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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ORDERING THE IMPROVEMENT OF THE HEREINAFTER NAMED STREETS; PROVIDING FOR ASSESSMENT OF A PORTION OF THE COST OF IMPROVEMENTS THEREOF AGAINST ABUTTING PROPERTY OWNERS; APPROVING THE PLANS AND SPECIFICATIONS FOR SAID IMPROVEMENTS, AND DIRECTING THE CITY SECRETARY TO ADVERTISE FOR COMPETITIVE BIDS FOR THE CONSTRUCTION OF THE IMPROVEMENTS; THE NAMES OF THE STREETS, OR PORTIONS THEREOF, TO BE SO IMPROVED BEING AS FOLLOWS, TO-WIT:

641 WIDE STREET F/C to F/C

Texas Avenue - Highway 277 to Dyess A.F.B.

WHEREAS, the City of Abilene deems it necessary to permanently improve the hereinafter named streets, within the corporate limits of said City; and

WHEREAS, it is necessary to assess a portion of the cost against abutting property owners under the "Front Foot" Plan; and

WHEREAS, plans and specifications for the construction of said improvements have been prepared and submitted for approval, and the City Council is ready to advertise for bids for the construction of said improvements; now, therefore,

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

SECTION 1: That the following named streets, or portions thereof, lying and being situated in the City of Abilene, Texas, to-wit:

64' WIDE STREET F/C to F/C

Texas Avenue - Highway 277 to Dyess A. F. B.

be, and the same are hereby, ordered to be improved, in the following manner, to-wit:

- 64' wide (face of curb to face of curb)
- 2" Bituminous Surface (Hot Mix)
- 10" Crushed Limestone Base
- 6" Lime Stabilized Subgrade

Any existing curbs or gutters in place, meeting the plans and specifications hereinafter approved, or which can be utilized, if any, shall be left in place, and the property owners, subject to then existing City policies, shall be allowed corresponding credits against any assessments.

SECTION 2: That the cost of the improvements ordered above shall be paid as follows, to-wit:

(a) Not more than all the cost of constructing, reconstructing, repairing and realigning curbs, gutters and sidewalks, and nine-tenths (9/10ths) of the remaining costs of such improvements, as shown by the Estimate of Costs, shall be assessed against abutting property and the owners thereof.

(b) The City of Abilene shall pay all remaining costs of the improvements.

(c) The costs which shall be assessed against abutting owners and their property shall be assessed in accordance with what is known as the "Front Foot" Plan, in proportion to the frontage of the property of each owner to the whole frontage improved; said assessments shall be payable in full, or in monthly installments not to exceed thirty-six (36), and, in no event, shall any such monthly payment be less than Ten Dollars (\$10.00) per month. Payment in full or the first monthly installment payment shall be paid within thirty (30) days from the date of acceptance of said improvements by the Director of Public Works of the City of Abilene. In the case of monthly installments, one installment shall be paid each month thereafter until paid in full, together with interest thereon at the rate of five percent (5%) per annum, with the provision that any of said installments may be paid at any time before maturity by payment of the principal and accrued interest thereon. Any property owner against whom, and upon whose, property an assessment has been levied may pay the whole assessment chargeable to him, without interest, within thirty (30) days after acceptance of said improvements by the Director of Public Works.

Provided, that if the application of the above mentioned rule of apportionment between property owners would, in the opinion of the City Council, in particular cases, be unjust or unequal, it shall be the duty of said Council to assess and apportion said costs in such a manner as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, the equities of owners and the adjustment of such apportionment so as to produce a substantial equality of benefits received by, and burdens imposed upon, said owners.

That no assessment shall be made against any owner of abutting property until after the notice and hearing required by law, and no assessment shall be made against an owner of abutting property in excess of the benefits to such property, in enhanced value thereof, by virtue of said improvements.

That part of the costs of the improvements, determined to be levied against abutting property and the owners thereof, shall be levied by assessment, as herein provided, and said improvements may further be secured by Mechanic's Liens, to be executed in favor of the City of Abilene, as provided by law, in accordance with the terms and provisions of this resolution. Paving certificates evidencing the assessments shall be issued in favor of the City of Abilene for the amount of assessment, whether the property owners have executed Mechanic's Liens to secure the payment or not, and shall be payable for the use and benefit of the fund established for the purpose of financing paying improvements.

SECTION 3: That the plans and specifications presented to the City Council by the Engineering Department of the City of Abilene, and prepared for the improvements of the above enumerated streets, as hereinbefore defined, having been carefully considered by the Council, be, and the same are hereby, APPROVED AND ADOPTED as the plans and specifications for the improvement of said streets, and are hereby ordered to be placed on file in the office of the City Engineer.

SECTION 4: That the City Secretary be, and she is hereby, instructed to advertise for sealed, competitive bids for the construction of the improvements ordered by this resolution, such advertisement for bids to be published in the Abilene Reporter News, the official newspaper of the City of Abilene, which is a newspaper of general circulation in the City of Abilene. The advertisement shall run once a week for two (2) consecutive weeks prior to the time set for the receiving of bids, the date of the first publication to be at least fourteen (14) days prior to the date set for the receiving of the bids. All bids shall be filed with the City Secretary, on or before the date and hour specified, and shall be opened and read in a public meeting of the City Council.

SECTION 5: That the City Council, in initiating this proceeding, is acting under the terms and provisions of Article 1105b, Vernon's Annotated Texas Statutes, and Section 5 of the Charter of the City of Abilene, Texas.

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

ADOPTED this 26th day of January, A. D., 1978.


MAYOR

ATTEST:


CITY SECRETARY

APPROVED:

