



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE AN EASEMENT NECESSARY FOR THE COMPLETION OF A PIPELINE DESIGNED TO DELIVER ADVANCED TREATED WASTEWATER FROM THE HAMBY WASTEWATER TREATMENT PLANT INTO LAKE FORT PHANTOM HILL.**

**WHEREAS**, eminent domain proceedings in the State of Texas are governed by Chapter 21 of the Texas Property Code; and

**WHEREAS**, under that code a governmental entity exercising the power of eminent domain must first authorize the initiation of the condemnation proceeding at a public meeting by a record vote adopting a resolution, ordinance, or order; and

**WHEREAS**, as part of the Hamby wastewater treatment plant reuse project the City’s consulting engineers have designed a pipeline to deliver advanced treatment wastewater from the Hamby wastewater treatment plant into Lake Fort Phantom Hill.

**WHEREAS**, the Hamby project is necessary to supplement the City’s raw water supplies during this critical drought period; and

**WHEREAS**, after initially agreeing to an easement, one property owner has now rescinded that agreement making it necessary initiate condemnation proceedings to acquire the necessary easement.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:**

That the City of Abilene, Texas is hereby authorized to use of the power of eminent domain to acquire an easement fully described in Exhibit “A” on the property fully described in Exhibit “B” for the public purpose of construction of a pipeline necessary to deliver advanced treatment wastewater from the Hamby wastewater treatment plant into Lake Fort Phantom Hill.

**ADOPTED** this 24<sup>th</sup> day of April, 2014.

APPROVED:

\_\_\_\_\_  
Norm Archibald, Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

# EXHIBIT A



**FIELD NOTES  
FOR A 40' WIDE EASEMENT  
OUT OF THE  
SOUTH HALF OF  
SECTION 5, BLIND ASYLUM LANDS  
AND SECTION 76, BLOCK 14,  
T. & P. RAILROAD COMPANY SURVEY  
JONES COUNTY, TEXAS**

**BEING** a forty (40') foot wide easement out of the south half of Section 5, Blind Asylum Lands and Section 76, Block 14, T. & P. Railroad Company Survey, Jones County, Texas and being out of a 473.627 acre tract out of the O.N. Myatt Estate, recorded in Volume 115, Page 413, Official Public Records of Jones County, Texas. Said easement being 20 feet on both sides of the following described centerline:

**BEGINNING** at a point on the south line of aforesaid Section 5, Blind Asylum Lands from which a fence corner post recovered for the southwest corner of the aforesaid Section 5, Blind Asylum Lands and the southeast corner of aforesaid Section 76, Block 14, T. & P. Railroad Company Survey bears 20.00 feet North 88 degrees 57 minutes 04 seconds West.

*Bearings are based on Grid North as determined by RTK GPS observations.*

**THENCE** North 00 degrees 51 minutes 33 seconds West for a distance of 99.21 feet to a point;

**THENCE** North 89 degrees 56 minutes 01 seconds West for a distance of 675.16 feet to an angle point in this easement;

**THENCE** North 44 degrees 55 minutes 52 seconds West for a distance of 70.94 feet to an angle point in this easement;

**THENCE** North 89 degrees 55 minutes 52 seconds West for a distance of 68.48 feet to an angle point in this easement;

**THENCE** South 45 degrees 04 minutes 08 seconds West for a distance of 70.95 feet to an angle point in this easement;

*Environmental, Civil & Geotechnical Engineers*

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Abilene, Texas 79601  
P.O. Box 3097  
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Granbury, Texas 76048  
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2301 Ohlo Drive, Suite 105  
Plano, Texas 75093  
972.599.3480 | 972.599.3513 fax

[www.e-ht.com](http://www.e-ht.com)

PE Firm Registration No. 1151  
PG Firm Registration No. 50103  
RPLS Firm Registration Nos. 10011900 & 10007300



**THENCE** North 89 degrees 56 minutes 01 seconds West for a distance of 3726.61 feet to a point on the west line of aforesaid 473.627 acre tract from which the southwest corner of aforesaid 473.627 acre tract bears 109.0 feet South 00 degrees 00 minutes 44 seconds West.

**Plat Attached**

**Total Length = 4711.36'**



*Keith L. Raybuck*  
**Keith L. Raybuck, RPLS #5666**

**Date:** *March 20, 2014*



**EASEMENTS  
OUT OF**

**SOUTH HALF OF SECTION 5,  
BLIND ASYLUM LANDS AND  
SECTION 76, BLOCK 14  
T&P RAILROAD COMPANY SURVEY  
JONES COUNTY, TEXAS**

03/20/2014



I, KEITH L. RAYBUCK, R.P.S., #5686 DO HEREBY CERTIFY THAT THIS PLAN WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND DURING THE MONTH OF March, 2014

KEITH L. RAYBUCK, R.P.S. #5686

DATE: 03/20/2014

10' GAS EASEMENT  
VOLUME 99, PAGE 899  
OFFICIAL PUBLIC RECORDS

P.O.H.  
BONNET MARSH, P.O.H.  
OFFICIAL PUBLIC RECORDS  
RAVALLA AND EASTLY FRANKL  
VOLUME 88, PAGE 878  
OFFICIAL PUBLIC RECORDS

FIELD NOTES ATTACHED

10' GAS EASEMENT  
VOLUME 580, PAGE 492  
DEED RECORDS

SECTION 76  
BLOCK 14  
T&P RAILROAD COMPANY SURVEY

GAIL ANN BRIGHT,  
INDEPENDENT EXECUTRIX  
OF THE  
O. N. MATT ESTATE  
VOLUME 115, PAGE 413  
PROBATE RECORDS

NUMBER	DIRECTION	DISTANCE
L-1	N 00°51'33" E	99.21'
L-2	N 44°55'52" W	70.94'
L-3	N 89°55'52" W	68.48'
L-4	S 45°04'08" W	70.95'

30' TEMPORARY EASEMENT

40' UTILITY EASEMENT

N 89°56'01" W - 3726.61'

N 89°56'01" W - 675.16'

30' LEFT TOWNSHIP  
30' RIGHT TOWNSHIP  
OFFICIAL PUBLIC RECORDS

SECTION 6  
BLIND ASYLUM LANDS

30' LEFT TOWNSHIP  
VOLUME 141, PAGE 881,  
OFFICIAL PUBLIC RECORDS

**ENPROTEC/HIBBS & TODD, INC.**  
SURVEYING, ENGINEERING,  
AND CIVIL ARCHITECTURE  
1000 West 11th Street  
P.O. Box 1000  
Lawton, Oklahoma 74003



03/20/14

GAIL ANN BRIGHT

CITY OF ABILENE  
VOLUME 171, PAGE 604, AND  
VOLUME 344, PAGE 24,  
DEED RECORDS

# EXHIBIT B

## Property Identification and Location



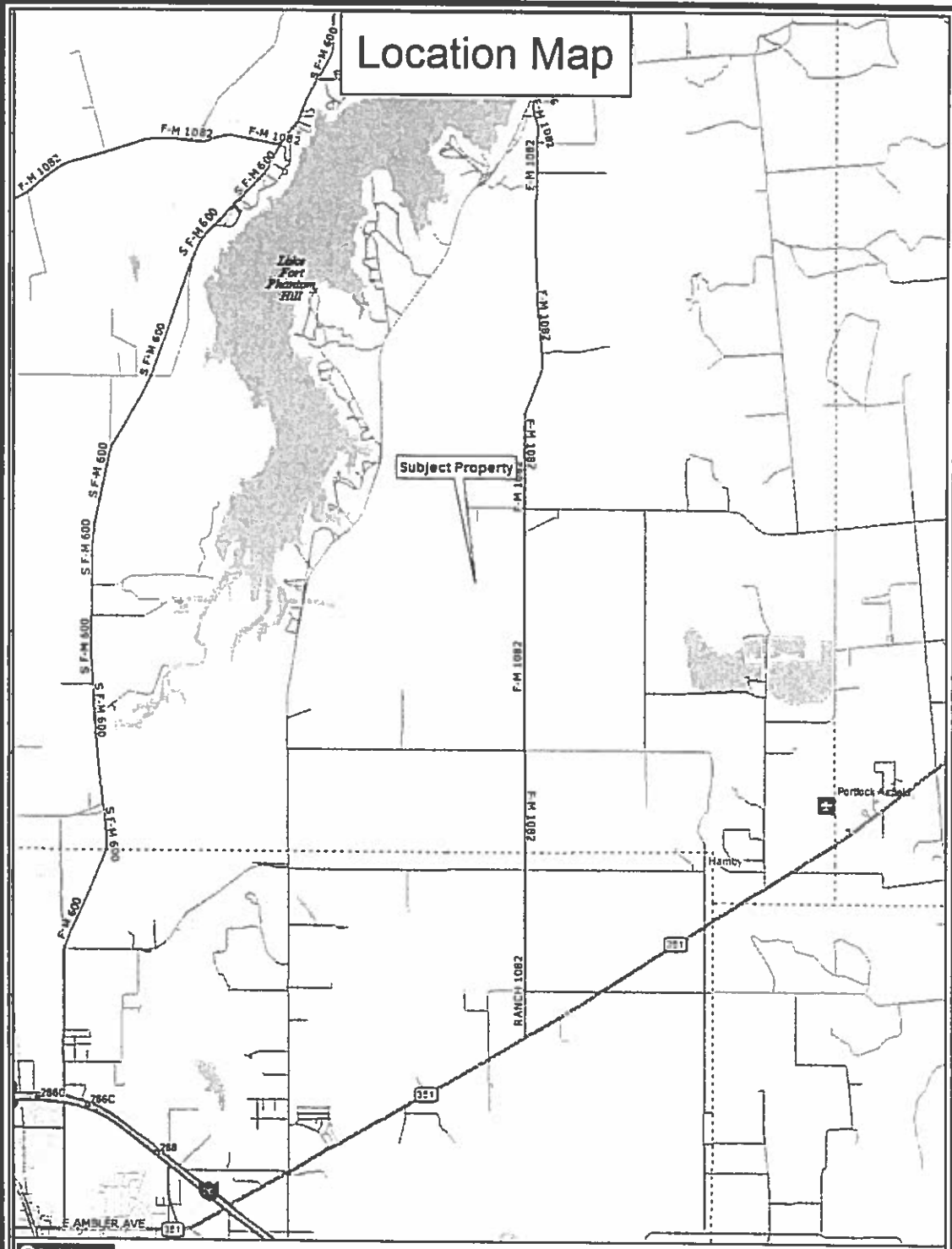
### Location

The property, which is the subject of this appraisal, is identified as being a tract of agricultural land located along the west side of FM 1082, approximately 0.50 miles south of Jones County Road 318, just north of the Abilene city limits, in Jones County, Texas. The subject property consists of a total of approximately 561.77 acres of rural agricultural land, primarily native pasture land.

### Legal Description

Being approximately 94.23 acres out of Section No. 73, F.W. Douglass Survey, Abstract 170; approximately 288.43 acres out of Section No. 76, Block 14, Texas & Pacific Railroad Company Survey, Abstract 772; approximately 160 acres out of the South ½ of Section 5, Blind Asylum Lands Survey, Abstract 525; and approximately 19.11 acres out of Section 74, T.F. Parrott Survey, Abstract 288; all in Jones County, Texas.

# Location Map



Subject Property

DeLORME

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