

RESOLUTION NO. 48-1986

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION THE FEE SIMPLE TITLE TO CERTAIN DESCRIBED PROPERTY FOR RIGHT-OF-WAY FOR THE CEDAR CREEK (I-20 TO BUCK CREEK) WIDENING PROJECT PHASE II, AND ORDERING THE CONDEMNATION OF SAID PROPERTY TO PROCEED.

WHEREAS, the City Council of the City of Abilene has heretofore determined to acquire the right-of-way necessary for channel improvements and widening of Cedar Creek from I-20 to Buck Creek in Abilene, Texas; and,

WHEREAS, an independent professional appraisal report of the subject property has been submitted to the City, and the City Manager has accordingly established and approved a certain amount determined to be just compensation for that parcel, pursuant to the authority granted him by amended Resolution No. 31-1986 of the City Council on July 10, 1986; and,

WHEREAS, an official written offer based upon the amount determined to be just compensation has been transmitted to the owners of the property described herein, and the owners have been unable to agree with the City of Abilene upon the property's fair cash market value and further negotiations for settlement have become futile and impossible; and,

WHEREAS, the City of Abilene has complied with all prerequisites of the law, and condemnation has become necessary in order to acquire the unencumbered fee simple title, save and except oil, gas and sulphur rights with no right of exploration, to the property described below; now, therefore,

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

PART 1: That it is hereby determined that the City of Abilene has in fact transmitted a bona fide offer to the property owners, in accord with the laws of the State of Texas, for the property described below, and the owners of that property and the City of Abilene have been unable to agree and cannot agree upon the value of the land or the damages to be paid and further settlement negotiations have become futile and impossible.

PART 2: That public necessity requires the acquisition of the unencumbered fee simple title to the property described below, save and except oil, gas, and sulphur rights with no right of exploration, for right-of-way purposes of the Cedar Creek (1-20 to Buck Creek) Widening Project Phase II in the City of Abilene, Texas; and that public necessity and convenience require the condemnation of this property in order to acquire it for flood control purposes.

PART 3: That the City of Abilene Legal Department is hereby authorized and directed to institute proceedings in eminent domain against H. C. Welch and wife, Bessie Marie Welch, owners of the property described herein, and against all other interested owners, lienholders and other holders of an interest in the property, in order to acquire the unencumbered fee simple interest, save and except oil, gas, and sulphur rights with no right of exploration, in and to the following described property lying and being situated in the City of Abilene, Taylor County, Texas, to-wit:

Four tracts of land - tracts one and two are located in Section 83, T&P Railroad Lands, Block 14, and tracts three and four located in Section #82, T & P Railroad Land, Block 14, which is also known as A. M. Warfield Survey #82, all in Taylor County, Texas. All

of said land is a part of that land conveyed to H. C. Welch by V. J. Kuehn and wife, Lona Kuehn, and L. G. Rhodes and wife, Helen L. Rhodes, by deed dated August 21, 1972, as recorded in Volume 941, Page 141 of the Deed Records of Taylor County, Texas, and being more particularly described as follows:

**TRACT ONE:**

BEGINNING at an iron stake located 1516 feet North and 1376 feet East of the interior Southeast corner of said Section 83, T&P Railroad Lands, Block 14, said point also located 100 feet Southeast of the centerline of Cedar Creek;

THENCE along a curve to the left 396.02 feet to an iron stake, such curve has a radius of 1460 feet and a chord which bears N 39° 37' 23" E, 394.81 feet;

THENCE S 21° 58' E, 99.3 feet to an iron stake;

THENCE S 39° 49' W, 241.5 feet to an iron stake;

THENCE S 78° 49' W, 136.9 feet to the Place of Beginning and containing 0.716 acres of land.

**TRACT TWO:**

BEGINNING at an iron stake located 2000 feet North and 1871 feet East of said interior Southeast corner of Section 83, T&P Railroad Lands, Block 14, said point is also located N 53° 20' 12" E, 302.31 feet of the most Northerly corner of said Tract One and being also a point on a curve, curving to the right;

THENCE along the said curve to the right, 113.95 feet to an iron stake located at the point of reverse curve. Said curve has a radius of 1460 feet and a chord which bears N 61° 30' 42" E, 113.92 feet;

THENCE along said curve to the left 615.77 feet to an iron stake, said curve has a radius of 1620 feet and a chord which bears N 52° 51' 40" E, 612.07 feet;

THENCE S 21° 54' E, 254.9 feet to an iron stake;

THENCE S 33° 22' W, 143.95 feet to an iron stake;

THENCE S 67° 14' W, 395.8 feet to an iron stake;

THENCE N 71° 14' W, 247.3 feet to an iron stake;

THENCE N 36° 54' W, 8.1 feet to the Place of Beginning and containing 3.23 acres.

TRACT THREE:

BEGINNING at an iron stake located on a curve to the left and being also located N 28° 52' 45" E, 733.89 feet of the most Northerly corner of said Tract Two. Said point is also located 2020 feet South and 1426 feet East of the Northwest corner of said Section #82, T & P Railroad Land, Block 14, which is also known as A. M. Warfield Survey #82, all in Taylor County, Texas, and being more particularly described as follows:

THENCE along said curve to the left, 411.05 feet to an iron stake located at the P.C. of said curve, said curve has a radius of 1620 feet and a chord which bears N 8° 31' 12" E, 409.95 feet;

THENCE N 1° 15' E, 369.87 feet to an iron stake;

THENCE S 71° 58' E, 55.8 feet to an iron stake;

THENCE S 32° 19' E, 185.5 feet to an iron stake;

THENCE S 10° 29' E, 400.3 feet to an iron stake;

THENCE S 34° 01' W, 122.3 feet to an iron stake;

THENCE S 45° 25' W, 104.4 feet to an iron stake;

THENCE S 72° 07' W, 124.9 feet to an iron stake;

THENCE N 80° 24' W, 32.7 feet to the Place of Beginning and containing 3.07 acres.

TRACT FOUR:

BEGINNING at an iron stake located in a fence line, being the North line of said H. C. Welch property. Said point is located 50 feet South and 2100.8 feet S 89° 40' E of the Northwest corner of said Section #82, T & P Railroad Land, Block 14, which is also known as A. M. Warfield Survey #82, all in Taylor County, Texas, and being more particularly described as follows:

THENCE S 1° 15' W, 727.9 feet to an iron stake;

THENCE N 25° 28' E, 169.0 feet to an iron stake;

THENCE N 43° 28' E, 259.5 feet to an iron stake;

THENCE N 15° 15' E, 141.0 feet to an iron stake;

THENCE N 16° 13' W, 289.7 feet to an iron stake;

THENCE S 73° 46' W, 100 feet to the center of Cedar Creek;

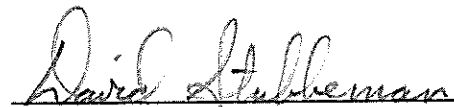
THENCE N 89° 40' W, 95.5 feet to the Place of Beginning and containing 3.02 acres.

PART 4: That this resolution shall take effect immediately from and after its passage.

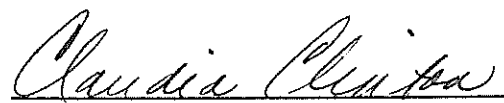
ADOPTED this 11th day of September, A.D., 1986.

ATTEST:

  
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CITY SECRETARY

  
\_\_\_\_\_  
MAYOR

APPROVED:

  
\_\_\_\_\_  
CITY ATTORNEY

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