

RESOLUTION NO. 45-1990

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS AUTHORIZING THE SALE OF CERTAIN LANDS DESCRIBED HEREIN FOR HIGHWAY IMPROVEMENT PURPOSES.

WHEREAS, the State Department of Highways and Public Transportation has determined a need for the lands described in Exhibit "A" for highway construction purposes; and

WHEREAS, the City Council of the City of Abilene has determined that there is no feasible and prudent alternative to the use or taking of such land; and

WHEREAS, the City Council of the City of Abilene has determined that the proposed use of the land includes all reasonable planning to minimize harm to the land as a park, recreation area, scientific area, wildlife refuge, or historic site resulting from the use;

NOW THEREFORE: BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ABILENE:


PART I: That the lands described in Exhibit "A" attached hereto shall be conveyed to the Texas Department of Highways and Public Transportation in exchange for the compensation identified in said Exhibit "B"; and

PART II: That said lands are conveyed for the purposes described in the State Department of Highways and Public Transportation's OFFER LETTER dated September 20, 1990 attached hereto as Exhibit "B"

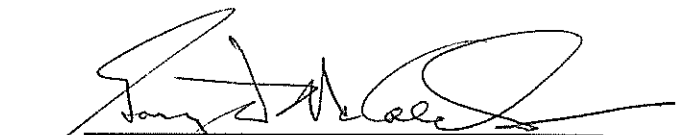
PART III: That this resolution shall take effect immediately upon its passage.

Approved this 6th day of December, 1990.

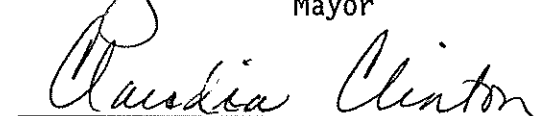
ATTEST



City Secretary



Mayor



Approved, City Attorney

00206

Exhibit A

Taylor County
U.S. 83/84 and Loop 322
CSJ 34-1-86 and 2398-1-22
Parcel No. 1

FIELD NOTES FOR PARCEL 1

0.426 acre of land, more or less, same being out of and a part of that certain six acre tract and out of and a part of that certain 4.11 acre tract out of Subdivision 3 of the Alfred and Mary Fasshauer Subdivision of Section 10 and Section 12, Lunatic Asylum Lands Survey and Section 65, Blind Asylum Lands Survey and the Northeast part of the C.A. Donovan Survey in Taylor County, Texas: which said tracts were conveyed to the City of Abilene, a municipal corporation by Deeds dated June 25, 1958, and July 29, 1958, of Record in Vols. 561 and 565, Pages 635 and 512, respectively, Deed Records of Taylor County, Texas; said 0.426 acre of land, more or less, is more particularly described as follows:

Begin at the point of intersection of the proposed west right of way line of the proposed location of U.S. Highway 83/84 and the present west right of way line of said highway, said point being 130 feet southwesterly from and measured at right angles to centerline chaining station 543+00 of the proposed location of said highway, said point also being 603.34 feet South 39° 36' 01" East from the north corner of said 4.11 acre tract;

- 1) Thence South 39° 36' 01" East along the present west right of way line of the present location of said highway a distance of 738.66 feet to a point in the south line of said six acre tract, same being the north line of that certain 71.32 acre tract conveyed to I.S. Gathright, Trustee by deed of record in Vol. 1021, Page 622, Deed Records of Taylor County, Texas, said point being 170.83 feet North 89° 09' 01" West from centerline chaining station 551+49.49 of the proposed location of said highway, said point also being 130 feet southwesterly from and measured at right angles to centerline chaining station 550+38.66 of the proposed location of said highway, and said point also being the southeast corner of said six acre tract and the most northerly northeast corner of said 71.32 acre tract;
- 2) Thence North 89° 09' 01" West along the south line of said six acre tract and along the north line of said 71.32 acre tract a distance of 66.04 feet to a point in the proposed west right of way line of the proposed location of said highway, said point being 807.96 feet South 89° 09' 01" East from the southwest corner of said six acre tract, same being the southwest corner of said Subdivision 3, said point also being 1815.46 feet South 89° 09' 01" East from the northwest corner of said 71.32 acre tract;
- 3) Thence North 35° 28' 10" West along the proposed west right of way line of the proposed location of said highway a distance of 697.63 feet to the point of beginning.

Of the above described 0.426 acre of land, more or less, 0.426 acre of land, more or less, lies within said Section 65.



STATE DEPARTMENT OF HIGHWAYS
AND PUBLIC TRANSPORTATION

ENGINEER-DIRECTOR
ARNOLD W. OLIVER, P.E.

COMMISSION
ROBERT H. DEDMAN, CHAIRMAN
RAY STOKER, JR.
WAYNE B. DUDDLESTEN

P.O. BOX 150
ABILENE, TEXAS 79604-0150
(915) 673-3761

September 20, 1990

CONTACT:

OFFER LETTER

Taylor County
CSJ 0034-01-091
Account No. 8008-1-26
U.S. 83 and 84
From: Intersection of US 83/84,
Loop 243, and Loop 322 in
Abilene
To: Antilley Road
Parcel No. 1

Mr. Jim Blagg
City Manager
City of Abilene
P.O. Box 60
Abilene, Texas 79604-0060

Dear Mr. Blagg:

In acquiring right of way for the Texas Highway System, the State follows a definite procedure in appraising the land and in handling personal negotiations with each owner.

Your property consisting of 0.426 acre of land, more or less, same being out of and a part of that certain six acre tract and out of and a part of that certain 4.11 acre tract out of Subdivision 3 of the Alfred and Mary Fasshauer Subdivision of Section 10 and Section 12, Lunatic Asylum Lands Survey and Section 65, Blind Asylum Lands Survey and the Northeast part of the C.A. Donovan Survey in Taylor County, Texas is required for the relocation of U.S. Highway 83 and 84. This property has been appraised by a qualified appraiser and the appraisal has been reviewed in this office and in our Austin office.

We are prepared to offer you \$1,193.00 for your property, which is the total amount of just compensation as determined in accordance with State law for fee title to the property less oil, gas and sulphur. In the event the condition of the property should change for any reason, the State shall have the right to withdraw this offer.

September 20, 1990

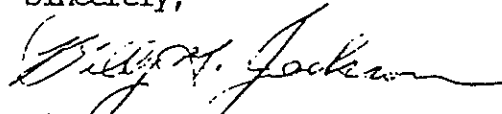
In accordance with law, it is the policy of the Department to negotiate with the owner of the land with the understanding that you will negotiate with any lessees or others who may own any interest in the land or improvements except for utility easements and advertising sign leases. These will be handled separately by the Department.

After the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation as determined through eminent domain proceedings to acquire real property, you will be reimbursed for any fair and reasonable incidental expenses necessarily incurred in transferring title to the property for use by the State Department of Highways and Public Transportation. Expenses eligible for reimbursement may include (1) recording fees, transfer taxes, and similar expenses incidental to conveying the real property to the Department and (2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property. Voluntary unnecessary expenses or expenses incurred in clearing questionable title will not be eligible for reimbursement. Eligible incidental expenses will be reimbursed upon submission of a claim supported by receipted bills or other evidence of actual expenses incurred. You may file a written request for review if you believe that the Department failed to properly determine the eligibility for or the amount of incidental expenses to be reimbursed. There is no standard form on which to request review of a claim; however, it must be filed with the District Office within six months after you are notified of the Department's determination on any claim for reimbursement.

You may be entitled to additional payment and services under the State's relocation program. However, any benefits you may be entitled to under this program will be handled entirely separate and in addition to this transaction. You will receive a brochure titled "Relocation Assistance Program" which will advise you of eligibility requirements, payments and services that are available.

Attached is a copy of the State Department of Highways and Public Transportation booklet entitled "Right of Way Purchase" which we trust will give you a better understanding of the procedures followed by the Department in purchasing right of way. Should you have any questions regarding the type of highway to be built or the purchase transaction, please do not hesitate to call this office or Mr. Tommy J. Jones at 915/673-3761.

Sincerely,



Billy G. Jackson
District Design Manager

TJJ/lw
Attachment

00209