

RESOLUTION NO. 48-1989

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 REBECCA LANE PAVING PROJECT, 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 the Rebecca Lane Paving Project 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; 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 Rebecca Lane Paving Project in the City of Abilene, Texas; and that public necessity and convenience require the condemnation of this property in order to acquire it for said right-of-way purpose.

PART 3: That the City of Abilene Legal Department is hereby authorized and directed to institute proceedings in eminent domain against Greater Southwest Realty Corp. record owner 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, all that certain lot, tract or parcel of land described in the attached "Exhibit A" attached hereto and made a part hereof for all intents and purposes.

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


ADOPTED this 24 day of August, A.D., 1989.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

Taylor County
M.H. 965
Control 8022-08-001
Parcel No. 10

FIELD NOTES FOR PARCEL 10

1.935 acres of land, more or less, same being out of and a part of that certain 103.4 acre tract out of the Jackson Blakemore Survey No. 98 and the J. Smith Survey No. 99 in Taylor County, Texas; which said 103.4 acre tract was conveyed to B.D. Click by Deed dated June 11, 1974, of Record in Volume 986, Page 699, Deed Records of Taylor County, Texas; said 1.935 acres of land, more or less, are more particularly described as follows:

Begin at the point of intersection of the proposed South right of way line of the proposed location of Metropolitan Highway 965, and the West fence line of that certain 25 acre tract conveyed to B.B. Trotter by deed of record in Volume 1047, Page 940, Deed Records of Taylor County, Texas, said point being 40 feet South $1^{\circ} 21' 20''$ West from centerline chaining station 22+19.60 of the proposed location of said highway, and said point also being 1300.70 feet North $1^{\circ} 21' 20''$ East from the southwest corner of said 25 acre tract, and said point also being 40 feet southerly from and measured at right angles to centerline chaining station 22+19.66 of the proposed location of said highway;

- 1) Thence North $88^{\circ} 43' 40''$ West along the proposed South right of way line of the proposed location of said highway a distance of 165 feet to a point being 40 feet southerly from and measured at right angles to centerline chaining station 23+84.66 of the proposed location of said highway;
- 2) Thence South $1^{\circ} 21' 20''$ West a distance of 25 feet to the South right of way line of the proposed location of Metropolitan Highway 965, said point being 65 feet South $1^{\circ} 21' 20''$ West from centerline chaining station 23+84.60 of the proposed location of said highway, said point also being 65 feet southerly from and measured at right angles to centerline chaining station 23+84.69 of the proposed location of said highway;
- 3) Thence North $88^{\circ} 43' 40''$ West along the proposed South right of way line of the proposed location of said highway a distance of 1524.45 feet to a point in the West fence line of said 103.4 acre tract, same being the East fence line of that certain 9 acre tract conveyed to Charles N. Vickers and wife Abbie Lorene Vickers by deed of record in Volume 805, Page 430, Deed Records of Taylor County, Texas, said point being 909.50 feet North $1^{\circ} 08' 20''$ East from the most northerly southwest corner of said 103.4 acre tract and the southeast corner of said 9 acre tract;
- 4) Thence North $1^{\circ} 08' 20''$ East along the West fence line of said 103.4 acre tract and along the East fence line of said 9 acre tract a distance of 51.50 feet to a point in the South fence line

of a public road, said point being 13.50 feet South 1° 08' 20" West from centerline chaining station 39+09.30 of the proposed location of said highway, said point also being the northwest corner of said 103.4 acre tract and the northeast corner of said 9 acre tract;

- 5) Thence South 88° 47' 03" East along the South fence line of said public road and along the North fence line of said 103.4 acre tract a distance of 1524.65 feet to a point being 12 feet South 1° 21' 20" West from centerline chaining station 23+84.60 of the proposed location of said highway;
- 6) Thence South 88° 43' 40" East along the North line of said Public road a distance of 165 feet to the northeast corner of the Grantor's property, same being the northwest corner of said 25 acre tract, said point being 12 feet South 1° 21' 20" West from centerline chaining station 22+19.60 of the proposed location of said highway;
- 7) Thence South 1° 21' 20" West along the West fence line of said 25 acre tract a distance of 28 feet to the point of beginning.