

14

ORDINANCE #100

AN ORDINANCE LEVYING ASSESSMENTS FOR COST OF CURB AND GUTTER IN FRONT OF PROPERTY ABUTTING UPON HIGHWAY 83, FROM STATE HIGHWAY 152 TO THE NORTH LINE OF THE INCORPORATED LIMITS OF THE CITY OF WHEELER, TEXAS, ON BOTH THE EAST SIDE AND WEST SIDE OF SAID HIGHWAY

WHEREAS, the City of Wheeler has heretofore, on the 21st day of December, 1977, determined the necessity for and ordered that Mayor O. B. Burton be authorized to sign a contract with the State Highway Department, for the City to assume responsibility of curb and gutter and assessing property owners for cost of same abutting their property;

WHEREAS, the State Highway department has prepared a map of said portion of Highway 83 showing ownership of property abutting same in city limits;

WHEREAS, due discussion has been held on such project and after fully considering said discussion it is the opinion that the following disposition should be made and that assessments should be made as herein ordained;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEELER, TEXAS;

1. That all protests and objections whether herein specifically mentioned or not, shall be and the same are hereby overruled and that a hearing has been held and with respect to each objection is hereby closed.

2. That City Council from the evidence finds that the assessment herein levied shall be made and levied against the respective parcels of property abutting upon said portion of Highway 83, and against the owners of such property, and that such assessments are right and proper.

3. That there shall be and is hereby levied and assessed against the parcels of property herein below mentioned and against the real and true owners thereof whether such owners be correctly named herein or not. The sums of money below mentioned and footage shown opposite the property owners name thereof, being as follows:

NAME OF OWNER	FOOTAGE	AMOUNT
<u>West Side</u>		
Marcille Farmer Miller & Gene Miller	125 ft.	\$ 656 25
County of Wheeler	150 ft.	787 50
Leonard W. Gaines	50 ft.	262 50
Carroll Adams	50 ft.	262 50
Carroll Adams	100 ft.	525 00
Carroll Adams	50 ft.	262 50
Wheeler I.S.D.	50 ft.	262 50
Wheeler I.S.D.	300 ft.	1575 00
Wheeler I.S.D. #903	300 ft.	1575 00
Wheeler I.S.D. #903	321.2 ft.	1409 00
Wheeler I.S.D. #903	321.2 ft.	1409 00
Wheeler I.S.D. #903	261.2 ft.	1372 30

East Side

Bill Owens	125 ft.	656 25
O. D. Reid	50 ft.	262 50
Omega Grain	100 ft.	525 00
Audrey Pearce	150 ft.	787 50
Earl Barnes	50 ft.	262 50
J. D. Wallace	100 ft.	525 00
Landmark Missionary Baptist Church	50 ft.	262 50
Aaron J. Williams	90 ft.	472 50
Acie Levi Kennedy	60 ft.	315 00
Cleo Gaines	50 ft.	262 50
Yvonne Sivage	50 ft.	262 50
O. B. Burton	133 5/8 ft.	701 50
Billy L. Douglas	75 ft.	393 75
David Kreyling	100 ft.	525 00
Melva D. Byrne & Paul T. Byrne	310 ft.	1627 50
Texas Highway Dept.	300 ft.	
Wheeler County	500 ft.	2625 00

4. That the assessments so levied are for improvements of Highway 83 upon which the property assessed abutts.

5. That the several sums above mentioned assessed against said parcels of property and against the real and true owners thereof, and interest thereon at the rate of eight (8) per cent per annum together with reasonable attorney's fees and costs of collection, if incurred are hereby declared to be and 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 thereof, whether or not such owners be correctly named herein, and such liens shall be and constitute the first enforceable claim against the property assessed, and shall be a first and paramount lien, superior to all other liens and claims except State, County and Municipal taxes, and the sums so assessed shall be payable as follows, to-wit:

In four (4) equal installments, the first 10 days after completion of project and acceptance by said City; the second installment due on or before one year from said completion and acceptance; the third installment due on or before two years from said date of completion and acceptance; and the fourth installment due on or before three years from said date of completion and acceptance; and such assessments shall bear interest from date of such completion and acceptance at the rate of eight (8) per cent per annum, payable annually with each installment.

6. No mistake, error, invalidity or irregularity in the name of any property owner, or the description of any property, or the

amount of any assessment, or in any other matter or thing, shall in anywise invalidate or impair any assessment levied and may be corrected at any time by the City.

7. 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 named incorrectly.

EMERGENCY: The present condition of the portion of Highway 83 in the city limits endangers the health and the safety of the citizens of Wheeler and constitutes an emergency and public necessity, and the rule requiring that this ordinance be read on three separate occasions is hereby suspended and this ordinance shall be passed and shall take effect and shall be in full force and effect immediately after its passage and adoption.

PASSED AND APPROVED THIS THE 20 DAY OF March A.D., 1978.

ATTEST:

Michael Ramsey
Secretary

Robert L. ...
Mayor, City of Wheeler