

RESOLUTION NO. 62-1689

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 AND EXTENSION 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 paving and extension of Rebecca Lane; 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 and Extension 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 paving and extension purposes.

PART 3: That the City of Abilene Legal Department is hereby authorized and directed to institute proceedings in eminent domain against Dr. James L. Tucker, 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, to-wit:

1.025 acre of land, more or less, same being out of and a part of that certain 106 acre tract out of the Jackson Blakemore Survey No. 98 in Taylor County, Texas: which said 106 acre tract was conveyed to James L. Tucker, Jr., by Deed dated October 1, 1976, of record in Vol. 1045, Page 890, Deed Records of Taylor County, Texas; said 1.025 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 most westerly east fence line of said 106 acre tract, same being the east line of Lot 112 of a replat of part of Lot 1, Block A, Section 1, O. C. Thompson Addition as shown by Plat of record in Vol. 1, Page 188, Plat Records of Taylor County, Texas, said point being 52.66 feet South 2° 24' 36" East from centerline chaining station 6+00.61 of the proposed location of said highway, said point also being 399+64 feet North 2° 24' 36" West from the southwest corner of said Lot 112, and said point also being 1310.18 feet North 2° 24' 36" West from an interior corner of said 106 acre tract;

THENCE North 88° 43' 40" West along the proposed south right of way line of the proposed location of said highway a distance of 813.29 feet to a point in the most easterly west fence line of said 106 acre tract, same being the east fence line of that certain 25 acre tract conveyed to B. B. Trotter by Deed of record in Vol. 1047, Page 940, Deed Records of Taylor County, Texas, said point being 1301.10 feet North 1° 21' 20" East from and interior corner of said 106 acre tract and the southeast corner of said 25 acre tract;

THENCE North 1° 21' 20" East along the most easterly west fence line of said 106 acre tract and along the east fence line of said 25 acre tract a distance of 55 feet to a point in the south fence line of a public road, said point being the most northerly northwest corner of said 106 acre tract and the northeast corner of said 25 acre tract, said point also being 10 feet South 1° 21' 20" West from centerline chaining station 14+10.60 of the proposed location of said highway;

THENCE South 88° 43' 40" East along the north fence line of said 106 acre tract and along the south fence line of said public road, at 642.89 feet cross the centerline of the proposed location of said highway at centerline chaining station 7+67.58 of the proposed location of said highway, and continue a total distance of 809.68 feet to the most northerly northeast corner of said 106 acre tract;


THENCE South 2° 24' 36" East along the most westerly east fence line of said 106 acre tract, at 2.46 feet cross the centerline of the proposed

location of said highway at centerline chaining station 6+00.61 of the proposed location of said highway, at 19.42 feet pass the northwest corner of said Lot 112, and continue a total distance of 55.12 feet to the point of beginning.

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

ADOPTED this 16th day of November, A.D., 1989.

ATTEST:




CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY