final hearing and determination on the matter, as required by 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 Belt Line Road is 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 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 and ordered to be made by this Council.

SECTION 2. The written statement and revised report of the City Engineer, described in the preamble hereof and on file with this Council showing the estimated total cost of the improvements of Belt Line Road is hereby in all things approved and adopted; and is hereby found and determined by the City Council that the estimated cost of said improvements are as follows:

Total estimated cost of said improvements	\$4,322,091.00
Less: Dallas County participation	1,209,000.00
Total estimated cost to City of Addison	3,113,091.00
Estimated cost of curbs, gutters and sidewalks	47,768.00
Remaining estimated cost of such improvements	3,065,323.00

The City Council hereby finds and determines that the estimated amount per front foot proposed to be assessed against the abutting property and the owners thereof is Eighty one (\$81.00) Dollars and that such proposed amount and the owners of the abutting property is set forth in the written Revised Engineer's Report prepared by the City Engineer, a copy of which is attached hereto and marked Exhibit "A" and made a part of this ordinance as though written verbatim herein and said matters shown on such report are hereby in all things approved and adopted by the City Council. All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits and enhances value to be recieved by such parcels of property and owners thereof, the equities of such owners, and the adjustment 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 3. Only a portion of the total cost to the City of the improvements to Belt Line Road are to be paid by the abutting properties and the real and true owners thereof. The City Council hereby finds and determines that the proposed per foot assessment is less than the nine-tenths (9/10) of the remainder of the cost of the improvements which could be assessed in accordance with the provisions of Article 1105b, V.A.T.C.S. However, no assessment shall be made against abutting property or the real and true owners thereof for cost in excess of the benefits to such property in enhanced value thereof by means of such improvements. The amount of such assessment shall constitute a first and prior lien upon such properties and a personal liability of the true and real owners thereof, whether correctly named or not (all as provided in the aforementioned statute) and shall be payable as set forth in Ordinance No. 591 heretofore enacted by the City Council of the City of Addison. The balance of the cost of the improvements, shall be paid by the City of Addison, Texas.

SECTION 4. A hearing shall be held and given to the real and true owners of abutting property or their agents or attorneys and all persons interested in said matters, as to the amount to be assessed against each owner and his abutting property 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 in the Council Chamber of Town Hall at 7:30 p.m. on the 14th day of October, 1980, at which time and place all persons, firms, corporations or estates owning or claiming any such abutting property, or any interest therein, or 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 by publication of notice in a newspaper of general circulation in and published in the City, the said publication to appear at least three (3) times prior to the date of the hearing; the date of the first publication being at least twenty-one (21) days before the hearing, and such notice shall be in substantially the following form:

NOTICE

WHEREAS, the City Council of the City of Addison, Texas has heretofore determined the necessity for improvement of Belt Line Road within said City by widening the same to six (6) lanes and paving with eight (8) inches of reinforced concrete over a prepared lime subgrade with curbs

and gutters and storm sewers and is of the opinion that it is necessary to levy an assessment against property and the owners thereof abutting the proposed improvements for apart of cost thereof; and

WHEREOF, the Engineer of the City has filed his report with the City Council setting forth the cost of such improvements together with a proposed assessment roll showing the names and description of the property and the amounts to be assessed against each lot or parcel of land and its owners and all others matters required by law, and the same having been approved by the City Council;

THEREFORE, all interested persons shall take notice that Belt Line Road approximately 200 feet east of its intersection with Marsh Lane to approximately 200 feet west of its intersection of Dallas Parkway is to be improved and that the estimated total cost of such improvements are determined as follows and amount to be assessed per foot against the owner or owners of the abutting property for the improvements to be constructed are as follows:

Total estimated cost of said improvements	\$4,322,091.00
Less: Dallas County participation	1,209,000.00
Total estimated cost to City of Addison	3,113,091.00
Estimated cost of curbs, gutters and sidewalks	47,768.00
Remaining estimated cost of such improvements	3,065,323.00
Estimated amount per front foot proposed to be assessed against the owners of abutting property	81.00

ALL ASSESSMENTS, however, are to be made and levied by the City Council as may be deemed just and equitable, having in view the special benefits and enhanced value to be received by such parcels of property and the

owners thereof, the equities of such owners and the adjustment of the apportionment of the cost of the improvements so as to produce a substantial equality of benefits received and burdens imposed.

YOU WILL FURTHER TAKE NOTICE that 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 street within the limits above defined, and to all others owning, claiming or interested in said property or said improvements any of said matter as to assessment, and as to the amount to be assessed against each parcel of abutting property and the real and true owners thereof, and as to special benefits, if any, to said property to be received from said improvements, and concerning any error, 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 Town Hall in said City at 7:30 p.m. on the 14th day of October, 1980, 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 appear and be heard in person or by counsel, and may offer evidence; and said hearing shall be adjourned from day to day and from time to time and kept open until all evidence and protest have been duly offered and heard.

THE IMPROVEMENTS to be constructed are fully described in the plans and specifications therefor, heretofore approved by the City Council, which may be examined at City Hall.

THIS NOTICE is issued by he undersigned pursuant to an ordinance adopted by the City Council on the 26th day of August, 1980, and recorded in the Minutes of the said Council, which ordinance is hereby incorporated by reference.

Jacque Sharp
City Secretary
City of Addison, Texas

SECTION 5. The publication and notice, substantially in the form and manner hereinabove prescribed, shall, in accordance with the aforementioned law, be valid and sufficient without an further form or character of notice.

SECTION 6. The City Secretary is directed to cause a notice of such hearing to be mailed to the owner or owners of all property or parcels abutting the proposed improvements. Such notice shall be deposited in the United States Mail at least fourteen (14) days before the date of the hearing, addressed to the owners of the respective properties abutting the proposed improvements as the names of such owners are shown on the then current rendered tax roll of the City and the addresses so shown or if the names of such respective owners do not appear on such rendered tax rolls, then addressed to such owners as their names are shown on the current unrendered rolls of the City at the addresses shown thereon, provided however, that any failure of the property owners to receive said notice shall not invalidate these proceedings.

SECTION 7. Any section or paragraph of Ordinance No. 594 in conflict or contradictory to any provisions contained in this ordinance is hereby repealed.

SECTION 8. The fact that streets and portions thereof to be improved as heretofore 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.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, this the 26 day of August, 1980.


MAYOR

ATTEST:


CITY SECRETARY

August 26, 1980

TO: Honorable Mayor and Members of the City Council

Revised Engineer's Report

H. Wayne Ginn, P.E., City Engineer, hereby submits to the City Council his revised report with regards to the assessment for improvements to Belt Line Road from approximately 200 feet east of its intersection with Marsh Lane to approximately 200 feet west of its intersection with Dallas Parkway within the City of Addison, which work to be done is constructing a six-lane divided roadway by paving said street from curb to curb with approximately eight (8) inch thick reinforced concrete over a prepared lime subgrade six (6) inches thick. The cost of such improvements are as follows:

Total estimated cost of said improvements	\$4,322,091.00
Less: Dallas County participation	1,209,000.00
Total estimated cost to City of Addison	3,113,091.00
Estimated cost of curbs, gutters and sidewalks	47,768.00
Remaining estimated cost of such improvements	3,065,323.00
Estimated amount per front foot proposed to be assessed against the owners of abutting property	81.00

Attached hereto and marked Exhibit "A" is the proposed assessment roll describing the property, the owner, the front foot and amount proposed to be assessed against each lot or parcel.

Respectfully submitted,

H. Wayne Ginn

BELT LINE ROAD ASSESSMENT ROLL

July 15, 1980

Property Description*	Property Owner and Address	Front Feet	Amount of Assessment
1-21-0019	Dal-Mac Development Co.. P. O. Box 402087 Dallas, Texas 75240	20	\$ 1,620.00
1-21-0014	Dal-Mac Development Co. P. O. Box 402087 Dallas, Texas 75240	323.61	26,212.41
1-21-0013	Dal-Mac Development Co. P. O. Box 402087 Dallas, Texas 75240	680.03	55,082.43
1-21-0011	Dal-Mac Development Co. P. O. Box 402087 Dallas, Texas 75240	520.36	42,149.16
1-21-0009	Dal-Mac Development Co. P. O. Box 402087 Dallas, Texas 75240	339.29	27,482.49
1-21-0018	Texas Power & Light Co. P. O. Box 226331 Dallas, Texas 75266	105.5	8,545.50
1-21-0006	Firman Cook, et al c/o Property Tax Service Co. P. O. Box 344730 Dallas, Texas 75234	333.18	26,987.58
1-22-0001	J. E. Bush 2625 Elm Street Dallas, Texas 75226	2,098	169,938.00
1-22-0002	Texas Power & Light Co. P. O. Box 226331 Dallas, Texas 75266	218.6	17,706.60

*Property description refers to tax account number as shown on the official tax records of the city which records and description of the property included

1-21-0005	George S. Watson A. Starke Taylor P. O. Box 334364 Dallas, Texas 75234	211.10	17,099.10
1-20-0028	George S. Watson A. Starke Taylor P. O. Box 334364 Dallas, Texas 75234	231.32	18,736.92
1-20-0026	Public Storage of Dallas c/o Watson & Taylor P. O. Box 334364 Dallas, Texas 75234	40.67	3,294.27
1-20-0018	Watson & Taylor P. O. Box 334364 Dallas, Texas 75234	472.30	38,256.30
1-20-0030	James R. Duncan P. O. Box 2038 San Angelo, Texas 76902	230	18,630.00
1-20-0037	James R. Duncan P. O. Box 2038 San Angelo, Texas 76902	23	1,863.00
1-20-0024	James R. Duncan P. O. Box 2038 San Angelo, Texas 76902	147.66	11,960.46
1-20-0020	Pied Real Grundstueks Gesellschaft Mit Beschraenkter 2800 Republic National Bank Building Dallas, Texas 75201	746.14	60,437.34
1-20-0035	Three G. Food Corp 2940 Reward Lane Dallas, Texas 75220	100.27	8,121.87
1-20-0034	Three-G Food Corp. 2940 Reward Lane Dallas, Texas 75220	154	12,474.00

1-23-0008	Corporate Realty 71 P. O. Box 576 Plano, Texas 75074	233	18,873.00
1-23-0009	Corporate Realty 71 P. O. Box 576 Plano, Texas 75074	160.4	12,992.40
1-23-0010	Corporate Realty 71 P. O. Box 576 Plano, Texas 75074	233.3	18,897.30
1-23-0011	Corporate Realty 71 P. O. Box 576 Plano, Texas 75074	57	4,617.00
1-23-0012	Corporate Realty 71 P. O. Box 576 Plano, Texas 75074	158	12,798.00
1-23-0013	Corporate Realty 71 P. O. Box 576 Plano, Texas 75074	158	12,798.00
1-23-0014	Corporate Realty 71 P. O. Box 576 Plano, Texas 75074	158	12,798.00
1-23-0015	Corporate Realty 71 P. O. Box 576 Plano, Texas 75074	158	12,798.00
1-23-0032	McCutchin Brothers J/V #1 14902 Preston Road #200 Dallas, Texas 75240	400	32,400.00
1-23-0028	McCutchin Brothers J/V #1 14902 Preston Road #200 Dallas, Texas 75240	740.04	59,943.24
1-23-0031	McCutchin Brothers J/V #1 14902 Preston Road #200 Dallas, Texas 75240	144.04	11,667.24

1-19-0007	James S. Miller P. O. Box 34478 Dallas, Texas 75234	87.07 145.04 <u>102.01</u> 334.12	27,063.72
1-19-0003	Dallas Veterinary Clinic P. O. Box 529 Addison, Texas 75001	296.60	24,024.60
1-19-0004	Alcon Laboratories P. O. Box 34630 Dallas, Texas 75234	292.50	23,692.50
1-19-0005	Alcon Laboratories P. O. Box 34630 Dallas, Texas 75234	158	12,798.00
1-19-0006	Alcon Laboratories P. O. Box 34630 Dallas, Texas 75234	144.90	11,736.90
1-18-0001	City of Dallas 1500 Marilla Street Dallas, Texas 75201	1,126.56	91,251.36
1-24-0001	Beltway Joint Venture 4560 Belt Line Road Dallas, Texas 75234	567.63	45,978.03
1-24-0040	Victory Investments Ltd. c/o Daryl Snadon 4560 Belt Line Road #416 Dallas, Texas 75234	180.69	14,635.89
1-24-0002	Hush Puppy, Inc. c/o King & Simpson P. O. Box 1028 Addison, Texas 75001	181.21	14,678.01

1-24-0004	Incovest, NV Steven A. Waters 4444 First International Building Dallas, Texas 75270	158.88	12,869.28
1-24-0012	Beltway Joint Venture 4560 Belt Line Road Dallas, Texas 75234	272.08	22,038.48
1-24-0013	Todora-Campasi-Miller c/o Roy Busby 13101 Preston Road, #210 Dallas, Texas 75240	220.70	17,876.70
1-24-0018	G. B. Pickett, Jr. 2627 Midway Shreveport, LA 71106	221.90	17,973.90
1-24-0019	Beltway Development Co. 4560 Belt Line Road Dallas, Texas 75234	179.50	14,539.50
1-18-0010	Joe-Don, Inc. P. O. Box 20636 Dallas, Texas 75220	90.81	7,355.61
1-17-0006	David Albert 6510 LBJ Freeway, Suite 200 Dallas, Texas 75240	190.84	15,458.04
1-17-0004	St. Louis & Southwestern R.R. P. O. Box 959 Tyler, Texas 75701	481.89	39,033.09
1-17-0005	Consolidated Pension Trust 2500 First National Bank Dallas, Texas 75202	384.80	31,168.80
1-15-0003	Shakey's Inc. Restaurant Building & Equip. c/o G. W. Sugar Co. P. O. Box 5308, Term. Annex Denver, Colorado 80217	150	12,150.00

1-15-0002	Al Gonzales & Assoc., Inc. 2346 Joe Field Road Dallas, Texas 75229	350	28,350.00
1-15-0004	Daon Texas P/S 2001 Bryan Tower Dallas, Texas 75201	564.58	45,730.98
1-25-0001	Daon Corp. 4041 MacArthur Blvd. New Port Beach, CA 92660	658	53,298.00
1-25-0011	Daon Corporation 4041 MacArthur Blvd. New Port Beach, CA 92660	285	23,085.00
1-25-0004	Quorum Associates Plaza 7171 Forest Lane Dallas, Texas 75230	958.29	77,621.49