

RESOLUTION NO. 40-1991

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:

UNIT I - 30' WIDE STREETS F/C TO F/C

1. Almond Street - From N. 13th Street to Cedar Hill Cemetery South
2. Victoria Street - From Sandefer Street to Vogel Avenue
3. Orange Street - From Anson Avenue to W. Stamford Street
4. Walnut Street - From University Boulevard to 300 feet north
5. S. 18th Street - From Portland Avenue to Grand Avenue
6. Grand Avenue - From S. 19th Street to Hunt Street
7. Fulton Street - From Grand Avenue to Santos Street

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:

UNIT I - 30' WIDE STREETS F/C TO F/C

1. Almond Street - From N. 13th Street to Cedar Hill Cemetery South
2. Victoria Street - From Sandefer Street to Vogel Avenue
3. Orange Street - From Anson Avenue to W. Stamford Street
4. Walnut Street - From University Boulevard to 300 feet north
5. S. 18th Street - From Portland Avenue to Grand Avenue
6. Grand Avenue - From S. 19th Street to Hunt Street
7. Fulton Street - From Grand Avenue to Santos Street

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

UNIT I - 30' WIDE STREETS F/C TO F/C

- 6" Lime Stabilized Subgrade
- 6" Crushed Limestone Base
- 1" Hot Mix Asphaltic Concrete Pavement
- Complete with Curb and 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 eight percent (8%) 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 of 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 10 day of October, A.D., 1991.

ATTEST:

[Signature]
CITY SECRETARY

[Signature]
MAYOR

APPROVED:

[Signature]
CITY ATTORNEY

Exhibit A

Almond Street
From North 13th Street to the Cemetery on the South

1. Lot 1 of the T.A. Russell's Subdivision of the North 279.6 feet of Block 12, of T.C. Campbell's Replat of College Drive Addition, an addition to the City of Abilene, Taylor County, Texas.
2. Lot 7, Block 10 of the T.C. Campbell's Replat of College Drive Addition, an addition to the City of Abilene, Taylor County, Texas.
3. Being a portion of an abandoned alley between Blocks 10 and 11 of the T.C. Campbell's Replat of College Drive Addition, an addition to the City of Abilene, Taylor County, Texas, said portion of said alley lying South of and adjacent to Lots 5A, 6, 6A and 7 of Block 10 of said T.C. Campbell's Replat of College Drive Addition, an addition to the City of Abilene, Taylor County, Texas.
4. Being the North 11.75 feet of the East 150 feet of Lot 1, Block 11 of T.C. Campbell's Replat of College Drive Addition, an addition to the City of Abilene, Taylor County, Texas.

Exhibit A

Victoria Street
From Sandefer Street to Vogel Avenue

1. Lots 10 and 13, Block 4, West University Place, an addition to the City of Abilene, Taylor County, Texas.
2. Lots 10 and 13, Block 3, West University Place, an addition to the City of Abilene, Taylor County, Texas.
3. Lots 10 and 13, Block 2, West University Place, an addition to the City of Abilene, Taylor County, Texas.
4. Being a 350.75 feet by 70.00 feet tract or parcel of land fronting 350.75 feet on the West side of Victoria Street, said tract or parcel of land being the East 70.00 feet of a certain tract or parcel of land out of Subdivision 20 of the Steffens Subdivision of the Merchant Pasture, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land being conveyed in a deed to the New Life Church Assembly of God, a religious corporation, from Gene T. Baker et ux, as recorded in Volume 1176, Page 433, of the Deed Records of Taylor County, Texas. SAVE AND EXCEPT a parcel or tract of land conveyed to the City of Abilene for right-of-way purposes as recorded in Volume 1710, Page 567, of the Official Public Records of Taylor County, Texas. SAVE AND EXCEPT the portion platted as Lot 1, Block A, New Life Temple Assembly of God Addition, 2.283 acres out of the northeast part of Subdivision 20, Steffens Subdivision of the Merchant Pasture, Abilene, Taylor County, Texas, an addition to the City of Abilene, Taylor County, Texas.
5. Being a 50 feet by 200 feet tract or parcel of land fronting 50 feet on the West side of Victoria Street, said tract or parcel of land being the East 200 feet of a certain tract or parcel of land out of Lot 20 of the Steffens Subdivision of the Merchant Pasture, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land being conveyed in a deed to William David Potts, Jr., from Mary Teresa Morales, as recorded in Volume 1603, Page 900, of the Official Public Records of Taylor County, Texas.
6. Being a 50.0 by 120.0 feet tract or parcel of land fronting 50.0 feet on the West side of Victoria Street, said tract or parcel of land being Lot 20 of the Steffens Subdivision of the Merchant Pasture, situated in the City of Abilene, Taylor County, Texas; said tract or parcel of land being the land conveyed in a deed to John N. Reeves et ux, from R. C. Briscoe et ux, as recorded in Volume 866, Page 200, of the Deed Records of Taylor County, Texas.
7. Being a 166.5 feet by 200 feet tract or parcel of land fronting 166.5 feet on the West side of Victoria Street, said tract or parcel of land being out of Lot 20 of the Steffens Subdivision of the Merchant Pasture, 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. W. Collum et ux, from Maxie A. Henson et ux, as recorded in Volume 533, Page 533, of the Deed Records of Taylor County, Texas.

8. Being a 77.8 feet by 101.6 feet tract or parcel of land, said tract or parcel of land fronting 77.8 feet on the West side of Victoria Street, said tract or parcel of land being out of Lot 20 of the Steffens Subdivision of the Merchant Pasture, situated in the City of Abilene, Taylor County, Texas, said tract or parcel being the tract or parcel of land conveyed in a deed to Dorothy A. Cook, from Samuel R. Pierce, Jr., as recorded in Volume 1554, Page 735, of the Deed Records of Taylor County, Texas.
9. Being a 50.0 feet by 180.0 feet tract or parcel of land, said tract or parcel of land fronting 50.0 feet on the West side of Victoria Street, said tract or parcel of land being out of Subdivision 20 of the Steffens Subdivision of the Merchant Pasture, situated in the City of Abilene, Taylor County, Texas, being the same tract or parcel of land described in a deed from Carl Jones et ux, to W. D. Bradshaw et ux, as recorded in Volume 587, Page 198, of the Deed Records of Taylor County, Texas.
10. Being a tract or parcel of land fronting 45.0 feet on the West side of Victoria Street, said tract or parcel of land being out of Subdivision 20 of the Steffens Subdivision of the Merchant Pasture, 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 Carrie P. Smith, from Harvey J. Wagner et ux, as recorded in Volume 481, Page 534, of the Deed Records of Taylor County, Texas.
11. Being a tract or parcel of land fronting 107.67 feet on the West side of Victoria Street, said tract or parcel of land being out of Subdivision 20 of the Steffens Subdivision of the Merchant Pasture, and being a part of the James R. Shipman Survey Number 86, 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 Alvin Steward from Floy Steward, a widow, as recorded in Volume 800, Page 58, of the Deed Records of Taylor County, Texas.
12. Being a tract or parcel of land fronting 48.50 feet on the West side of Victoria Street, said tract or parcel of land being out of Subdivision 20 of the Steffens Subdivision of the Merchant Pasture, situated in the City of Abilene, Taylor County, Texas, said tract or parcel of land being to the tract or parcel of land conveyed in a deed to Claudie Eugene Steward et ux, from Erma Lindquist, a widow, as recorded in Volume 781, Page 438, of the Deed Records of Taylor County, Texas.
13. Being a tract or parcel of land fronting 193.5 feet on the West side of Victoria Street, said tract or parcel of land being out of Subdivision 20 of the Steffens Subdivision of the Merchant Pasture, out of part of the James R. Shipman Survey Number 86, 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 Jerry J. Gardner et ux, from Alfred D. Lindquist et ux, as recorded in Volume 442, Page 76, of the Deed Records of Taylor County, Texas.

Exhibit A

Orange Street
From Anson Avenue to West Stamford Street

1. Being a tract or parcel of land fronting 331.3 feet on the West Side of Orange Street being out of Block 25, North Park Addition to the City of Abilene, Taylor County, Texas. Being the tract or parcel of land described in a deed to Jerry D. Murry, Trustee, from Abilene Christian University, as described in Volume 1116 , Page 592, of the Deed Records of Taylor County, Texas.
2. Lots 1 thru 6 of the G. W. Thompson Subdivision of a part of Block 25, North Park Addition, an addition to the City of Abilene, Taylor County, Texas. SAVE AND EXCEPT the North 25 feet of Lot 1 of the G. W. Thompson Subdivision of a part of Block 25, North Park Addition, an addition to the City of Abilene, Taylor County, Texas, reserved for street purposes.
3. Lots 113 thru 116 of a Replat of Lot 13 (except the North 67 feet of the West 34.27 feet) of the G. W. Thompson Subdivision of a part of Block 25, North Park Addition, an addition to the City of Abilene, Taylor County, Texas.
4. All of Lots 11, 12, 13 and the South part of Lot 14, of the Lela Rhodes Subdivision, out of the North East Corner of Block 25 of the North Park Addition, an addition to the City of Abilene, Taylor County, Texas. The part of Lot 14 included herein is all of said Lot 14 SAVE AND EXCEPT that part described in a Warranty Deed dated 12/04/58, executed by Velma Ellison et vir, to The State of Texas, for right-of-way purposes as recorded in Volume 578, Page 98, of the Deed Records of Taylor County, Texas.
5. Lots 8 thru 10, of the Lela Rhodes Subdivision, out of the North East Corner of Block 25 of the North Park Addition, an addition to the City of Abilene, Taylor County, Texas.
6. Being a 75.92 feet by 145 feet tract or parcel of land fronting 75.92 feet on the East Side of Orange Street, said tract or parcel of land being out of Block 25, North Park Addition, to the City of Abilene, Taylor County, Texas, said tract or parcel of land being the land conveyed in two deeds to J.G. Montgomery, from A.P. Waltrip et ux and Ollie Waltrip et vir, as recorded in Volume 453, Page 135 and Volume 473, Page 104, of the Deed Records of Taylor County, Texas, SAVE AND EXCEPT a portion of said tract or parcel of land lying in the existing portion of Orange Street.
7. Being a 60 feet by 145 feet tract or parcel of land fronting 60 feet on the East Side of Orange Street, said tract or parcel of land being out of Block 25, North Park Addition to 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 C.F. Faulkner et ux, from Bernard E. Smith et ux, as recorded in Volume 413, Page 426, of the Deed Records of Taylor County, Texas, SAVE AND EXCEPT a portion of said tract or parcel of land lying in the existing portion of Orange Street.

Orange Street

From Anson Avenue to West Stamford Street

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8. Being a 10 feet by 145 feet tract or parcel of land fronting 10 feet on the East Side of Orange Street, said tract or parcel being out of Block 25, North Park Addition to 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 Billy Joe Faulkner, Jr., from Annie Mae Faulkner, as recorded in Volume 1371, Page 568, of the Deed Records of Taylor County, Texas, SAVE AND EXCEPT a portion of said tract or parcel of land lying in the existing portion of Orange Street.
9. Being a tract or parcel of land fronting 95 feet on the East Side of Orange Street, said tract or parcel of land out of Block 25, North Park Addition to 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 Calvin D. Gibson et al, from Lena Punkoney Shultz, as recorded in Volume 1228, Page 600, of the Deed Records of Taylor County, Texas, SAVE AND EXCEPT a portion of said tract or parcel of land lying in the existing portion of Orange Street.
10. Being a tract or parcel of land fronting 60 feet on the East Side of Orange Street, said tract or parcel of land out of Block 25, North Park Addition to 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 Bessie H. Harkrader, from Jerald F. Phipps, as recorded in Volume 1008, Page 27, of the Deed Records of Taylor County, Texas. SAVE AND EXCEPT a portion of said tract or parcel of land lying in the existing portion of Orange Street.
11. Lots 10 thru 18 of the J. Q. Poteet Subdivision of the South East 3.708 acres of Block 25, North Park Addition, an addition to the City of Abilene, Taylor County, Texas.

Exhibit A

Walnut Street
From University Blvd. to a Point 350 Feet North

1. Lots 1 thru 6 of Block 1 of the O.C. Howell's Subdivision of Lots 3, 4, 12, 13, and 14 of Block 5, North Park Addition, an addition to the City of Abilene, Taylor County, Texas.
2. Lot 7 thru 12 of Block 2 of the O.C. Howell's Subdivision of Lot 3, 4, 12, 13, and 14 of Block 5, North Park Addition, an addition to the City of Abilene, Taylor County, Texas.

Exhibit A

South 18th Street
From Portland Avenue to Grand Avenue

1. Lot 1 and the East 29.6 feet of Lot 2, Block 7, K. K. Legett's Subdivision of a part of Lot No. 5 of the Benjamin Austin Survey No. 92, Taylor County, Texas, to be known as the Campus Addition, adjoining McMurry College, an addition to the City of Abilene, Taylor County, Texas.
2. Being the West 17.7 feet of Lot 2, and all of Lot 3, Block 7, K. K. Legett's Subdivision of a part of Lot No. 5 of the Benjamin Austin Survey No. 92, Taylor County, Texas to be known as the Campus Addition, adjoining McMurry College, an addition to the City of Abilene, Taylor County, Texas.
3. Being the North 80 feet of Lots 4 & 5, Block 7, K. K. Legett's Subdivision of a part of Lot No. 5 of the Benjamin Austin Survey No. 92, Taylor County, Texas, to be known as the Campus Addition, adjoining McMurry College, an addition to the City of Abilene, Taylor County, Texas.
4. Lots 1 thru 6, Block 6, K. K. Legett's Subdivision of a part of Lot No. 5 of the Benjamin Austin Survey No. 92, Taylor County, Texas, to be known as the Campus Addition, adjoining McMurry College, an addition to the City of Abilene, Taylor County, Texas.
5. Lots 6 thru 10, Block 5, K. K. Legett's Subdivision of a part of Lot No. 5 of the Benjamin Austin Survey No. 92, Taylor County, Texas, to be known as the Campus Addition, adjoining McMurry College, an addition to the City of Abilene, Taylor County, Texas.
6. Lot 111, a Replat of Lot 11 and Lot 12 of Block 4 of K.K. Legett's Subdivision of a part of Lot No. 5 of the Benjamin Austin Survey No. 92, Taylor County, Texas, to be known as the Campus Addition (adjoining McMurry College), an addition to the City of Abilene, Taylor County, Texas.
7. Lots 7 thru 10, Block 4, K. K. Legett's Subdivision of a part of Lot No. 5 of the Benjamin Austin Survey No. 92, Taylor County, Texas, to be known as the Campus Addition, adjoining McMurry College, an addition to the City of Abilene, Taylor County, Texas.

Exhibit A

Grand Avenue
From South 19th Street to Hunt Street

1. Lots 1 and 10, Block 5, K. K. Legett's Subdivision of a part of Lot No. 5 of the Benjamin Austin Survey No. 92, Taylor County, Texas, to be known as the Campus Addition, adjoining McMurry College, an addition to the City of Abilene, Taylor County, Texas.
2. Lots 1 and 10, Block 7, K. K. Legett's Subdivision of a part of Lot No. 5 of the Benjamin Austin Survey No. 92, Taylor County, Texas, to be known as the Campus Addition, adjoining McMurry College, an addition to the City of Abilene, Taylor County, Texas.
3. Lot 9, Frank A. Miller's Subdivision of Block Number 3, Boulevard Heights, an addition to the City of Abilene, Taylor County, Texas, SAVE AND EXCEPT the South 7.5 feet thereof, which is in the North half of a 15-foot alley described in a Warranty Deed from Joe Totten et al, to Tom K. Eplen, County Judge, dated 2-16-28 and recorded in Volume 202, Page 91, Deed Records of Taylor County, Texas.
4. Being the West 46-2/3 feet of Lot 8, Frank A. Miller's Subdivision of Block Number 3, Boulevard Heights, an addition to the City of Abilene, Taylor County, Texas, SAVE AND EXCEPT the North 7.5 feet thereof, which is in the South half of a 15-foot alley described in a Warranty Deed from Joe M. Totten et al, to Tom K. Eplen, County Judge, dated 2-16-28 and recorded in Volume 202, Page 91, Deed Records of Taylor County, Texas.
5. Being the West 50 feet of the North 126.75 feet of Block 4, Boulevard Heights, an addition to the City of Abilene, Taylor County, Texas.
6. Being a tract or parcel of land fronting 49 feet on the East Side of Grand Avenue, said tract or parcel of land being out of Block 4, Boulevard Heights, an addition to the City of Abilene, Taylor County, Texas, being the tract or parcel of land conveyed in a deed to Gerhard J. Guenter and Vern R. Frydendall, from Billy F. Kropp et ux, as recorded in Volume 1119, Page 174, of the Deed Records of Taylor County, Texas.
7. Being a parcel of land fronting 77 feet on the East Side of Grand Avenue, said tract or parcel of land being out of Block 4, of the Boulevard Heights, an addition to the City of Abilene, Taylor County, Texas, being the tract or parcel of land conveyed in a deed to Vern R. Frydendall and Gerhard J. Guenter, from Dale H. Martin et ux, as recorded in Volume 1121, Page 507, of the Deed Records of Taylor County, Texas.

Exhibit A

Fulton Street
From Grand Avenue to Santos Street

1. Lots 100 and 101, Las Sombras, a Subdivision of the North 300 feet of Block 9 of the Boulevard Heights Addition, an addition to the City of Abilene, Taylor County, Texas.
2. Lots 6 thru 9 of The A. F. Willis Subdivision of the South 300 feet of Block 9 of the Boulevard Heights Addition, an addition to the City of Abilene, Taylor County, Texas.