

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF PROPERTY AND GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY, ESTABLISHING PROCEDURES AND APPROPRIATING FUNDS FOR THE FEDERALLY FUNDED BRIDGE REPLACEMENT PROJECT.

WHEREAS, there is a need for the Rebecca Lane Bridge on Elm Creek to be replaced and widened; and,

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for each of the parcels to be acquired for such project; and,

WHEREAS, there may be improvements located on some of the real property acquired for this project and such improvements may be required to be moved prior to the beginning of this project; and,

WHEREAS, the acquisition of the real property acquired for this project may result in the acquisition of some property out of a particular lot or lots that may not be necessary for the final improvements; now, therefore,

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

PART 1: That the City Council of the City of Abilene hereby officially determines that there is a public necessity for, and the public welfare and convenience will be served by, the acquisition of the property described in the attached Exhibit "A" and it is the City of Abilene's intention to acquire the real property as set out and described in Exhibit "A" attached hereto and made a part of this resolution for all purposes as part of the Bridge Replacement Project in Abilene for the purposes of replacing and widening the Bridge on Rebecca Lane at Elm Creek.

PART 2: That the City of Abilene further determines that the property described in Exhibit "A" should be acquired pursuant to the guidelines established by the Federal Aid Highway Program.

PART 3: That the City Manager is hereby authorized to contract, on

behalf of the City of Abilene, with professional appraisers for appraisal services and with attorneys for preparation of title policies needed by the City from time to time in connection with acquisition of the real property for right-of-way for this Bridge Replacement Project.

PART 4: That the City Land Agent, or other staff appraiser, is hereby authorized and directed to examine the independent appraisal reports as they are submitted to said City to determine whether said appraisal reports are supported by sufficient data. Based upon such examination of said appraisal reports, the Land Agent, or other staff appraiser, shall make a recommendation to the City Manager as to establishment and approval of the amount of the just compensation for said parcel.

PART 5: After consideration of said recommendation, the City Manager shall establish and approve the amount determined to be just compensation for acquisition of the parcel.

PART 6: Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition, the Land Agent is authorized to communicate a written offer to the owner of said parcel for acquisition of said parcel at the full amount determined and established to be just compensation therefor, and to negotiate with said owner on behalf of the City of Abilene.

PART 7: That the City Manager be and is hereby authorized to execute all documents necessary to acquire each of the parcels of land needed for said project, on behalf of the City of Abilene.

PART 8: That the City Manager be and is hereby authorized to sell any improvements acquired which are located on the real property acquired in connection with this project and also to sell any additional real property acquired in connection with this project in accordance with the provisions of Tex. Rev. Civ. Stat. Ann. Article 5421C-12.

PART 9: That the amount of Twenty Thousand and no/100 (\$20,000.00) Dollars be appropriated from the City of Abilene General Obligation Bond Series 1980 for this right-of-way acquisition.

PART 10: That this resolution shall take effect immediately from and after its passage .

ADOPTED this 12 day of April, A.D., 1984.

ATTEST:

Patricia Patton
CITY SECRETARY

David Stubbeman
MAYOR

APPROVED:

Gary Sanders
CITY ATTORNEY

EXHIBIT A

PARCEL 1

BEING a tract or parcel of land out of a certain 180.61 acre tract or parcel of land out of the J. Blakemore Survey Number 97 in Taylor County, Texas; said 180.61 acre tract or parcel of land conveyed in a deed to O.B. Stephens, et al, from Leslie Strange as recorded in Volume 1195, Page 661, of the Deed Records of Taylor County, Texas;

BEGINNING at a point, said point being the Southwest corner of the J. Blakemore Survey Number 97 in Taylor County, Texas, being the center line of Elm Creek and also being the Southwest corner of said 180.61 acre tract or parcel of land conveyed in a deed to O.B. Stephens, et al, from Leslie Strange as recorded in Volume 1195, Page 661, of the Deed Records of Taylor County, Texas, from which set sucker rod bears South a distance of 3.76 feet and East 42.99 feet;

THENCE downstream with the center line meanders of Elm Creek and West boundary line of J. Blakemore Survey Number 97 in Taylor County, Texas, an approximate distance of 370.0 feet for a corner, from said corner the Southwest corner of J. Blakemore Survey Number 97 in Taylor County, Texas, bears South 201.1 feet and West a distance of 344.77 feet;

THENCE S 63° 54' E a distance of 43.78 feet for a corner;

THENCE S 23° 56' 59" E a distance of 56.79 feet for a corner, said corner being on a curve to the left having a radius of 898.29 feet and a total central angle of 26° 10' 32";

THENCE in a Southeasterly direction with said curve to the left having a radius of 898.29 feet and a total central angle of 26° 10' 32", a distance of 410.34 feet for a corner, said corner being the end of said curve to the left;

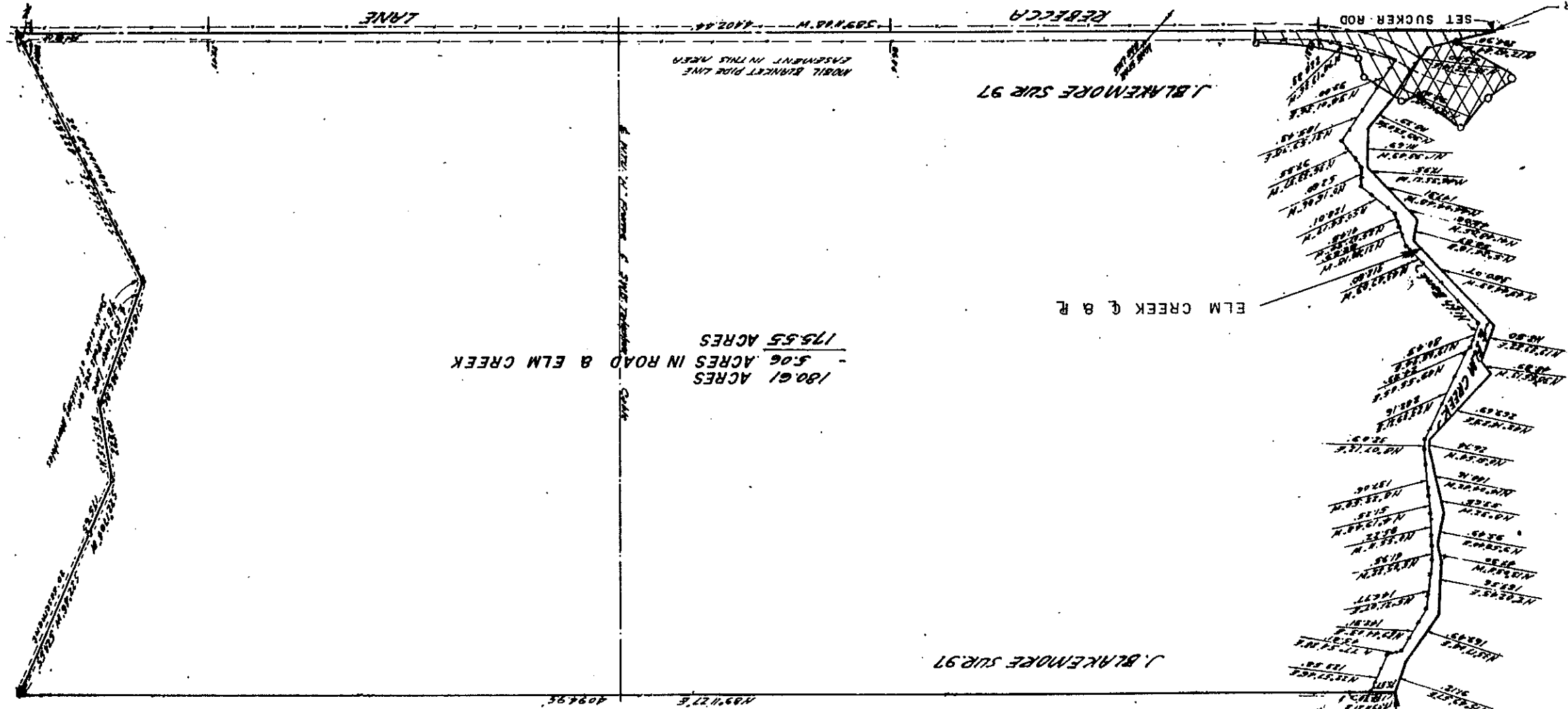
THENCE S 89° 56' E with the proposed new North Right-of-Way of Rebecca Lane, a distance of 160.4 feet for a corner;

THENCE S 0° 34' W a distance of 39.14 feet for a corner, said corner on the South boundary line of J. Blakemore Survey Number 97 in Taylor County, Texas;

THENCE N 89° 56' W with the South boundary line of said Stephens 180.61 acre tract and also with the South boundary line of J. Blakemore Survey Number 97 in Taylor County, Texas, a distance of 964.42 feet to the place of beginning.

Said tract or parcel of land containing 1.71 acres or 74,488 square feet of land more or less, of which 0.58 acres or 25,265 square feet of land more or less, is in a public road.

PARCEL 1



180.61 ACRES IN ROAD & ELM CREEK
 5.06 ACRES IN ROAD & ELM CREEK
 175.55 ACRES

A PLAT OF 180.61 ACRES
 O. B. STEPHENS ESTATES
 OUT OF
 LOT G, J.M. CUNNINGHAM SUB. DIV.
 OF J. BLAKEMORE SURVEY NO. 97
 BARILENE, TAYLOR COUNTY, TEXAS

PLAT NO. 2087
 J.M. CUNNINGHAM - J. BLAKEMORE SUR. 97
 & J.E. SHEPARD SUR. 96

S.W. CORNER
 J. BLAKEMORE SUR. 97
 & N.W. CORNER 98



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PARCEL 2

BEING a tract or parcel of land out of a certain 247 acre tract of land out of the East part of the William Scallonns Survey Number 46 in Taylor County, Texas; said 247 acre tract of land being that certain tract or parcel of land conveyed to Tommy E. Milliorn, Trustee, from O.P. Beebe, et al, as recorded for Volume 1047, Page 266, of the Deed Records of Taylor County, Texas; said tract or parcel of land being more particularly described below:

BEGINNING at a point in the center line of Elm Creek being the East boundary line of the William Scallonns Survey Number 46 in Taylor County, Texas, from which the Southeast corner of said William Scallonns Survey Number 46 in Taylor County, Texas, bears South a distance of 73.24 feet and West a distance of 44.84 feet;

THENCE N 63° 54' W a distance of 132.85 feet for a corner, said corner being on the present West Right-of-Way of Rebecca Lane;

THENCE N 55° 09' 27.7" E a distance of 98.95 feet for a corner;

THENCE N 35° 59' 36" E a distance of 139.33 feet for a corner, said corner being on a curve to the right having a proposed total central angle of 26° 00' and a radius of 904.05 feet;

THENCE in a southeasterly direction with said curve to the right having a proposed total central angle of 26° 00' and a radius of 904.05 feet with the new proposed Right-of-Way of Rebecca Lane, a distance of 156.23 feet for a corner, said corner being the beginning of said curve to the left;

THENCE N 71° 06' E a distance of 51.57 feet for a corner;

THENCE S 63° 54' E a distance of 82.0 feet for a corner, said corner being at the center line of Elm Creek, from which the Southeast corner of the William Scallonns Survey Number 46 in Taylor County, Texas, bearing South a distance of 201.1 feet, and West a distance of 344.77 feet;

THENCE up stream with the center line meanders of Elm Creek, and also the East boundary line of said William Scallonns Survey Number 46 in Taylor County, Texas, an approximate distance of 370.0 feet to the place of beginning.

Said tract or parcel of land containing 1.38 acres or 60,041.67 square feet of land more or less, of which 0.32 acres or 13,883.33 square feet are in a public road.

Based on Texas Highway Department 1983 coordination.