

(SEAL OF CITY)

ORDINANCE NO. 71

AN ORDINANCE OF THE CITY OF WHEELER, TEXAS, CLOSING HEARING AND LEVYING ASSESSMENTS FOR A PART OF THE COST OF IMPROVING A PORTION OF CANADIAN STREET AND SUNDRY OTHER STREETS AND AVENUES IN THE CITY OF WHEELER; FIXING CHARGES AND LIENS AGAINST ABUTTING PROPERTY THEREON AND AGAINST THE OWNERS THEREOF; PROVIDING FOR THE COLLECTION OF SUCH ASSESSMENTS AND THE ISSUANCE OF ASSIGNABLE CERTIFICATES IN EVIDENCE THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, the governing body of the City of Wheeler, Texas, has heretofore ordered that a portion of Canadian Street and sundry other streets and avenues in the City of Wheeler, Texas, be improved by raising, grading and paving the same, and installing concrete curbs and gutters, and said governing body has directed the City Engineers to prepare plans and specifications for the construction of said improvements; and

WHEREAS, by resolution the said City Council of the City of Wheeler, Texas, duly approved the plans and specifications for such street improvements and authorized the advertisement for bids; and

WHEREAS, the said City Council of the City of Wheeler, Texas, duly awarded a contract for such improvements to Lewis Construction Company of Dumas, Texas; and

WHEREAS, the City Engineers have prepared estimates for the cost of such improvements for each lot or tract abutting the streets to be improved, giving the amount per front foot, which said estimates are on file with the City Secretary of the City of Wheeler, Texas, reference being made here to said orders,

resolutions, and contract, for all purposes; and

WHEREAS, on the 21st day of April, 1969, the City Council ordered a hearing to be held on said estimates and ordered the advertisement for the notice of such hearings; and

WHEREAS, the streets so to be improved were and are fully set out, designated and described in the notice above mentioned, dated the 21st day of April, 1969; and

WHEREAS, the said hearing as above provided was duly held on the 19th day of May, 1969, and at said hearing due regard was had for the matters presented in opposition to and in favor of such improvements by those appearing in opposition to or in favor of the same;

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

I

That the hearing is hereby closed.

II

The City Council, from the evidence heard, finds that the assessments herein levied should be made and levied against the respective parcels of property abutting upon said portions of streets and avenues, and against the owners thereof, whether such owners be correctly named herein or not, which said assessments for such improvements have not been paid.

III

There shall be, and there is hereby levied and assessed against the parcels of property hereinbelow 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 itemized, shown opposit the description of the respective parcels of property, such assessments, the unit designations and the owner's names being as follows:

(A COPY OF THESE DESCRIPTIONS AND ASSESSMENTS ARE ON PERMANT FILE IN THE OFFICE OF THE CITY SECRETARY, WHEELER, TEXAS)

IV

The sums above mentioned, assessed against the respective parcels of property and the real owners thereof, shall become due and payable either in cash within Ten (10) day after the completion of said improvements and upon acceptance of said improvements by the City Council of the City of Wheeler, Texas, and the City Engineers, or at the option of the property owners, in Four (4) installments as follows:

Twenty-five per cent (25%) of such assessments shall be due and payable on or before Ten (10) days from the completion and acceptance of the improvements by the City of Wheeler and the City Engineers in the unit or district upon which the particular property abuts, and the remainder of such assessments shall be due and payable in Three (3) equal annual installments due respectively in One (1), Two (2) and Three (3) years from the completion and acceptance of the improvements by the City of Wheeler and the City Engineers, and said last Three (3) installments shall bear interest at the rate of Eight per cent (8%) per annum, interest payable annually; and said assessments shall be, and are hereby declared to be valid and subsisting liens against the respective tracts or parcels of property, and shall be, and are a first lien upon said property, subject only to taxes regularly levied and validly assessed, and shall also be a personal liability against the owner or owners of said property. Said assessments shall further provide that failure to pay any installment when due shall, at the option of the holder thereof, mature all remaining installments, and shall also provide for the usual attorneys fees in the event of collection by such attorneys after default.

V

For the purpose of evidencing the several sums assessed against the respective parcels of abutting property and the real and true owners thereof, as hereinabove provided, and the time and terms of payment, and to aid in the enforcement thereof, assignable certificates shall be issued by the City of Wheeler, Texas, and shall be payable to Lewis Construction Company of Dumas, Texas, or its assigns; and said sums shall be payable at the office of the City Secretary of the City of Wheeler, Texas; and said assessment certificates shall provide that, at the election of the holder, the same shall be enforced by the City at the holder's expense.

VI

The fact that the street improvements have been authorized and such improvements are ready to be commenced and prosecuted, creates an emergency and a public necessity requiring that the rules providing for three separate readings be suspended, and

they are hereby suspended, and this ordinance shall take effect from and after its passage.

The above and foregoing ordinance was duly introduced on the motion of Councilman Robert Denson, was duly seconded by Councilman Louis C. Stas, and was duly passed, approved and adopted by a unanimous vote of all of the members of the City Council, on this the 19th day of May, 1969.

O. B. Burton
Mayor, City of Wheeler

ATTEST:

Mildred Ramsey, City Secretary