

RESOLUTION NO. 10-1987

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING STAFF TO COMMENCE A SPECIAL ASSESSMENT PROGRAM AND ORDERING THE IMPROVEMENTS 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:

1. LINCOLN DRIVE - 36' WIDE STREET F/C TO F/C
FROM AMBLER TO HILLCREST DRIVE; FROM HILLCREST DRIVE TO ALLEY EAST OF LINCOLN
2. POPLAR STREET - 30' WIDE STREET F/C TO F/C
FROM WESTWAY DRIVE TO SOUTH 17TH
3. REDBIRD LANE - 36' WIDE STREET F/C TO F/C
FROM HARTFORD STREET TO PUEBLO STREET
4. VICTORIA STREET - 36' WIDE STREET F/C TO F/C
FROM LOWDEN STREET TO ALLEY NORTH OF LOWDEN

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:

PART 1: That the following named streets, or portions thereof, lying and being situated in the City of Abilene, Texas, and more particularly described in the attached Exhibit "A", to-wit:

1. LINCOLN DRIVE - 36' WIDE STREET F/C TO F/C
From Ambler to Hillcrest Drive; from Hillcrest Drive to alley east of Lincoln
2. POPLAR STREET - 30' WIDE STREET F/C TO F/C
From Westway Drive to South 17th
3. REDBIRD LANE - 36' WIDE STREET F/C TO F/C
From Hartford Street to Pueblo Street
4. VICTORIA STREET - 36' WIDE STREET F/C TO F/C
From Lowden Street to alley north of Lowden

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

30' WIDE STREET F/C TO F/C
6" Lime Stabilized Subgrade
6" Crushed Limestone Base
1" Hot Mix Asphaltic Concrete Pavement
Complete with Curb & Gutter

36' WIDE STREET F/C TO F/C
6" Lime Stabilized Subgrade
6" Crushed Limestone Base
1" Hot Mix Asphaltic Concrete Pavement
Complete with Curb & Gutter

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.

PART 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 of 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 paving improvements.

PART 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.

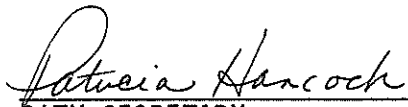
PART 4: That the City Secretary be, and she is hereby, instructed to advertise for sealed, competitive bids for the construction of the improvements ordered by this resolution, such advertisement for bids to be published in the Abilene Reporter News, the official newspaper of the City of Abilene, which 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 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.

PART 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.

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

ADOPTED this 12th day of March, A.D., 1987.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

Exhibit A

30 Foot Wide Street From Face of Curb to Face of Curb

POPLAR STREET--SOUTH 17TH TO WESTWAY

1. Lots 1 through 6, Block 3, C. B. Webb Subdivision of Lots 3 and 4, Block C, Anderson Addition, an addition to the City of Abilene, Taylor County, Texas.
2. Lots 9 through 16, Block 2, C. B. Webb Subdivision of Lots 3 and 4, Block C, Anderson Addition, an addition to the City of Abilene, Taylor County, Texas.

36 Foot Wide Streets From Face of Curb to Face of Curb

VICTORIA STREET FROM LOWDEN STREET TO ALLEY NORTH OF LOWDEN STREET

1. Lot 8 and the west 10 feet of Lot 9, Block 1 of W. T. McQuarry Subdivision of the south 101.91 feet of Lot 6 and all of the north one half (N 1/2) of Lot 7, of the Dellis and Paxton Subdivision of Blocks 1 and 2 of the Steffens Subdivision of Merchant Pasture, an addition to the City of Abilene, Taylor County, Texas.
2. The west 65 feet of Lot 10, Block 1 of the W. T. McQuarry Subdivision of the south 101.91 feet of Lot 6 and all of the north one half (1/2) of Lot 7 of the Dellis and Paxton Subdivision of Blocks 1 and 2 of the Steffens Subdivision of Merchant Pasture, an addition to the City of Abilene, Taylor County, Texas.

REDBIRD LANE FROM HARTFORD TO PUEBLO

1. Lots 1 and 2 of the Chas. Coffey Subdivision out of Lot 5 of the Anderson and Berry Subdivision of the Alexander Thompson Survey Number 37, in Taylor County, Texas, an addition to the City of Abilene, Taylor County, Texas.
2. Lots 1 and 10, Block A of the Casey and Hollis Subdivision out of Lot 5, of the Anderson and Berry Subdivision of Alexander Thompson Survey Number 37, in Taylor County, Texas, an addition to the City of Abilene, Taylor County, Texas.
3. Being a tract or parcel of land fronting 81.36 feet on the west side of Redbird Lane, said tract or parcel of land being out of Lot 5 of the Anderson and Berry Subdivision of the Alexander Thompson Survey Number 37, in Taylor County, Texas, an addition to the City of Abilene, Taylor County, Texas, being the tract or parcel of land conveyed in a Deed to Ivory M. Dearing, et ux, from Dolores D. Malley, Individually and as Independent Executrix of the estate of Audrey Rawls Reese, deceased, as recorded in Volume 1106, Page 362 of the Deed Records of Taylor County, Texas.

4. Being a tract or parcel of land fronting 208.71 feet on the west side of Redbird Lane, said tract or parcel of land being out of Lot 5 of the Anderson and Berry Subdivision of the Alexander Thompson Survey Number 37, in Taylor County, Texas, an addition to the City of Abilene, Taylor County, Texas, being the remaining portion of the tract or parcel of land conveyed in a Deed to B. H. Moran et ux, from Lee Baker et ux, as recorded in Volume 465, Page 329 of the Deed Records of Taylor County, Texas, SAVE AND EXCEPT the tract or parcel of land conveyed in a Deed to Shelby Blackman from B. H. Moran et ux, as recorded in Volume 604, Page 449 and 450 of the Deed Records of Taylor County, Texas.
5. Lots 1 and 3 of Block A of the I. M. Dearing Addition out of Lot 5, Anderson and Berry Addition out of the Alexander Thompson Survey No. 37, in Taylor County, Texas, an addition to the City of Abilene, Taylor County, Texas.
6. Lots 1 and 2, Block A of the Winter Garden Addition out of Lot 5, of the Anderson and Berry Subdivision of the Alexander Thompson Survey Number 37, in Taylor County Texas, an addition to the City of Abilene, Taylor County, Texas.
7. Being a tract or parcel of land fronting 417.42 feet on the west side of Redbird Lane, said tract or parcel of land being out of Lot 5 of the Anderson and Berry Subdivision of the Alexander Thompson Survey Number 37, in Taylor County Texas, an addition to the City of Abilene, Taylor County Texas, being the east 200 feet of the the tract or parcel of land conveyed as Tract 3 in a Deed to Royce Carr from Sherry Given Roberts Leverett et al, as recorded in Volume 1105, Page 512 of the Deed Records of Taylor County, Texas.
8. Being a tract or parcel of land fronting 325 feet on the west side of Redbird Lane. Said tract or parcel of land being out of Lot 5, of the Anderson and Berry Subdivision of the Alexander Thompson Survey Number 37, in Taylor County Texas, an addition to the City of Abilene, Taylor County, Texas, being the east 200 feet of the tract or parcel of land conveyed to Donald D. Wharton from the Estate of Olive K. Roberts as recorded in Volume 1173, Page 451 of the Deed Records of Taylor County, Texas.
9. Lot 2, Block A, Continuation No. 1, the Meadows Addition to the City of Abilene, Taylor County, Texas.
10. Lot 50, Block F, a plat of Section 3, the Meadows Addition out of the Alexander Thompson Survey Number 37, in Taylor County, Texas, an addition to the City of Abilene, Taylor County, Texas.
11. A tract or parcel of land fronting 665.24 feet on the east side of Redbird Lane, said tract or parcel of land being out of Lot 4 of the Anderson and Berry Subdivision of the Alexander Thompson

Survey Number 37, in Taylor County Texas, an addition to the City of Abilene, Taylor County, Texas, said tract or parcel of land being out of a certain tract or parcel of land conveyed in a Deed to the Meadows, a Joint Venture, from Hollis E. Swofford, Trustee, as recorded in Volume 1244, Page 94 of the Deed Records of Taylor County, Texas, said tract or parcel of land being more particularly described as follows:

1.87 acres of land out of Lot 4, of the Anderson and Berry Subdivision of the Alexander Thompson Survey Number 37, Abilene, Taylor County, Texas, and being more particularly described as follows:

Beginning at the southwest corner of Lot 40, Block A, Section 6, The Meadows Subdivision, Abilene, Taylor County, Texas; being also the north right of way of Eagle Drive;

THENCE N 0° 09' 30" W 115' along the west line of said Lot 40 to the northwest corner of said Lot 40 and the northwest corner of said Section 6, The Meadows;

THENCE north 550 feet to the northwest corner of Section 1, The Meadows;

THENCE S 89° 56' W 119 feet to the proposed east right of way line of Redbird Lane;

THENCE S 0° 32' 34" W 665.24 feet along the west right of way of Redbird Lane to the north right of way of Eagle Drive;

THENCE S 89° 50' 30" E 125.62 feet along the north right of way of Eagle Drive to the Place of Beginning.

12. Being a tract or parcel of land fronting 810.00 feet on the east side of Redbird Lane, said tract or parcel of land being out of Lot 4 of the Anderson and Berry Subdivision of the Alexander Thompson Survey Number 37, in Taylor County, Texas, an addition to the City of Abilene, Taylor County, Texas, said tract or parcel of land conveyed in a Deed to the Meadows, a Joint Venture, from Hollis E. Swofford, Trustee, as recorded in Volume 1244, Page 94 of the Deed Records of Taylor County, Texas, said tract or parcel of land described more particularly below.

Beginning at the northwest corner of Lot 1, Block E, Section 6, The Meadows Subdivision, Abilene, Taylor County, Texas, being also on the south right of way of Eagle Drive;

THENCE S 0° 09' 30" E 810 feet to the southwest corner of Lot 77, Block E, Section 3, The Meadows; being also the north right of way of Golden Eagle Drive;

THENCE S 89° 50' 30" W 126.72 feet along the north right of way of Golden Eagle Drive to the property east of the right of way of Redbird Lane;

THENCE N 0° 05' 10" W 810 feet along the east right of way of Redbird Lane to the south right of way of Eagle Drive;

THENCE N 89° 50' 30" E 125.70 feet along the south right of way of Eagle Drive to the Place of Beginning.

LINCOLN DRIVE FROM AMBLER AVENUE TO HILLCREST STREET

1. Being a tract or parcel of land fronting 120.0 feet on the east side of Lincoln Drive, said tract or parcel of land being out of the west one half (W 1/2) of Fractional Section 23, Blind Asylum Lands, in Taylor County Texas, situated in the City of Abilene, situated in the City of Abilene, Taylor County, Texas, being the tract or parcel of land conveyed in a Deed to Woodie McClung from Pat Agnew et ux, as recorded in Volume 1382, Page 704 of the Deed Records of Taylor County, Texas.
2. Being a tract or parcel of land fronting 205.0 feet on the east side of Lincoln Drive, said tract or parcel of land being out of the west one half (W 1/2) of Fractional Section 23, Blind Asylum Lands, in Taylor County Texas, situated in the City of Abilene, situated in the City of Abilene, Taylor County, being the tract or parcel of land conveyed in a Deed to Foster Cox et ux, from H. A. Daniel et ux, as recorded in Volume 929, Page 264 of the Deed Records of Taylor County, Texas.
3. Lot 1, Block A, Continuation Number 1, Section 1, of the Hillcrest Addition to the City of Abilene, Taylor County, Texas.
4. Lots 18 through 31, Block 5, Section 8, of the Hillcrest Addition to the City of Abilene, Taylor County, Texas.
5. Being a tract or parcel of land fronting 75.0 feet of the east side of Lincoln Drive, said tract or parcel of land being out of the west one half (W 1/2) of Fractional Section 23, Blind Asylum Lands, in Taylor County Texas, situated in the City of Abilene, situated in Abilene, Taylor County, Texas, said tract or parcel of land being the tract or parcel of land conveyed in a Deed to Sally Collins Hix from J. R. Collins et ux, as recorded in Volume 1315, Page 386 of the Deed Records of Taylor County, Texas.
6. Being a tract or parcel of land fronting 94.0 feet on the east side of Lincoln Drive, said tract or parcel of land being out of the west one half (W 1/2) of Fractional Section 23, Blind Asylum Lands, in Taylor County Texas, situated in the City of Abilene, situated in the City of Abilene, Taylor County, Texas, being the tract or parcel of land conveyed as Tract 2 in a Deed to F. G. McComas, Sr., from B. F. Cox, Sr., et ux, as recorded in Volume 508, Page 201 of the Deed Records in Taylor County, Texas.
7. Being a tract or parcel of land fronting 260.5 feet on the west side of Lincoln Drive, said tract or parcel of land being out of the west one half (W 1/2) of Fractional Section 23, Blind Asylum

Lands, in Taylor County Texas, situated in the City of Abilene, situated in the City of Abilene, Taylor County, Texas, being the tract or parcel of land conveyed in a Deed to Wayne W. Howell et ux, from Wayne Howell, Inc., as recorded in Volume 1395, Page 226 of the Deed Records of Taylor County, Texas, SAVE AND EXCEPT a portion conveyed to the Texas Highway Department for right of way for State Highway 351, otherwise known as Ambler Avenue as recorded in Volume 727, Page 536 of the Deed Records of Taylor County, Texas.

8. Being a tract or parcel of land fronting 103.0 feet on the west side of Lincoln Drive said tract or parcel of land being out of the west one half (W 1/2) of Fractional Section 23, Blind Asylum Lands, in Taylor County Texas, situated in the City of Abilene, situated in Abilene, Taylor County, Texas, said tract being a part of a certain 20 acre tract or parcel conveyed to B. F. Cox from R. N. McGuire, et ux, as recorded in Volume 189, Page 76 of the Deed Records of Taylor County, Texas, said tract or parcel of land being more particularly described as follows:

Beginning at a point said point being on the south boundary line of an existing east-west alley from the most southerly southeast corner of Section 8, Hillcrest Addition to the City of Abilene, Taylor County, Texas, bears S 89° 55' E, a distance of 60.0 feet.

THENCE south with the present existing west right of way line of Lincoln Drive, a distance of 103.0 feet for a corner, said corner being the northeast corner of a certain tract or parcel of land conveyed to Wayne W. Howell et ux, from Wayne Howell, Inc., as recorded in Volume 1395, Page 226 of the Deed Records of Taylor County, Texas.

THENCE west with the north boundary line of said Howell tract or parcel of land a distance of 170.0 feet for a corner, said corner being the northwest corner of said Howell tract or parcel of land.

THENCE north parallel with the existing west right of way of Lincoln Drive a distance of 103 feet for a corner. Being on the south boundary line of the existing alley.

THENCE S 89° 55' E, with the south boundary line of the existing alley a distance of 170.0 feet to the Place of Beginning.

9. Lot 1, Block 30 of Section 8 of the Hillcrest Addition to the City of Abilene, Taylor County, Texas, SAVE AND EXCEPT a portion conveyed to the City of Abilene for right of way for Lincoln Drive in Volume 1507, Page 736, of the Deed Records of Taylor County, Texas.
10. Lots 1 through 6, Block 29 of Section 8 of Hillcrest Addition to the City of Abilene, Taylor County, Texas.

11. Lots 1 through 6, Block 28 of Section 8 of Hillcrest Addition to the City of Abilene, Taylor County, Texas.
12. Lot 1, Block 1, Winkles Subdivision of part of the Fractional Section 23, Blind Asylum Lands in Taylor County, Texas, an addition to the City of Abilene, Taylor County, Texas, SAVE AND EXCEPT a portion conveyed to the City of Abilene for right of way on Braton Court as recorded in Volume 1503, Page 754 of the Deed Records of Taylor County, Texas.
13. Being a tract or parcel of land fronting 181.0 feet on the west side of Lincoln Drive, said tract or parcel of land being out of Fractional Section 23, Blind Asylum Lands, situated in the City of Abilene, Taylor County, Texas, being the tract or parcel of land made up of two tracts or parcels of land conveyed in Deeds to Fred R. Buenrostro et ux, from James B. Newman, Trustee, as recorded in Volume 1223, Page 63 and 69 of the Deed Records of Taylor County, Texas.
14. Being a tract or parcel of land fronting 60.0 feet on the north side of Lincoln Drive said tract or parcel of land being out of the west one half (W 1/2) of Fractional Survey Number 23, Blind Asylum Lands in Taylor County, Texas, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land being out of Tract Number 1, in a Deed conveyed to F. G. McComas, Sr., as recorded in Volume 508, Page 201, of the Deed Records of Taylor County, Texas, said tract or parcel of land being more particularly described as follows:

Beginning at a point, said point being the northeast corner of a tract or parcel of land conveyed in a Deed to Fred R. Buenrostro et ux, from James Newman, Trustee, as recorded in Volume 1223, Page 69 of the Deed Records of Taylor County, Texas.

THENCE north a distance of 230 feet for a corner, said corner being on the north boundary line of said McComas Tract referenced above;

THENCE east with the north boundary line of said McComas tract a distance of 60.0 feet for a corner, said corner being on the projection of the east right of way line of Lincoln Drive;

THENCE south with the projection of the east right of way line of Lincoln Drive a distance of 230.0 feet for a corner, said corner being the intersection of the projection on the east right of way line of Lincoln Drive and the south boundary line of said McComas tract; (the existing north right of way line of Lincoln Drive).

THENCE west with the south boundary line of said McComas tract (the existing north right of way line of Lincoln Drive) a distance of 60 feet to the Place of Beginning.

HILLCREST DRIVE FROM LINCOLN DRIVE TO ALLEY EAST OF LINCOLN DRIVE

1. Being a tract or parcel of land fronting 159.0 feet on the south side of Hillcrest Drive said tract or parcel of land being out of the west one half (W 1/2) of Fractional Section 23, Blind Asylum Lands, in Taylor County Texas, situated in the City of Abilene, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land conveyed as the second tract in a Deed to F. G. McComas, Sr., from B. F. Cox et ux, as recorded in Volume 508, Page 201 of the Deed Records of Taylor County, Texas.
2. Being a tract or parcel of land fronting 159.0 feet on the north side of Hillcrest Drive said tract or parcel of land being out of the west one half (W 1/2) of Fractional Survey Number 23, Blind Asylum Lands, in Taylor County Texas, an addition to the City of Abilene, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land being out of a certain tract or parcel of land conveyed as the first tract in a Deed to F. G. McComas, Sr., from B. F. Cox, Sr., et ux, as recorded in Volume 508, Page 201, of the Deed Records of Taylor County, Texas, said tract or parcel of land being more particularly described as follows:

Beginning at a point in the existing north right of way line of Hillcrest Drive from which the northwest corner of the second tract or parcel of land conveyed to F. G. McComas, Sr., from B. F. Cox, Sr., et ux, as cited above bears south a distance of 50.0 feet, said point also being the interesection of the east right of way line of Lincoln Drive with the existing north right of way line of Hillcrest Drive.

THENCE north a distance of 230 feet for a corner said corner being on the north boundary line of the first tract conveyed in a Deed to F. G. McComas, Sr., from B. F. Cox, Sr., et ux, as cited above;

THENCE east with said north boundary line a distance of 159.0 feet for a corner;

THENCE south a distance of 230 feet for a corner, said corner being on the southeast corner of said McComas tract or parcel of land, as cited above, also being the existing north right of way line of Hillcrest Drive;

THENCE west with the existing north right of way line of Hillcrest Drive also with the south boundary line of said McComas tract or parcel of land a distance of 159.0 feet to the Place of Beginning.