

RESOLUTION NO. 54-1986

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, AUTHORIZING CITY STAFF TO COMMENCE THE PROCEDURE TO OFFICIALLY CLOSE THE LANDFILL (PROPERTY OWNED BY ABILENE BRICK COMPANY).

WHEREAS, on July 9, 1981, the City Council approved an agreement with the Abilene Brick Company for the above referenced landfill, effective October 1, 1981; and,

WHEREAS, said agreement included a property as described in Exhibit "A" and indicated on the map attached hereto as Exhibit "B", both of which are made a part hereof for all purposes; and,

WHEREAS, per terms of said agreement the City paid the sum of Twenty-four Thousand and no/100 Dollars (\$24,000.00) representing a One Thousand and no/100 Dollars (\$1,000.00) per month fee for the first and last years of said agreement, and has paid One Thousand and no/100 Dollars (\$1,000.00) per month fee since October, 1982; and,

WHEREAS, per terms of said agreement, the City is to notify the owner one (1) year prior to termination of said agreement to credit the next twelve (12) months' monthly fee to the advance payment made in 1981; and,

WHEREAS, the City wishes to cease usage of this landfill facility and terminate the existing agreement; now, therefore,

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

PART 1: That staff is hereby directed to commence closure procedures for the landfill facility on the Abilene Brick Company.

PART 2: That property owner, Don W. Powers, be duly

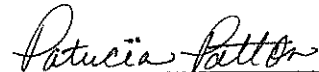
notified of the City's intent to close this landfill facility.

PART 3: That the projected closure date is October 1, 1987.

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

ADOPTED this 25th day of September, A.D., 1986.

ATTEST:

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

  
\_\_\_\_\_  
Mayor

APPROVED:

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

TRACT I:

Being a tract or parcel of land out of Subdivision No. 9 and 10 of the Alexander Thompson Survey No. 20 in Taylor County, Texas, said tract or parcel of land being more particularly described below:

Beginning at a point, said point being the intersection of the South Right of Way Line of the Fort Worth and Denver Railroad and the East Boundary Line of Subdivision No. 9 of the Alexander Thompson Survey No. 20 in Taylor County, Texas.

Thence South with the East Boundary Line of said Subdivision No. 9 a distance of 2701.4 feet for a corner said corner being the Southeast Corner of said subdivision.

Thence West a distance of 1002.3 feet for a corner.

Thence North 3544.2 feet for a corner said corner being on the South Right of Way Line of Fort Worth and Denver Railroad.

Thence S. 50° 00' E. with the South Right of Way Line of Fort Worth and Denver Railroad a distance of 1311.1 feet to the place of beginning.

SAVE AND EXCEPT a portion of U.S. Highway 83 and portion of an East West Public Road known as Summit Road.

Said tract or parcel of land containing 8.17 acres more or less in U.S. Highway 83 and 0.90 acre more or less in Summit Road and 62.93 acre more or less in leased Tract I.

TRACT II:

Being a 48.25 acre tract or parcel of land out of Lot 1 of the A. F. McDonald's Subdivision of the Wilson W. Sills Surveys No. 23 and 24 Taylor County, Texas, being more particularly described below:

Beginning at a point said point being Northwest Corner of Lot 1 of the A. F. McDonald's Subdivision of the Wilson W. Sills Survey No. 23 and 24, Taylor County, Texas.

Thence S.  $32^{\circ} 54'$  E. with the North Boundary Line of said Lot 1 a distance of 1057.3 feet for a corner said corner being on the West Right of Way Line of U.S. Highway 33.

Thence S.  $37^{\circ} 09'$  E. with the West Right of Way Line of U.S. Highway 33 a distance of 228.7 feet for a corner.

Thence S.  $13^{\circ} 19'$  E. with the West Right of Way Line of U.S. Highway 83 a distance of 259.4 feet for a corner, said corner being the Northeast Corner of a certain 120 foot by 140 foot tract of land described in a deed recorded in Volume 306, Page 304 of the Deed Records of Taylor County, Texas.

Thence S.  $71^{\circ} 41'$  W. a distance of 140.0 feet for a corner.

Thence S.  $13^{\circ} 19'$  E. a distance of 120.0 feet for a corner.

Thence N.  $71^{\circ} 41'$  E. a distance of 140.0 feet for a corner, said corner being on the West Boundary Line of U.S. Highway 33.

Thence S.  $13^{\circ} 19'$  E. with the West Right of Way Line of U.S. Highway 33 an approximate distance of 123.00 feet for a corner, said corner being the Northeast Corner of a certain 10.7 acre tract or parcel of land described in a deed recorded in Volume 325, Page 239 of the Deed Records of Taylor County, Texas.

Thence S.  $57^{\circ} 00'$  W. a distance of 611.3 feet for a corner.

Thence S.  $22^{\circ} 00'$  E. a distance of 700.0 feet to Elm Creek for a corner.

Thence up Elm Creek with its Meanders to a corner, said corner being 2072.0 feet South of the North West Corner of said Lot 1.

Thence North with the West Boundary Line of said Lot 1 a distance of 451.4 feet for a corner.

Thence N.  $45^{\circ} 29'$  E. a distance of 209.3 feet for a corner.

Thence N.  $22^{\circ} 02'$  W. a distance of 411.1 feet for a corner said corner on the West Boundary Line of said Lot 1.

Thence North with the West Boundary Line of said Lot 1 a distance of 1095.8 feet to the place of beginning.

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS :  
COUNTIES OF TAYLOR AND JONES :  
CITY OF ABILENE :

We, the undersigned officers of said City, hereby certify as follows:

1. The City Council of said City convened in REGULAR MEETING ON THE 25TH DAY OF SEPTEMBER, 1986, at the City Hall, and the roll was called of the duly constituted officers and members of said City Council, to-wit:

David Stubbeman, Mayor	Walter E. Wheat
Welton Robinson, Mayor Pro Tempore	A. E. Fogle, Jr.
Patricia A. Patton, City Secretary	Gary D. McCaleb
Betty Ray	Harold D. Nixon

and all of said persons were present, except the following absentees: Betty Ray thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written

RESOLUTION CANVASSING ELECTION RETURNS was duly introduced for the consideration of said City Council and read in full. It was then duly moved and seconded that said Resolution be passed; and, after due discussion, said motion carrying with it the passage of said Resolution, prevailed and carried by the following vote:

AYES: All members of said City Council shown present above voted "Aye".

NOES: None.

2. That a true, full and correct copy of the aforesaid Resolution passed at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Resolution has been duly recorded in said City Council's minutes of said Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said Meeting pertaining to the passage of said Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Resolution would be introduced and considered for passage at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose, and that said Meeting was open to the public and

public notice of the time, place and purpose of said meeting was given, all as required by Vernon's Ann. Civ. St. Article 6252-17.

3. That the Mayor of said City has approved and hereby approves the aforesaid Resolution; that the Mayor and the City Secretary of said City have duly signed said Resolution; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Resolution for all purposes.

SIGNED AND SEALED the 25th day of September, 1986.

*Patricia Patton*  
City Secretary

*David Stubbeman*  
Mayor

SEAL