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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, ORDERING THE CONDEMNATION AND APPROPRIATION OF THE FEE SIMPLE TITLE TO THE HEREINAFTER DESCRIBED PROPERTY TO BE USED FOR THE CONSTRUCTION OF LOOP 322 WITHIN THE CORPORATE LIMITS OF THE CITY OF ABILENE.

WHEREAS, the City Council of the City of Abilene and the Highway Department of the State of Texas have heretofore determined that it is necessary in the public interest to construct Loop 322 between State Highway 36 and U. S. Highway 83 in the corporate limits of the City of Abilene and entered into a certain contract in writing dated the 28th day of May, 1965, under the terms of which the State of Texas and the City of Abilene will jointly participate in the acquisition of right-of-way costs; and,

WHEREAS, based upon appraisals made in accordance with the above agreement, C. O. Patterson, Right-of-way Agent for the City of Abilene, offered Alpha Allen the sum of \$ 23,385.00 for 2.039 acres of land hereinafter more fully described; and WHEREAS, said property owners have refused to accept such money to be paid for the acquisition of fee simple title of such property to be used for the construction of Loop 322 as described, and

WHEREAS, the prerequisites required by law have been complied with and it therefore becomes necessary to condemn and appropriate the fee simple title to such described land; now, therefore,

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

Section 1: That the offer made by C. O. Patterson, Right-of-way Agent for the City of Abilene, Texas, to Alpha Allen for the acquisition of a fee simple title of the property hereinafter described in the sum of \$ 23,385.00 be, and the same is hereby in all things approved and confirmed, and it is hereby determined that said offer was refused by the said property owners.

Section 2: That it is hereby determined that a bona fide offer has been made in compliance with the requirements of the laws of the State of Texas and that the City of Abilene and the State of Texas cannot agree with the property owners as to the fair market value of the hereinafter described property.

Section 3: That fee simple title to the hereinafter described property is deemed necessary for use in connection with the construction of Loop 322 between State Highway 36 and U. S. Highway 83 in the corporate limits of the City of Abilene, and it is determined that the public necessity requires its appropriation and acquisition for said purpose.

Section 4: That the City of Abilene determines to appropriate fee simple title to the hereinafter described property for the purpose of constructing the said Loop 322 under the exercise of the right of eminent domain as set forth in Title 52, Revised Statutes of the State of Texas, being Articles 3264 and 3271 inclusive, and the provisions of the Charter of the City of Abilene, and the Statutes of the State of Texas, authorizing the condemnation of a fee simple title.

Section 5: That the City Attorney of the City of Abilene is hereby authorized and directed to file the necessary suit and take necessary action for the prompt acquisition of fee simple title to the hereinafter described property.

Section 6: That the owners of said property and the property description of the land to be acquired by condemnation are as follows:

Alpha Allen, Owner

2.039 acres of land, more or less, same being all of that certain 1.033 acre tract and all of that certain 1.006 acre tract, both out of the northeast 1/4 of Section 52, Blind Asylum Lands Survey in Taylor County, Texas; which tracts (described as a 1.03 acre tract and a 1.039 acre tract, respectively) were conveyed to Alpha Allen by Deeds dated November 2, 1936 and September 18, 1941, of record in Volumes 272 and 304, Pages 200 and 627, respectively, Deed Records of Taylor County, Texas; said 2.039 acres of land, more or less, are more particularly described as follows:

Begin at the northeast corner of said 1.033 acre tract, said point being 50 feet S 0 deg. 23 min. W and 30 feet N 89 deg. 37 min. W from the northeast corner of said Section 52, said point also being 185.66 feet N 89 deg. 37 min. W from centerline chaining station 127 + 55.99 of the proposed location of Loop 322;

Thence N 89 deg. 37 min. W along the north line of said 1.033 acre tract and said 1.006 acre tract and along the south line of Port

Road a distance of 296.10 feet to the northwest corner of said 1.006 acre tract;

Thence S 0 deg. 23 min. W along the west line of said 1.006 acre tract a distance of 300 feet to the southwest corner of said 1.006 acre tract;

Thence S 89 deg. 37 min. E along the south line of said 1.006 acre tract and said 1.033 acre tract, at 259.09 feet cross the centerline of the proposed location of said Loop 322 at centerline chaining station 131 + 30.13 and continue a total distance of 296.10 feet to the southeast corner of said 1.033 acre tract;

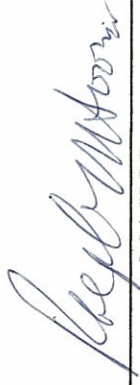
Thence N 0 deg. 23 min. E along the east line of said 1.033 acre and along the west line of a public road, at 42.12 feet cross the centerline of the proposed location of said Loop 322 at centerline chaining station 130 + 74.07 and continue a total distance of 300 feet to the point of beginning.

It is the intention of the above field notes to describe and include ALL of that certain 150' x 300' tract described as being 1.03 acres in that certain Deed from J. H. Anderson to Alpha Allen dated November 2, 1936, of record in Volume 272, Page 200, Deed Records of Taylor County, Texas; and ALL of that certain 146.1' x 300' tract described as being 1.039 acres in that certain Deed from West Texas Utilities Company to Alpha Allen, dated September 18, 1941, of record in Volume 304, Page 627, Deed Records of Taylor County, Texas.

Section 7: That should it be subsequently determined that additional persons other than those named herein have an interest in said property, then in that event, the City Attorney is authorized and directed to join said parties as defendants in said condemnation suits.

Section 8: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 25th day of August, A.D. 1966.



MAYOR

ATTEST:


CITY SECRETARY

APPROVED:
LES COCHRAN, CITY ATTORNEY





