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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AWARDDING A CONTRACT FOR THE IMPROVEMENT OF THE FOLLOWING NAMED STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF ABILENE, TEXAS, TO-WIT:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>WIDTH</u>
Plum Street	N. P. L. N. 2nd St.	S. P. L. N. 3rd St.	40'
Plum Street	N. P. L. N. 3rd St.	S. P. L. N. 4th St.	40'
N. 3rd Street	E. P. L. Plum St.	W. R. O. W. Treada- way Blvd.	50'
Ash Street	N. P. L. N. 2nd St.	S. P. L. N. 3rd St.	40'
Ash Street	N. P. L. N. 3rd St.	S. P. L. N. 4th St.	52'
Ash Street	N. P. L. N. 4th St.	S. P. L. N. 5th St.	35'
Ash Street	N. P. L. N. 5th St.	S. P. L. N. 6th St.	35'
Ash Street	N. P. L. N. 6th St.	S. P. L. N. 7th St.	35'

CONTINGENT UPON A SUFFICIENT ASSESSMENT BEING LEVIED AGAINST ABUTTING PROPERTIES TO FINANCE SAID PROPOSED STREET IMPROVEMENTS; APPROVING AN ESTIMATE OF COSTS OF SAID PROPOSED IMPROVEMENTS PREPARED BY THE CITY ENGINEER OF THE CITY OF ABILENE, TEXAS; APPROPRIATING FUNDS IN THE SUM OF \$51, 871. 05 PLUS \$2, 593. 55 FOR ENGINEERING COSTS FOR THE CITY OF ABILENE'S PORTION OF SUCH ESTIMATED COSTS; APPROVING THE PROPOSED ASSESSMENTS TO BE LEVIED AGAINST ABUTTING PROPERTY OWNERS, AND CALLING A PUBLIC HEARING TO CONSIDER AN ORDINANCE LEVYING SAID PROPOSED ASSESSMENTS AGAINST THE ABUTTING PROPERTY OWNERS.

WHEREAS, the City of Abilene has heretofore duly advertised for competitive, sealed bids for the construction of certain improvements on the following named streets in the City of Abilene, Texas, to-wit:

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>WIDTH</u>
Plum Street	N. P. L. N. 2nd St.	S. P. L. N. 3rd St.	40'
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Ash Street	N. P. L. N. 4th St.	S. P. L. N. 5th St.	35'
Ash Street	N. P. L. N. 5th St.	S. P. L. N. 6th St.	35'
Ash Street	N. P. L. N. 6th St.	S. P. L. N. 7th St.	35'

and, on the 28th day of March, 19 72, said bids were received and read, as follows:

Circle Construction	\$51,871.05
Pioneer Construction	\$54,933.10
Presler & Willis	\$56,589.55
Bontke Bros.	\$53,895.45

WHEREAS, Circle Construction

is the lowest, responsible bidder, and it is the opinion of the City Council that it is in the best interest of the public welfare of the City of Abilene to award a contract to said lowest, responsible bidder; contingent, however, upon a sufficient assessment being levied against abutting property owners, which, in the opinion of the City Council, will enable the City of Abilene to finance said improvements; and

WHEREAS, the City Engineer of the City of Abilene, Texas, at the direction of the City Council, has prepared and submitted an estimate of costs for the improvements to the above named streets, and has prepared a proposed assessment roll against abutting owners of said streets, or portions thereof, which does not exceed nine-tenths (9/10ths) of the estimated cost of such improvements, exclusive of curbs, gutters and sidewalks, and it is the opinion of the City Council that said estimate of costs should be approved, and that the proposed assessments are just, equitable and reasonable, and, in all respects, meet the requirements of law, and that a public hearing should be called to consider the proposed assessments and to consider an ordinance levying said proposed assessments against the abutting property owners; now, therefore,

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

PART 1: That the bid of Circle Construction, being the lowest, responsible bid, be, and the same is hereby, accepted, and said firm is hereby awarded a contract, to be prepared by the City Attorney, for the construction of said improvements, said acceptance and award, however, being contingent upon a sufficient assessment being levied against abutting property owners along said above named streets, which, in the opinion of the City Council, would enable the City of Abilene to finance said improvements.

PART 2: That the estimate of costs attached hereto, and incorporated herein, for all purposes, as Exhibit "A", be, and the same is hereby, in all things, approved.

PART 3: That the sum of Fifty-Four Thousand Four Hundred Sixty-Four and 60/100ths (\$54,464.60) Dollars, which includes the amount of such bid and all engineering expenses to be incurred by the City of Abilene in connection with such project, be, and the same is hereby, appropriated from Street Improvement Bond Funds for the City of Abilene's portion of such estimated costs.

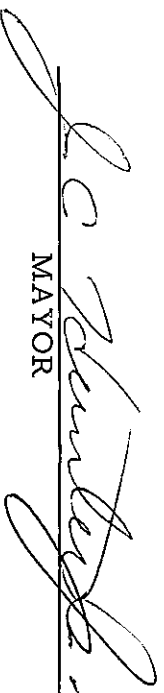
PART 4: That the City Council finds there is a necessity to assess a portion of the cost of said proposed improvements against abutting property owners under the "Front Foot" Plan, as provided in Article 1105b, V. A. T. S., and hereby proposes to assess said costs, as set out in detail in Exhibit "A", attached hereto, which describes the streets, or portions thereof, to be improved; the names of owners of property abutting said streets, or portions thereof, to be improved; the legal description of the property abutting said streets, or portions thereof, to be improved; the number of feet of said properties abutting said street, or portions thereof, to be improved; the amount, or amounts, per front foot proposed to be assessed against said owners, and the total, proposed assessment against said properties abutting the streets, or portions thereof, to be improved.

PART 5: That the City Secretary of the City of Abilene be, and she is hereby, directed to publish a Notice of Public Hearing, to be held in the Council Chamber of the City Hall, Abilene, Texas, on the 11th day of May, A. D., 1972, at 9:00 A. M., at which time, all of the owners, their agents or attorneys, or any persons owning any interest therein, whose properties are subject to an assessment, as set out in Exhibit "A", attached hereto, may appear before the City Council, and may be heard on any matter as, to which hearing, is a constitutional prerequisite to the validity of any assessment authorized by Article 1105b, V. A. T. S., and to contest the amounts of the proposed assessments; the liens and liability thereof; the special benefits to the abutting property, and owners thereof, by means of the improvement for which assessments are to be levied, and the accuracy, sufficiency, regularity and validity of the proceedings and contract in connection with such improvements and proposed assessments. Said notice shall be published in the official newspaper of the City of Abilene at least three (3) times, the first publication to be made at least twenty-one (21) days before the date of the hearing, and additional written notice of such hearing shall be given by depositing in the United States Mail, at least fourteen (14) days before the date of the hearing, written notice of such hearing, postage prepaid, in an envelope addressed to the owners of the respective properties abutting such streets, or portions thereof, to be improved, as the names of such owners are shown on the then current rendered tax rolls of the City and at 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. Such notice shall describe, in general terms, the nature of the improvements for which assessments are proposed to be levied and to which such notice relates; shall state the street, streets, portion, or portions thereof, to be improved; shall state the estimated amount, or amounts, per front foot proposed to be assessed against the owner, or owners, of abutting property and such property on each street, or portion thereof, with reference to which hearing is to be held; shall state the estimated total cost of the improvements on each such street, portion, or portions thereof, and, if the improvements are to be constructed in any part of the area between and under railway tracks, double tracks,


turn-outs, switches, and two (2) feet on each side thereof of any railway, street railway or inter-urban, shall also state the amount proposed to be assessed therefor, and shall state the time and place at which such hearing shall be held. Said notice shall be sufficient, valid and binding upon all persons owning or claiming such abutting property, or any interest therein, and upon all owners, or those claiming such railway, street railway or inter-urban properties, or any interest therein. The notice to be mailed may consist of a copy of the published notice. In those cases in which an owner of property abutting a street, or portion thereof, which is to be improved is listed as "unknown" on the then current City Tax Roll, or the name of an owner is shown on the City Tax Roll, but no address for such owner is shown, no notice need be mailed. In those cases where the owner is shown to be an estate, the mailed notice may be addressed to such estate.

PART 6: That this resolution shall take effect immediately from and after its passage.

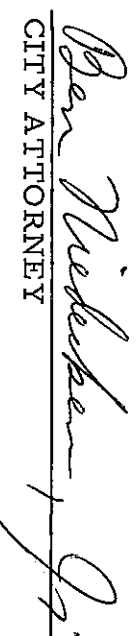
ADOPTED this 13th day of April, A. D., 19 72.


MAYOR

ATTEST:


CITY SECRETARY

APPROVED:


CITY ATTORNEY

