

ORDINANCE NO. 27-1990

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, CLOSING THE PUBLIC HEARING; ORDERING IMPROVEMENTS AND LEVYING ASSESSMENTS AGAINST VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF THE CURB AND GUTTER FOR A PORTION OF THE FOLLOWING STREET IN THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, TO-WIT: U. S. HIGHWAY 277 FROM TEXAS AVENUE TO F. M. HIGHWAY 3438 (DUB WRIGHT BOULEVARD).

PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS BECOME DUE AND PAYABLE; STIPULATING THE RATE OF INTEREST AND FIXING A CHARGE AND LIEN AGAINST SAID PROPERTY, MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON U. S. HIGHWAY 277; PROVIDING FOR THE COLLECTION THEREOF; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, heretofore, a resolution was duly adopted by the City Council, ordering the curb and gutter improvements, and determining the necessity of levying an assessment against the owners of property abutting upon the street above named as heretofore determined and approved; and,

WHEREAS, the City of Abilene is participating with the State Department of Highways and Public Transportation in this joint project; and,

WHEREAS, competitive bids were taken for the construction of said improvements by the State Department of Highways and Public Transportation, and a contract was awarded by the State Department of Highways and Public Transportation to Contract Paving Company, the lowest, responsible bidder, contingent upon a sufficient assessment being levied against abutting property owners for curb and gutter, which, in the opinion of the City Council, would enable the City of Abilene to finance said improvements; and,

WHEREAS, in compliance with law, the City Engineering Division has reviewed an estimate of costs provided by the State Department of Highways and Public Transportation for the curb and gutter portion of this project which describes the street to be improved; the names of the owners of property abutting said street to be improved; the legal description of the property abutting said street to be improved; the number of feet of said properties abutting said street to be improved; the amount, or amounts, per front foot proposed to be assessed against said owners, and the total, proposed curb and gutter assessment against said properties abutting the street to be improved; and,

WHEREAS, thereafter, the estimate and report was filed with the City Council, and, by them, examined and approved, and a resolution passed by the said Council, on the 27th day of July, A.D. 1989, determining the necessity of making an assessment for

part of the cost of said curb and gutter against property owners and their property, and on April 12, 1990, fixing a time and providing for a hearing to such owners, their agents, or attorneys, all in accordance with the terms of said applicable laws, at which hearing, said owners were to be heard as to the benefits of the said improvements as to their property, as to any error or invalidity in said proceedings, or to any matter or thing connected with said improvements; and,

WHEREAS, thereafter, in accordance with law, the City Secretary of the City of Abilene gave notice of public hearing to the property owners on said street, their agents and attorneys, by causing a notice of said hearing to be published in the official newspaper of the City of Abilene, Texas, the Abilene Reporter News, a daily newspaper of general circulation in said City, three (3) times prior to said hearing, the first publication thereof appearing twenty-one (21) days prior to said hearing, to-wit: the 20th day of May, A.D. 1990, and the Director of Planning and Development Services gave actual notice to said property owners, their agents and attorneys, by mailing a notice of the public hearing to them at their respective addresses, all in accordance with, and as required by, law; and,

WHEREAS, said hearing was held, at the time and place mentioned in said resolution and notice, to-wit: on the 14th day of June, A.D., 1990, at 9:00 o'clock a.m. in the Council Chamber of the City Hall of the City of Abilene, Taylor County, Texas; and,

WHEREAS, at said public hearing, Dale Williamson, City Engineer, testified briefly as to the nature of the improvements to be constructed, and explained the method of apportioning the costs, and A. V. Perez-Shirey, a licensed real estate broker and appraiser, testified that the improvements to be placed abutting the properties involved would, in each instance, increase the value of each of such properties as depicted on the attached Paving Assessment Roll, and all the property owners, their agents or attorneys, or other persons desiring to contest the amounts of the proposed assessments; the lien and liability thereof; the special benefits accruing to abutting property owners by means of the improvements for which assessments were levied; the accuracy, sufficiency, regularity and validity of the proceedings and contract in connection with which such improvements and proposed assessments were made, and upon any other matter in connection with the improvements in question, were heard; and all errors, inaccuracies, deficiencies and invalidities were, thereupon, corrected and rectified by the City Council to the end that the amounts of said assessments were just and equal; now, therefore,

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

PART 1. That the public hearing to consider the proposed curb and gutter assessments to be levied against abutting owners of the street as set forth in Part 3 hereof was closed, and all objections

to the proposed curb and gutter assessments were thereby overruled.

PART 2: That the City Council hereby finds and determines, upon the evidence heard in reference to each and every parcel of property abutting upon the street and units hereinafter set out, that the enhancement in value to accrue to said property, and the real and true owners thereof, by virtue of the construction of said improvements in said portions of said street, will be as shown on the attached Paving Assessment Roll; and finds that the apportionment of the costs of said improvements and the assessments hereinbelow made are just and equitable and produce substantial equality, considering the benefits received and the burdens imposed thereby, and are in accordance with the laws of the State of Texas and the Charter of the City of Abilene; and, further, finds that all proceedings and contracts heretofore had with reference to said improvements are, in all respects, regular, proper and valid, and that all prerequisites to the fixing of the assessment liens against said abutting properties, as hereinafter described, and the personal liability of the real and true owners thereof, whether named, or correctly named, herein or not, have been, in all things, regularly had and performed in compliance with the law and the proceedings of said City Council.

PART 3. That, in accordance with Article 1105b, Vernon's Annotated Civil Statutes, and the Charter of the City of Abilene, and pursuant to the proceedings heretofore enacted by the City Council in reference to the above named improvements, there shall be, and is hereby, levied an assessment against the parcels of property, hereinafter mentioned, and against the real and true owners thereof (whether such owners shall be correctly named herein or not), the sums of money itemized and 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 shown as follows:

IN ACCORDANCE WITH THE CURB AND GUTTER ASSESSMENT ROLL FOR U. S. HIGHWAY 277 FROM TEXAS AVENUE TO F. M. HIGHWAY 3438 (DUB WRIGHT BOULEVARD), PREPARED BY THE ENGINEERING DIVISION OF THE CITY OF ABILENE, A COPY OF WHICH IS ON FILE IN THE OFFICE OF THE CITY SECRETARY OF THE CITY OF ABILENE AND WHICH IS HEREBY MADE REFERENCE TO, AND INCORPORATED AS A PART OF THIS ORDINANCE, AS FULLY AS THOUGH COPIED VERBATIM HEREIN.

PART 4: That, where more than one person, firm or corporation owns an interest in any property, above referred to, each said person, firm or corporation shall be personally liable only for its, his or her prorata of the total assessment against such property, in the proportion that 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.

PART 5: That the several sums above referred to, and assessed against the said parcels of property, and the owners thereof, and interest thereon at the rate of 8.6518% 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 and paramount lien thereof, superior to all other liens and claims, except State, County, School District and City ad valorem taxes.

PART 6: Provided, that upon proper execution of a Promissory Note and a Mechanic's and Materialman's Lien, on forms prescribed by the City of Abilene, the sums so assessed against the abutting property, and the owners thereof, may be paid, in equal monthly installments not to exceed thirty-six (36) months, as requested by owners; however, there shall be no monthly installment payment less than Ten Dollars (\$10.00) per month, the first payable on or before thirty (30) days from the acceptance of the improvements in the unit or district upon which the property abuts, by the Director of Public Works of the City of Abilene, and one (1) each month thereafter until the total amount is paid. Such note shall bear interest from date, at the rate of five percent (5%) per annum, payable monthly with each installment, and shall provide that all past due principal and interest shall bear interest at the rate of eight percent (8%) per annum, from maturity until paid. Provided, however, that any owner shall have the right to pay the entire amount, 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 interest or principal, promptly as the same matures, then the entire amount of the assessment upon which such default is made shall, at the option of the City of Abilene, 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.

PART 7: That, if default is 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 the sale of the said property by the Assessor and Collector of Taxes of the City of Abilene, as near as possible in the manner provided for the sale of property for non-payment of ad valorem taxes, or, at the option of the said City, the payment of the said sums shall be enforced by suit in any court having jurisdiction.

PART 8: 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 Abilene upon the acceptance of the said

work of improvement by the Director of Public Works of the City of Abilene, 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 Abilene, 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 thereon, and shall contain the name of the owner and the description of his property by lot or block number or 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, the certificates shall further provide that, if default shall be made in the payment of an installment or principal or interest thereon, when due, then, at the option of the said City of Abilene, being the holder and owner 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, plus eight percent (8%) interest thereon.

And, the 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 payment thereof, the same may be enforced, either by sale of the property by the Tax Assessor-Collector of the City of Abilene, as above recited, or by suit in any court having jurisdiction.

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

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

And, the said certificates shall further provide that the City of Abilene shall exercise all legal power, when requested to do so by the holder of said certificate, to aid in the collection thereof, but the City of Abilene 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, invalidities 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 said City.

PART 9: All assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

PART 10: That the assessments herein levied are made and levied under, and by virtue of, the terms, powers and provisions of Article 1105b, Vernon's Annotated Civil Statutes, which said law has been adopted as an alternative method for the construction of street improvements in the City of Abilene, Texas, and Article I, Section 5, of the Charter of the City of Abilene, Texas.

PART 11: 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 therefor in any other unit or district.

PART 12: That, it being the opinion of the City Council that the assessments levied in Part 3 of this Ordinance will be adequate for the City of Abilene to finance said improvements, the contract previously awarded to Contract Paving Company, contingent upon said assessments being levied, be, and the same is hereby, in all things, affirmed and ratified, and the Director of Public Works be, and is hereby authorized and directed to issue a work order to said company.

PART 13: That, should any portion of this Ordinance be declared void, it is the intention of, and hereby declared by, the City Council that the balance and remainder of such Ordinance, or any parts not void, shall remain in full force and effect as though separately passed and approved.

PART 14: That this Ordinance shall take effect immediately from and after its passage.

PASSED on First Reading this 14th day of June, A.D., 1990.

PASSED on Second and Final Reading this 28 day of
June, A.D., 1990.

ATTEST:

Dilkie Hulby, acting
CITY SECRETARY

[Signature]
MAYOR

APPROVED:

[Signature]
CITY ATTORNEY

PAVING ASSESSMENT ROLL
CITY OF ABILENE, TEXAS
ENGINEERING DIVISION

ASSESSMENT PAVING PROGRAM
STREET: U. S. HIGHWAY 277 FROM TEXAS AVENUE TO F. M. HIGHWAY 3438 (DUB WRIGHT BOULEVARD)
WIDTH: 64 feet UNIT: 4 SHEET NO. 1 OF 12 SHEETS

NO.	OWNER	DESCRIPTION	T	L.F. PAVING	RATE	COST	L.F. C & G	RATE	COST	TOTAL COST
1	Lazee Tee Golf Center, Inc. P. O. Box 3736 Abilene, TX 79604	Lot 305, Block 1 of a Replat of Lots 201, 206, Block 1 of a Replat of Lots 101, 102, 103, 104 and 105, Block 1 of a Replat of Lot 1, Block 1, Lazee Tee Subdivision, an addition to the City of Abilene, Taylor County, Texas.	Z				146	--5.19- 3.17	757.74	-757.74-- 462.82
2	Mill Creek Partners P. O. Box C1036 Skokie, IL 60076	Lot 304, Block 1 of a Replat of Lots 201, 206, Block 1 of a Replat of Lots 101, 102, 103, 104 and 105, Block 1 of a Replat of Lot 1, Block 1, Lazee Tee Subdivision, an addition to the City of Abilene, Taylor County, Texas.	Z				366.3	--5.19- 3.17	1,901.10	-1,901.10- 1,161.17
3	Betty Fulwiler Baldwin 1501 Sandalwood Odessa, TX 79761	Being a 271.11 foot by 200.0 foot tract or parcel of land fronting 271.11 feet on the east side of U. S. Highway 277, being out of the Joseph H. Beck Survey No. 42 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land being the west 200.0 feet of a certain tract or parcel of land conveyed as the First Tract in a Deed to Morris (Jack) Fulwiler from Betty S. Fulwiler, a widow, et al in Volume 468, Page 279 of the Deed Records of Taylor County, Texas.	Z				271.11	--5.19- 3.17	1,407.06	-1,407.06- 859.42

U - Type of Frontage

S - Side Lot U - Unplatted C - Commercial

Front Lot S - Side Lot U - Unplatted C - Commercial

Frontage Not Applied Because of Curb & Gutter Assessment

Credit for Existing Curb only (\$.50 per L.F)

** Credit for Existing Curb and Gutter (_____ per L.F.)

*** Unless Otherwise Specified, All Additions are Located in the City of Abilene, Taylor County, Texas

**** Credit for Existing Drainage

100122

PAVING ASSESSMENT ROLL
 CITY OF ABILENE, TEXAS
 ENGINEERING DIVISION

ASSESSMENT PAVING PROGRAM
 STREET: U. S. HIGHWAY 277 FROM TEXAS AVENUE TO F. M. HIGHWAY 3438 (DUB WRIGHT BOULEVARD)
 WIDTH: 64 feet UNIT: 4 SHEET NO. 2 OF 12 SHEETS

NO.	OWNER	DESCRIPTION	T	L.F. PAVING	RATE	COST	L.F. C & G	RATE	COST	TOTAL COST
4	Morris (Jack) Fulwiler c/o Mrs. Jack Fulwiler 3917 Wisteria Way Abilene, TX 79605	Being a 242.39 foot by 200.0 foot tract or parcel of land fronting 242.39 feet on the east side of U. S. Highway 277, being out of the Joseph H. Beck Survey No. 42 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land being the west 200.0 feet of a certain tract or parcel of land conveyed as the First Tract in a Deed to Morris (Jack) Fulwiler from Betty S. Fulwiler, a widow, et al in Volume 468, Page 279 of the Deed Records of Taylor County, Texas.	Z				242.39	--5-19- 3.17	1,258.00	-1,258-00- 768.38
5	John A. Matthews 1821 Industrial Ave. San Angelo, Tx 76904	Being a tract or parcel of land fronting 220.0 feet on the east side of U. S. Highway 277, being the north 220 feet of Lot 101, Block A, a Replat of Lot 1, Block A, Section 1, Twelve Oaks Addition to the City of Abilene, Taylor County, Texas, and an 80 foot by 500 foot strip out of the east portion of the J. H. Beck Survey 42 in Taylor County, Texas, said tract or parcel of land being a part of the tract or parcel of land described by metes and bounds in Volume 1494, Page 210 of the Deed Records of Taylor County, Texas.	Z				220	--5-19- 3.17	1,141.80	---1,141-80- 697.40

T - Type of Frontage
 F - Front Lot S - Side Lot U - Unplatted C - Commercial
 Z - Frontage Not Applied Because of Curb & Gutter Assessment

** Credit for Existing Curb only (\$.50 per L.F)
 *** Credit for Existing Curb and Gutter (per L.F.)
 **** Unless Otherwise Specified, All Additions are Located in the City of Abilene, Taylor County, Texas
 ***** Credit for Existing Drainage

PAVING ASSESSMENT ROLL
 CITY OF ABILENE, TEXAS
 ENGINEERING DIVISION

ASSESSMENT PAVING PROGRAM
 STREET: U. S. HIGHWAY 277 FROM TEXAS AVENUE TO F. M. HIGHWAY 3438 (DUB WRIGHT BOULEVARD)
 WIDTH: 64 feet UNIT: 4 SHEET NO. 3 OF 12 SHEETS

NO.	OWNER	DESCRIPTION	T	L.F. PAVING	RATE	COST	L.F. C & G	RATE	COST	TOTAL COST
6	Big Country TV Co. c/o Wayne Roy D/B/A/ KTAB-TV P. O. Box 5309 Abilene, TX 79608	Being the south 260.0 feet of Lot 101, a Replat of Lot 1, Block A, Section 1, Twelve Oaks Addition to the City of Abilene, Taylor County, Texas, and an 80 foot by 500 foot strip out of the east portion of the J. H. Beck Survey 42 in Taylor County, Texas, being the same land described in Volume 1122, Page 658 of the Deed Records of Taylor County, Texas.	Z				260.0	--5-19- 3.17	1,349.40	--1,349.40-- 824.20
7	John A. Matthews 1821 Industrial Ave. San Angelo, TX 76904	Being a 1082.4 foot by 200 foot tract or parcel of land fronting 1082.4 feet on the east side of U. S. Highway 277, said tract or parcel of land being out of J. H. Beck Survey No. 42 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land being the west 200.0 feet of a certain tract or parcel of land described in Volume 1494, Page 210 of the Deed Records of Taylor County, Texas. SAVE AND EXCEPT a portion previously platted as Lot 101, a Replat of Lot 1, Block A, Section 1, Twelve Oaks Addition to the City of Abilene, Taylor County, Texas, and an 80 foot by 500 foot strip out of the east portion of the J. H. Beck Survey 42 in Taylor County, Texas.	Z				1,082.4	--5-19- 3.60	5,617.66	--5,617.66-- 3,896.64

T - Type of Frontage
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Credit for Existing Curb only (\$.50 per L.F.)
 ** Credit for Existing Curb and Gutter (per L.F.)
 *** Unless Otherwise Specified, All Additions are Located in the City of Abilene, Taylor County, Texas
 **** Credit for Existing Drainage

PAVING ASSESSMENT ROLL
 CITY OF ABILENE, TEXAS
 ENGINEERING DIVISION

ASSESSMENT PAVING PROGRAM
 STREET: U. S. HIGHWAY 277 FROM TEXAS AVENUE TO F. M. HIGHWAY 3438 (DUB WRIGHT BOULEVARD)
 WIDTH: 64 feet UNIT: 4 SHEET NO. 4 OF 12 SHEETS

NO.	OWNER	DESCRIPTION	T	L.F. PAVING	RATE	COST	L.F. C & G	RATE	COST	TOTAL COST
8	Northside Church of God in Christ c/o Jerry Jordan and Mack Maye, Trustees 2409 Bridge Street Abilene, TX 79603	Lot 24, Block 2, Continuation No. 1, Section 2, Southern Sands Addition out of the William Bishop Survey 43 in Taylor County, Texas, an addition to the City of Abilene, Taylor County, Texas.	Z				400	--5:19-- 3.68	2,076.00	-2,076:00- 1,472.00
9	Bruce W. DuBose 5010 Twilight Trail Abilene, TX 79606	Lot 23, Block 2, Continuation No. 1, Section 2, Southern Sands Addition out of the William Bishop Survey 43 in Taylor County, Texas, an addition to the City of Abilene, Taylor County, Texas.	Z				152.18	--5:19-- 3.68	789.81	---789:81- 560.02
10	Mildred Roberts 5525 Buffalo Gap Rd. Abilene, TX 79605	Lot 1, Block 1, Section 1, Southern Sands Addition out of the William Bishop Survey No. 43 in Taylor County, Texas, an addition to the City of Abilene, Taylor County, Texas.	Z				202	--5:19-- 3.68	1,048.38	-1,048:38- 743.36
11	Elliott-Hamil Funeral Home, Inc. P. O. Box 1959 Abilene, TX 79604	Being a 221.0 foot by 200.0 foot tract or parcel of land fronting 221.0 feet on the east side of U. S. Highway 277, being out of the William Bishop Survey No. 43 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land being the west 200 feet of the tract or parcel of land conveyed to Elliott's Funeral Home, Inc. from H. H. Coffield, et al, as recorded in Volume 893, Page 463 of the Deed Records of Taylor County Texas, SAVE AND EXCEPT a 30 foot street	Z				221	--5:19-- 3.68	1,146.99	--1,146:99- 813.28

T - Type of Frontage
 F - Front Lot S - Side Lot U - Unplatted C - Commercial

Z - Frontage Not Applied Because of Curb & Gutter Assessment
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 *** Credit for Existing Curb and Gutter (_____ per L.F.)
 **** Unless Otherwise Specified, All Additions are Located in the City of Abilene, Taylor County, Texas
 ***** Credit for Existing Drainage

PAVING ASSESSMENT ROLL
CITY OF ABILENE, TEXAS
ENGINEERING DIVISION

ASSESSMENT PAVING PROGRAM
STREET: U. S. HIGHWAY 277 FROM TEXAS AVENUE TO F. M. HIGHWAY 3438 (DUB WRIGHT BOULEVARD)
WIDTH: 64 feet UNIT: 4 SHEET NO. 5 OF 12 SHEETS

NO.	OWNER	DESCRIPTION	T	L.F. PAVING	RATE	COST	L.F. C & G	RATE	COST	TOTAL COST
11	Elliott-Hamil (Cont'd)	dedication; and Lot 1, Block A, Section 1 of Elliott-Hamil Addition out of the William Bishop Survey No. 43 in Taylor County, Texas, an addition to the City of Abilene, Taylor County, Texas.								
12	Elliott-Hamil Funeral Home, Inc. P. O. Box 1959 Abilene, TX 79604	Lot 1, Block A, Section 1 of Elliott-Hamil Addition out of the William Bishop Survey No. 43 in Taylor County, Texas, an addition to the City of Abilene, Taylor County, Texas.	Z				549	-5.19-- 3.68	2,849.31	-2,849.31- 2,020.32
13	Robert L. Ellett and Charles N. Avery Independent Executors of the Estate of H. H. Coffield, Deceased P. O. Box 771 Abilene, TX 79604	Being a 775.0 foot by 200 foot tract or parcel of land fronting 775.0 feet on the east side of U. S. Highway 277 out of the William Bishop Survey No. 43 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, being the west 200.0 feet of a certain tract or parcel of land conveyed in a Deed as the First Tract to Robert L. Ellett and Charles N. Avery, Jr., Independent Executors of the Estate of H. H. Coffield, Deceased, from Mary Louise Robertson, individually and as Independent Executrix of the Estate and Trustee under the Will of French M. Robertson, et al, as recorded in Volume 1202, Page 630 of the Deed Records of Taylor County, Texas.	Z				769 6	-5.19-- **** 3.68	3,991.11	-3,991.11- 2,829.92

T - Type of Frontage

F - Front Lot S - Side Lot U - Unplatted C - Commercial

Z - Frontage Not Applied Because of Curb & Gutter Assessment

** Credit for Existing Curb only (\$.50 per L.F)

*** Credit for Existing Curb and Gutter (_____ per L.F.)

**** Unless Otherwise Specified, All Additions are Located in the City of Abilene, Taylor County, Texas

***** Credit for Existing Drainage

PAVING ASSESSMENT ROLL
CITY OF ABILENE, TEXAS
ENGINEERING DIVISION

ASSESSMENT PAVING PROGRAM

STREET: U. S. HIGHWAY 277 FROM TEXAS AVENUE TO F. M. HIGHWAY 3438 (DUB WRIGHT BOULEVARD)
WIDTH: 64 feet UNIT: 4 SHEET NO. 6 OF 12 SHEETS

NO.	OWNER	DESCRIPTION	T	L.F. PAVING	RATE	COST	L.F. C & G	RATE	COST	TOTAL COST
14	Robert L. Ellett and Charles N. Avery Independent Executors of the Estate of H. H. Coffield, Deceased P. O. Box 771 Abilene, TX 79604	Being a 2425.0 foot by 200.0 foot tract or parcel of land fronting 2425.0 feet on the east side of U. S. Highway 277, said tract or parcel of land being out of the John Adams Survey No. 44 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, being the west 200.0 feet of a certain tract or parcel of land conveyed in a Deed as the Second Tract to Robert L. Ellett and Charles N. Avery, Jr., Independent Executors of the Estate of H. H. Coffield, Deceased, from Mary Louise Robertson, individually and as Independent Executor of the Estate and Trustee under the Will of French M. Robertson, et al, as recorded in Volume 1202, Page 630 of the Deed Records of Taylor County, Texas.	Z				2,425.0	-5-19-3.68	12,585.75	-12,585.75--8,924.00
15	Bruce Bixby, Trustee of the Musgrave Grandchildren Trust 1165 Lytle Way Abilene, TX 79602	Being a 50.0 foot by 200 foot tract or parcel of land fronting 50.00 feet on the east side of U. S. Highway 277, said tract or parcel of land being out of the Samuel Ricker Survey No. 45 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, being the west 200.0 feet of a certain 12.82 acre tract or parcel of land conveyed in a Deed to Bruce Bixby as Trustee of the Musgrave Grandchildren Trust from Lydia Lodeil Waldrop, et al, as described in Volume 1374, Page 783 of the Deed Records of Taylor County, Texas.	Z				50.0	-5-19-4.23	259.50	---259.50-211.50

T - Type of Frontage

F - Front Lot S - Side Lot U - Unplatted C - Commercial

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Credit for Existing Curb only (\$.50 per L.F)

** Credit for Existing Curb and Gutter (per L.F.)

*** Unless Otherwise Specified, All Additions are Located in the City of Abilene, Taylor County, Texas

**** Credit for Existing Drainage

PAVING ASSESSMENT ROLL
 CITY OF ABILENE, TEXAS
 ENGINEERING DIVISION

ASSESSMENT PAVING PROGRAM
 STREET: U. S. HIGHWAY 277 FROM TEXAS AVENUE TO F. M. HIGHWAY 3438 (DUB WRIGHT BOULEVARD)
 WIDTH: 64 feet UNIT: 4 SHEET NO. 7 OF 12 SHEETS

NO.	OWNER	DESCRIPTION	T	L.F. PAVING	RATE	COST	L.F. C & G	RATE	COST	TOTAL COST
16	Texas Avenue 86, A Joint Venture P. O. Box 6868 Abilene, TX 79608	Being a 565.26 foot by 200.0 foot tract or parcel of land fronting 565.26 feet on the west side of U. S. Highway 277 being out of the J. H. Beck Survey No. 42 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land being the east 200.0 feet of a tract or parcel of land conveyed in a Deed to Texas Avenue 86, a Joint Venture from Abilene Equities, Inc. as described in Volume 1536, Page 811 of the Deed Records of Taylor County, Texas.	Z	540.26 25.00	*** 3.60			---5.19-- *** 3.60	2,803.95	---2,803.95-- 1,944.94
17	Rodney Durwood Fulwiler 5250 South 14th Abilene, TX 79605	Block A, Fulcher Addition out of J. H. Beck Survey No. 42 in Taylor County, Texas, an addition to the City of Abilene, Taylor County, Texas.	Z				245.8	---5.19-- 3.60	1,275.70	---1,275.70-- 884.88
18	Morris (Jack) Fulwiler c/o Mrs. Jack Fulwiler 3917 Wisteria Way Abilene, TX 79605	Being a 313.75 foot by 200.0 foot tract or parcel of land fronting 313.75 feet on the west side of U. S. Highway 277, said tract or parcel of land being out of Joseph H. Beck Survey No. 42 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land being the east 200 feet of a tract or parcel of land conveyed as the second tract to Morris (Jack) Fulwiler from Betty S. Fulwiler, a widow, et al, as described in Volume 468, Page 279 of the Deed Records of Taylor County, Texas.	Z				313.75	---5.19-- 3.60	1,628.36	---1,628.36-- 1,129.50

T - Type of Frontage
 F - Front Lot S - Side Lot U - Unplatted C - Commercial
 Z - Frontage Not Applied Because of Curb & Gutter Assessment

Credit for Existing Curb only (\$.50 per L.F)
 ** Credit for Existing Curb and Gutter (per L.F.)
 *** Unless Otherwise Specified, All Additions are Located in the City of Abilene, Taylor County, Texas
 **** Credit for Existing Drainage

PAVING ASSESSMENT ROLL
CITY OF ABILENE, TEXAS
ENGINEERING DIVISION

ASSESSMENT PAVING PROGRAM
STREET: U. S. HIGHWAY 277 FROM TEXAS AVENUE TO F. M. HIGHWAY 3438 (DUB WRIGHT BOULEVARD)
WIDTH: 64 feet UNIT: 4 SHEET NO. 8 OF 12 SHEETS

NO.	OWNER	DESCRIPTION	T	L.F. PAVING	RATE	COST	L.F. C & G	RATE	COST	TOTAL COST
19	Frank E. Peck 1409 Elmwood Abilene, TX 79603 Bobby Sid DuBose 5013 Moltre Drive Corpus Christi, TX 78413 Dian Owen 400 Pine Abilene, TX 79601	Being a 1249.4 foot by 200.0 foot tract or parcel of land fronting 1249.4 feet on the west side of U.S. Highway 277, being out of the J. H. Beck Survey No. 42 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, being the east 200.0 feet of a tract or parcel of land conveyed to Dian Owen from Bruce DuBose as recorded in Volume 1508, Page 359 of the Deed Records of Taylor County, Texas.	Z				1,249.4	-5-19- 3.60	6,484.39	-6,484.39- 4,497.84
20	Edgar Cannada and wife, Mary Cannada Route 3, Box 25 Abilene, TX 79603	Being a tract or parcel of land fronting 140.5 feet on the west side of U.S. Highway 277, said tract or parcel of land being out of the J. H. Beck Survey No. 42 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land being conveyed in two Deeds to Edgar Cannada and wife, Mary Cannada, from Frank J. Richards, et ux, as described in Volume 934, Page 703 and Volume 1032, Page 325 of the Deed Records of Taylor County, Texas.	Z				140.5	-5-19- 3.68	729.20	---729.20- 517.04

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S - Side Lot

U - Unplatted

C - Commercial

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*** Unless Otherwise Specified, All Additions are Located in the City of Abilene, Taylor County, Texas

**** Credit for Existing Drainage

PAVING ASSESSMENT ROLL
CITY OF ABILENE, TEXAS
ENGINEERING DIVISION

ASSESSMENT PAVING PROGRAM
STREET: U. S. HIGHWAY 277 FROM TEXAS AVENUE TO F. M. HIGHWAY 3438 (DUB WRIGHT BOULEVARD)
WIDTH: 64 feet UNIT: 4 SHEET NO. 9 OF 12 SHEETS

NO.	OWNER	DESCRIPTION	T	L.F. PAVING	RATE	COST	L.F. C & G	RATE	COST	TOTAL COST
21	James H. Richards Route 2, Box 61T Richmond, Texas	Being a tract or parcel of land fronting 102.5 feet on the west side of U. S. Highway 277, said tract or parcel of land being out of the J. H. Beck Survey No. 42 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, being the tract or parcel of land conveyed in a Deed to James H. Richards from Virginia S. Richards, as recorded in Volume 1555, Page 62 of the Deed Records of Taylor County, Texas.	Z				102.5	--5-19-3.68	531.98	--531-98-377.20
22	James E. Brooks and wife, Jeanette Brooks Route 3, Box 29 Abilene, TX 79605	Being a tract or parcel of land fronting 70.0 feet on the west side of U. S. Highway 277, said tract or parcel of land being out of the J. H. Beck Survey No. 42 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, being the tract or parcel of land conveyed in a Deed to James E. Brooks, et ux, from J. M. Brooks, et ux, as recorded in Volume 822, Page 215 of the Deed Records of Taylor County, Texas.	Z				70.0	--5-19-3.68	363.30	--363-30-257.60
23	Ruby Dell Browder Route 3, Box 23 Abilene, TX	Being a 454.5 foot by 200.0 foot tract or parcel of land fronting 454.4 feet on the west side of U.S. Highway 277, said tract or parcel of land being out of the William Bishop Survey No. 43 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land being the east 200.0 feet of the tract or parcel	Z				454.5	--5-19-3.68	2,358.86	--2,358-86-1,672.56

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** Credit for Existing Curb and Gutter (per L.F.)

*** Unless Otherwise Specified, All Additions are Located in the City of Abilene, Taylor County, Texas

**** Credit for Existing Drainage

PAVING ASSESSMENT ROLL
CITY OF ABILENE, TEXAS
ENGINEERING DIVISION

ASSESSMENT PAVING PROGRAM
STREET: U. S. HIGHWAY 277 FROM TEXAS AVENUE TO F. M. HIGHWAY 3438 (DUB WRIGHT BOULEVARD)
WIDTH: 64 feet UNIT: 4 SHEET NO. 10 OF 12 SHEETS

NO.	OWNER	DESCRIPTION	T	L.F. PAVING	RATE	COST	L.F. C & G	RATE	COST	TOTAL COST
23	Ruby Dell Browder (Cont'd.)	of land conveyed to Ruby Dell Browder, a widow, from Ruby Neeb, a widow, et al, as recorded in Volume 1105, Page 751 of the Deed Records of Taylor County, Texas								
24	Eddie Browder and wife, Priscilla Browder Route 3 Abilene, TX 79605	Being a tract or parcel of land fronting 178.4 feet on the west side of U. S. Highway 277, said tract or parcel of land being out of the William Bishop Survey No. 43 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, being the tract or parcel of land conveyed to Eddie Browder, et ux Priscilla Browder, from Ruby Neeb, a widow, et al, as recorded in Volume 1008, Page 237 of the Deed Records of Taylor County, Texas.	Z	178.4	-5-19-3.68				925.90	--925-90-656.51
25	Cemetery Management Corporation 1929 Allen Parkway Houston, TX 77015-0458	Being a 1780.0 foot by 200.0 foot tract or parcel of land fronting 1780.0 feet on the west side of U.S. Highway 277, said tract or parcel of land being out of the William Bishop Survey No. 43 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land being the east 200.0 feet of the tract or parcel of land conveyed in a Deed to Elmwood Memorial Park, a Corporation, from W. L. Roberts, et ux, as recorded in Volume 316, Page 710 of the Deed Records of Taylor County, Texas.	Z	1,749 6 25	-5-19-**** ** 4.23				9,077.31	-9,077-31-7,398.27

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F - Front Lot S - Side Lot U - Unplatted C - Commercial

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*** Credit for Existing Curb and Gutter (per L.F.)
**** Unless Otherwise Specified, All Additions are Located in the City of Abilene, Taylor County, Texas

**** Credit for Existing Drainage

PAVING ASSESSMENT ROLL
 CITY OF ABILENE, TEXAS
 ENGINEERING DIVISION

ASSESSMENT PAVING PROGRAM
 STREET: U. S. HIGHWAY 277 FROM TEXAS AVENUE TO F. M. HIGHWAY 3438 (DUB WRIGHT BOULEVARD)
 WIDTH: 64 feet UNIT: 4 SHEET NO. 11 OF 12 SHEETS

NO.	OWNER	DESCRIPTION	T	L.F. PAVING	RATE	COST	L.F. C & G	RATE	COST	TOTAL COST
26	Gregory W. Ververs and wife, Marjorie J. Ververs Route 3, Box 38 Abilene, TX 79605	Being a 1092.5 foot by 200.0 foot tract or parcel of land fronting 1092.5 feet on the west side of U. S. Highway 277, said tract or parcel of land out of the John Adams Survey No. 44 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land being the east 200.0 feet of a certain tract or parcel of land conveyed to Gregory W. Ververs, et ux, from Raymond E. Kasprak, et ux, as recorded in Volume 1060, Page 712 of the Deed Records of Taylor County, Texas.	Z				1,092.5	5.19 3.68	5,670.08	5,670.08 4,020.40
27	F. R. Yates Route 3, Box 39B Abilene, TX 79606	Being a 237.9 foot by 200.0 foot tract or parcel of land fronting 237.9 feet on the west side of U. S. Highway 277, said tract or parcel of land being out of the John Adams Survey No. 44 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land being the east 200.0 feet of a certain tract or parcel of land conveyed in a Deed to F. R. Yates from French M. Robertson, as recorded in Volume 836, Page 145 of the Deed Records of Taylor County, Texas.	Z				237.9	5.19 3.68	1,234.70	1,234.70 875.47

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 F - Front Lot S - Side Lot U - Unplatted C - Commercial
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Credit for Existing Curb only (\$.50 per L.F)
 ** Credit for Existing Curb and Gutter (_____ per L.F.)
 *** Unless Otherwise Specified, All Additions are Located in the City of Abilene, Taylor County, Texas
 **** Credit for Existing Drainage

PAVING ASSESSMENT ROLL
CITY OF ABILENE, TEXAS
ENGINEERING DIVISION

ASSESSMENT PAYING PROGRAM

STREET: U. S. HIGHWAY 277 FROM TEXAS AVENUE TO F. M. HIGHWAY 3438 (DUB WRIGHT BOULEVARD)
WIDTH: 64 feet UNIT: 4 SHEET NO. 12 OF 12 SHEETS

NO.	OWNER	DESCRIPTION	T	L.F. PAVING	RATE	COST	L.F. C & G	RATE	COST	TOTAL COST
28	Curtis T. Hall and wife, Bonnie J. Hall 2118 Delwood Abilene, TX 79603	Being a tract or parcel of land fronting 336.0 feet on the west side of U. S. Highway 277, said tract or parcel of land being out of the John Adams Survey No. 44 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land being the tract or parcel of land conveyed in a Deed to Curtis T. Hall, et ux, from Bobby R. Fincher, as recorded in Volume 1146, Page 234 of the Deed Records of Taylor County, Texas.	Z	336.0	--5.19- 3.68		336.0	--5.19- 3.68	1,743.84	--1,743.84- 1,236.48
29	First Evangelical Methodist Church Route 3, Box 60 Abilene, TX 79605	Lot 1, Block A, First Evangelical Methodist Church Addition out of a 41.765 acre tract out of the John Adams Survey No. 44, Abilene, Taylor County, Texas, an addition to the City of Abilene, Taylor County, Texas.		183.68	--5.19- 3.68		183.68	--5.19- 3.68	953.30	---953.30- 675.94
30	Byron Glen Bagley Route 3, Box 42A Abilene, TX	Being a 474.79 foot by 200.0 foot tract or parcel of land fronting 474.79 feet on the west side of U.S. Highway 277, said tract or parcel of land being out of the John Adams Survey No. 44 in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, being the east 200.0 feet of the tract or parcel conveyed in a Deed to Byron Glen Bagley as Tract 1 from Kenneth L. Musgrave as recorded in Volume 1488, Page 863 of the Deed Records of Taylor County, Texas.	Z	474.79	--5.19- 4.23		474.79	--5.19- 4.23	2,464.16	--2,464.16- 2,008.36
									TOTAL	54,397.42 -76,424.64-

T - Type of Frontage
F - Front Lot S - Side Lot U - Unplatted C - Commercial

Credit for Existing Curb only (\$.50 per L.F.)

** Credit for Existing Curb and Gutter (_____ per L.F.)

*** Unless Otherwise Specified, All Additions are Located in the City of Abilene, Taylor County, Texas

CERTIFICATE FOR ORDINANCE

THE STATE OF TEXAS :
COUNTIES OF TAYLOR AND JONES :
CITY OF ABILENE :

We, the undersigned officers of said City, hereby certify as follows:

1. The City Council of said City convened in REGULAR MEETING ON THE 14TH DAY OF JUNE, 1990, at the City Hall, and the roll was called of the duly constituted officers and members of said City Council, to-wit:

Gary D. McCaleb, Mayor
Betty Ray, Mayor Pro-Tem
Liz Herrera
Jimmy McNeil
Paul R. Vasquez
Jack Grable
Bill Terry

Jo Moore, City Secretary

and all of said persons were present,
except the following absentees: NONE
thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written

ORDINANCE AUTHORIZING PROMISSORY NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$190,000 TOGETHER WITH CONTRACT FOR LOAN GUARANTEE ASSISTANCE UNDER SECTION 108 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, 42 U.S.C., SECTION 5308, IN CONNECTION THEREWITH

was duly introduced for the consideration of said City Council and read in full. It was then duly moved and seconded that said Ordinance be passed on first reading; and, after due discussion, said motion carrying with it the passage of said Ordinance, prevailed and carried by the following vote:

AYES: All members of said City Council shown present above voted "Aye".

NOES: None.

2. The City Council of said City convened in REGULAR MEETING ON THE 28TH DAY OF JUNE, 1990, at the City Hall, and the roll was called of the duly constituted officers and members of said City Council, to-wit:

Gary D. McCaleb, Mayor
Betty Ray, Mayor Pro-Tem
Liz Herrera
Jimmy McNeil
Paul R. Vasquez
Jack Grable
Bill Terry

Jo Moore, City Secretary

and all of said persons were present,

except the following absentees: none

thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written

ORDINANCE AUTHORIZING PROMISSORY NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$190,000 TOGETHER WITH CONTRACT FOR LOAN GUARANTEE ASSISTANCE UNDER SECTION 108 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, 42 U.S.C., SECTION 5308, IN CONNECTION THEREWITH

was duly introduced for the consideration of said City Council and read in full. It was then duly moved and seconded that said Ordinance be passed on second and final reading; and, after due discussion, said motion carrying with it the passage of said Ordinance, prevailed and carried by the following vote:

AYES: All members of said City Council shown present above voted "Aye".

NOES: None.

3. That a true, full and correct copy of the aforesaid Ordinance passed at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Ordinance has been duly recorded in said City Council's minutes of said Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said Meeting pertaining to the passage of said Ordinance; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Ordinance would be introduced and considered for passage at said Meeting, and each of said officers and members consented, in advance,

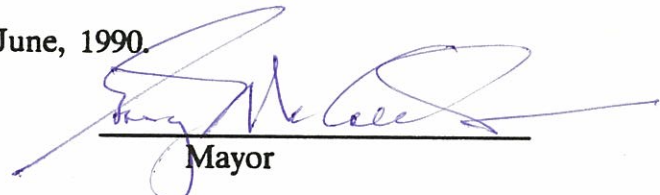
to the holding of said Meeting for such purpose, and that said Meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Vernon's Ann. Civ. St. Article 6252-17.

4. That the Mayor of said City has approved and hereby approves the aforesaid Ordinance; that the Mayor and the City Secretary of said City have duly signed said Ordinance; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Ordinance for all purposes.

SIGNED AND SEALED the 28th day of June, 1990.



City Secretary



Mayor

SEAL