

AN ORDINANCE 98-207

LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF AVENUE "A" BY OPENING, EXTENDING AND STRAIGHTENING BETWEEN THE NORTH LINE OF FOURTH STREET AND THE SOUTH LINE OF AN ALLEY IN NEW CITY BLOCK 1761; PROVIDING FOR THE FIXING OF A LIEN, AND THE ISSUANCE OF ASSIGNABLE BENEFIT ASSESSMENT CERTIFICATES, ETC.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:-

1. That WHEREAS, the Commissioners of the City of San Antonio, by an Ordinance duly passed and approved on the 20th day of May, A. D. 1929, did order the improvement on the Special Assessment Plan, of Avenue "A", a public street within the City Limits of the City of San Antonio by opening, extending and straightening between its intersection with the North line of Fourth Street and the South line of an alley in New City Block 1761; and,

2. Said ordinance further provided that a hearing be given to the owners of property abutting the extension of said street between the specified limits of the improvements; and to all persons interested therein, their agents and attorneys; for the purpose of determining the amounts, if any, that should be assessed against said owners and said properties, to defray the lawful part of each for the cost of said improvements; and,

3. Said improvements, and the special assessments to be levied therefor, and all proceedings, notices and instruments in connection therewith are governed by certain rules and regulations described in a certain Ordinance of the City of San Antonio known as the "Improvement Ordinance", passed and approved on the 8th day of March, A. D. 1920, and as amended on the 8th day of August, A. D. 1920, which, together with the Charter of the City of San Antonio and all subsequent amendments to said Ordinances, if any, and Chapter 11, Title 22 of the Revised Statutes for 1911, as amended and revised, are made a part of this Ordinance, and all such proceedings and other matters requisite to the passage of this Ordinance have been regularly had, done and performed, and are hereby ratified and confirmed.

4 The notice of said property owners' hearing was duly given in the manner and for the time required by the laws of the State and the Ordinances of the City of San Antonio, and the hearing was duly opened at the time and place prescribed by law and the notices, to-wit:- In the Council Chamber of the City of San Antonio in the City Hall of the City of San Antonio, on the 17th day of June, A. D. 1929, at 10 o'clock A. M. At that time and place and in the manner and form prescribed by Statute and Ordinance, an opportunity was afforded all owners of property, abutting on said street between said points, and all other persons interested therein or having a lien thereon, their agents and attorneys, to have a full and fair hearing, and to contest any proposed assessment against said abutting property, or personal liability, and the regularity of any and all proceedings with reference thereto, and the benefits to be derived by said property by reason of the improvements proposed to be effected, all of which more fully appears in the record of the hearing on the improvements of said street, recorded as provided by Ordinance and Statute among the records of the City Clerk of the City of San Antonio.

5. After said hearing was fully and fairly held and all parties heard, same was closed on the same day that it was opened; and the Commissioners of the City of San Antonio, having heard and considered all of the evidence and the facts concerning the matter generally, arrived at their determination and conclusion in the matter, and by Ordinance ordered the assessment hereinafter provided for, to be made and this assessment ordinance drawn and presented for

final passage.

6. At said hearing all persons desiring to contest said proposed assessment, or to be heard with regard thereto, or their personal liability in connection therewith, the regularity of the proceedings concerning the same, or any other matter with reference thereto were duly heard and their claims fully considered and adjudged; and, thereupon any and all errors, mistakes and other matters requiring rectification were fully examined into and were considered, corrected and adjudged, and the Commissioners of the City of San Antonio, having been fully advised in the premises, and having heard the evidence, pro and con, and having examined the plat and statement of the City Engineer, were and are of the opinion that the assessments hereinafter levied and the personal liabilities hereinafter declared are just and equitable, and that no assessment hereinafter made is in any case in excess of the actual benefit to the property and to the owner thereof in the enhanced value of the property by reason of such improvement.

7. These premises considered, BE IT FURTHER ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO: That the aggregate amount hereinafter shown being less than three-fourths of the cost of said improvements shall be, and the same is, hereby levied, charged, apportioned and assessed against the said abutting property hereinafter described and each parcel thereof, whether one lot or more; and, against each of the several owners of said property in the respective amounts set opposite the name or names of each such person or persons and the description of each such parcel of property, the person^{al} liability of each person being that amount set opposite the name, and the assessment of said amount against said property being made as against the interest of said persons in said abutting property, as hereinafter shown.

8. Each lot or parcel of property so assessed is located within the corporate limits of the City of San Antonio, Bexar County, Texas, abutting on said highway, or portion thereof, improved as herein specified, and is hereby described wherever practicable, by the New City Block (N. C. B.) number, and by lot number in each such block; but each such parcel of property, if any, indicated hereunder in any such block by letters in lieu of or in connection with the lot numbers is the same property indicated by the corresponding letter in the corresponding block, as shown on said plat for said improvement, now on file in the office of the City Clerk, and in the office of the City Engineer, which plat is made a part hereof; and each of said lots and parcels of abutting property and the front footage thereof on said highway as shown hereunder, in feet, in the column headed "Front Ft", and said letters, if any, indicating such parcels, and also all intersecting streets, if any, are hereunder noted and set forth for each side of said highway and for each block in the same way down the following list as the same are found between the limits of the improvements, as shown in said plat, and on the ground; and each such description and assessment shall be held to extend back from said line abutting on said highway and to include the entire depth and area of each such respective parcel, lot or tract of abutting property, as the same may be owned and bounded at this date; and the abbreviations "N", "S", "E" or "W", when used before a lot number, shall be taken to mean respectively the "Northern", "Southern", "Eastern", or "Western" parts of said lots or blocks before the number of which any of such abbreviations may be placed; and the names of said owners, their interest in the property, the description of said property and the amounts respectively assessed against them and said property, are as follows, to-wit:-

OWNER	BLK. NO.	LOT NO.	FRONT FT.	AMT. PER FRONT FT.	TOTAL
First Baptist Church A Corporation,	1761	A-14	140.0	\$70.00	\$9,800.00
F. M. Coleman,	1761	A-15	120.0	70.00	8,400.00

9. That the amounts so specified above as assessed against the respective property and persons named, are assessed severally against said parties and their interest in said property, as hereinbefore described and set out, and shall, together with interest thereon at the rate of seven per cent (7%) per annum from the date of the Assessment Certificate herein provided for, be divided into ten equal installments. The first installment shall be payable one year after the date of the Certificate, the other installments one each year thereafter, respectively, for nine consecutive years, said owners having the right to pay any or all of said installments before maturity, upon the payment of all accrued interest; and said amounts so assessed, together with the interest and the cost of the collection of said sums, including an attorney's fee, if incurred, are hereby DECLARED AND ORDAINED to be good and lawful liens upon the said respective parcels of property hereindescribed and a personal liability of the respective owners thereof; and such assessments and liens shall be superior to all other liens and claims, save and except state, county and municipal taxes.

10. Assignable Certificates prepared in accordance with the law and this Ordinance and the other Ordinances of the City of San Antonio, and evidencing the respective unpaid amounts due from the persons hereinbefore set out and chargeable against the parcels of property hereinbefore described, shall be forthwith issued in the name of the City of San Antonio, and payable to the City of San Antonio, or its order.

11. It being found and considered necessary and desirable, in order to obtain funds now for said improvements, and in order to finance such project, to issue said certificates at this date; and these matters having been fully considered and passed upon and adjudged in determining the benefits to be received, IT IS ORDAINED that said Assessment Certificates shall be issued forthwith, prior to the completion of the work and shall bear the date of the passage of this Ordinance, and the first installment coupon shall be payable, as herein set out, one year after this date, and the others, one of which shall constitute the Certificate itself, shall be payable one each year thereafter for nine consecutive years.

12. All other matters and proceedings in connection herewith shall be regulated and conducted as provided by law and the "Improvement Ordinance" of the City of San Antonio, as same now stands amended, and insofar as same may be applicable hereto.

13. Full correction of any mistake or any irregularity in any of said proceedings, and re-assessment, if necessary, shall be made in case the Commissioners of the City of San Antonio deem it proper to do so, or if the holder of said assignable certificates shall request such action; and in case of any error or invalidity.

14. This Ordinance being of urgent importance because of the necessity for making the improvements herein set out, and the collection and use of the money covered by said Certificates, and having been passed by the unanimous vote of the Commissioners of the City of San Antonio, shall take effect from and after its passage.

15. PASSED AND APPROVED, this 24th day of June, A. D. 1929.

C. M. Chambers.
Mayor.

ATTEST: Fred Fries.
City Clerk.
