

RESOLUTION NO. 22-1996

A RESOLUTION 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 ANTILLEY ROAD WIDENING PROJECT FROM BUFFALO GAP ROAD TO A POINT JUST EAST OF ELM CREEK, 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 right-of-way improvements and widening of Antilley Road from Buffalo Gap Road to a point just east of Elm Creek; and,

WHEREAS, independent professional appraisal reports of the subject properties have been submitted to the City of Abilene and reviewed by Land Management staff; and,

WHEREAS, an official written offer based upon the amount determined to be just compensation has been transmitted to the owners of each 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 Parcels 3, 4, 14 and 18 described below, and temporary construction easements on parcels 3-A and 4-A; now, therefore,

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

PART 1: That the official offer by the City of Abilene for the land described below, in the amounts of:

Parcel 3 and 3-A	\$ 4,197.00
Parcel 4 and 4-A	\$ 5,483.00
Parcel 14	\$ 2,796.30 plus replacing the fence
Parcel 18	\$ 15,800.00

is hereby confirmed.

PART 2: That it is hereby determined that the City of Abilene has negotiated in good faith with each owner, and has in fact transmitted a bona fide written offer to the property owners, in accord with the laws of the State of Texas, for the property described below, and the owner 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 3: That public necessity requires the acquisition of the unencumbered fee simple title to Parcels 3, 4, 14 and 18 described below, and a temporary construction easement on Parcels 3-A and 4-A, save and except oil, gas, and sulphur rights with no right of exploration, for said right-of-way purposes of the Antilley Road Widening Project and that public necessity and convenience require the condemnation of this property in order to acquire it for right-of-way purposes.

PART 4: That the City of Abilene's Legal Department is hereby authorized and directed to institute proceedings in eminent domain against the 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, on Parcels 3, 4, 14 and 18, save

and except oil, gas, and sulphur rights with no right of exploration, and a temporary construction easement on Parcels 3-A and 4-A in and to the following described property lying and being situated in Taylor County, Texas, to-wit:

- Parcel # 3        Larry R. Braden and wife  
                     Kay P. Braden
  
- Parcel # 3-A     Larry R. Braden and wife  
                     Kay P. Braden
  
- Parcel # 4        Larry R. Braden and wife  
                     Kay P. Braden
  
- Parcel # 4-A     Larry R. Braden and wife  
                     Kay P. Braden
  
- Parcel # 14      Terry Casey and wife  
                     Mary Cathryn Casey
  
- Parcel # 18      Gerlach Oil Company Inc.

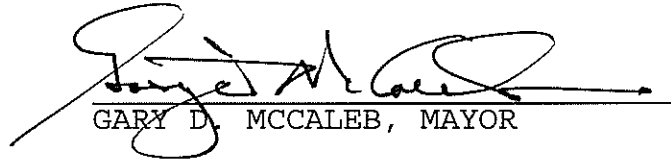
SEE EXHIBIT "A" THROUGH EXHIBIT "D" ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES.

PART 5: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 27 day of June A.D., 1996.

ATTEST:

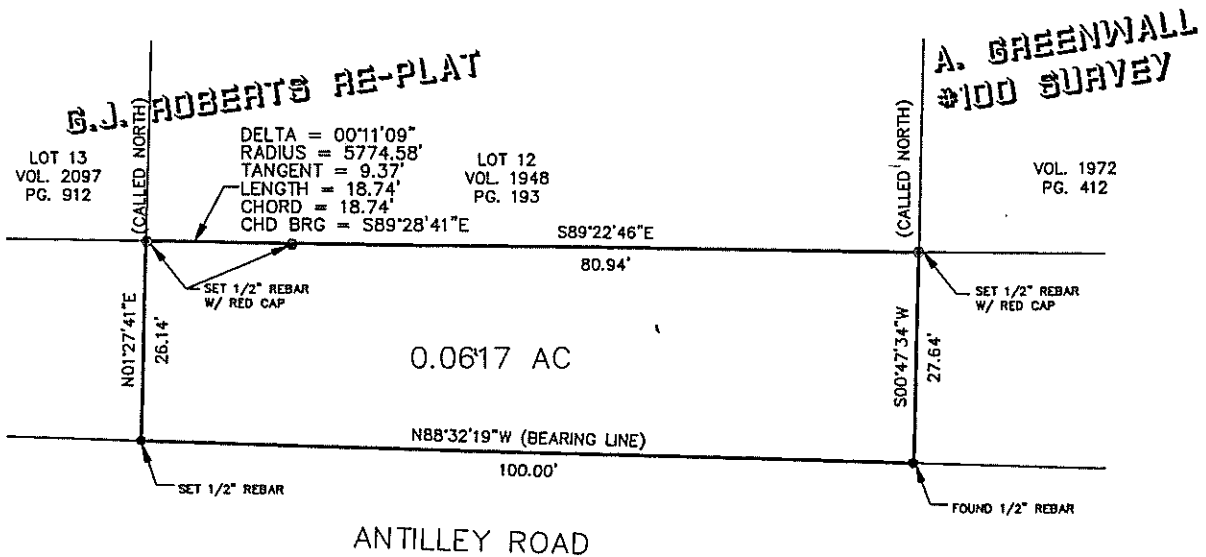
  
\_\_\_\_\_  
JO MOORE, CITY SECRETARY

  
\_\_\_\_\_  
GARY D. MCCALED, MAYOR

APPROVED:

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

EXHIBIT A



NOTE: SEE ATTACHED FIELDNOTES

- Set 1/2" rebar with red cap
- Found 3/8" rebar
- Set 1/2" rebar



1" = 20'

PARCEL #3

Fieldnotes of a survey of 0.0617 acre of land being a part of Lot 12, G. J. Roberts Re-plat of Blocks 12 to 16 inclusive of G. J. Roberts Subdivision of a part of the A. Greenwall Survey #100 as recorded in Plat Book 2 Page 83, Taylor County, Texas, being a part of that land conveyed to Larry P. Braden by Hazel M. Rogers by Deed as recorded in Volume 1948, Page 193 of the Deed Records of Taylor County, Texas being more particularly described as follows;

NOTE: All bearings are based on grid north as tied to the State Plane Coordinate System North Central Zone from City of Abilene monuments #278 and #259. See attached plat as a part of these fieldnotes.

Beginning at a found 1/2" iron rebar being located at the southeast corner of Lot 12, G. J. Roberts Re-plat and also being located on the north line of Antilley Road;

THENCE North 88 degrees 32 minutes 19 seconds West (BEARING LINE) for a distance of 100.00 feet along the south line of said Lot 12 and the north line of said Antilley Road to a 1/2" rebar set for southwest corner of said Lot 12 and the southeast corner of Lot 13;

THENCE North 01 degrees 27 minutes 41 seconds East for a distance of 26.14 feet along the line between Lots 12 and 13 to a set 1/2" rebar with red cap being located on a curve to the right;

THENCE along said curve to the right having a radius of 5774.58 feet and an arc length of 18.74 feet, being subtended by a chord of South 89 degrees 28 minutes 41 seconds East for a distance of 18.74 feet to a set 1/2" rebar with red cap;

THENCE South 89 degrees 22 minutes 46 seconds East for a distance of 80.94 feet to a 1/2" rebar with red cap set on the east line of said Lot 12;

THENCE South 00 degrees 47 minutes 34 seconds West for a distance of 27.64 feet to the place of beginning and containing 0.0617 acres of land.



I, Gary D. Hudson, RPLS #4389, certify that this document represents a survey made on the ground this the 29th day of December, 1995.

*Gary D. Hudson*

PARCEL #3- A

Fieldnotes of a survey of a 5 foot wide strip being 0.0115 acre of land being a part of Lot 12, G. J. Roberts Re-plat of Blocks 12 to 16 inclusive of G. J. Roberts Subdivision of a part of the A. Greenwall Survey #100 as recorded in Plat Book 2 Page 83, of a part of the A. Greenwall Survey #100, Taylor County, Texas, being a part of that land conveyed to Larry M. Braden by Hazel M. Rogers by Warranty Deed as recorded in Volume 1948, Page 193 of the Deed Records of Taylor County, Texas being more particularly described as follows;

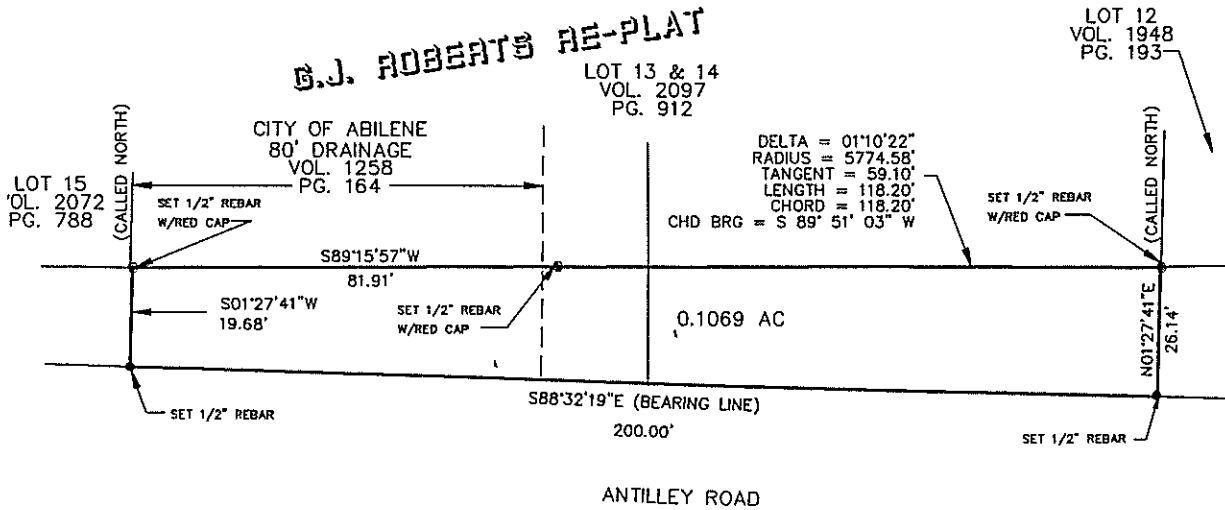
NOTE: All bearings are based on grid north as tied to the State Plane Coordinate System North Central Zone from City of Abilene monuments #278 and #259. See attached plat as a part of these fieldnotes. The following described line being the south line of said 5 foot strip;

Beginning at a set 1/2" iron rebar with red cap being located on the west line of said Lot 12, from which a set 1/2" rebar representing the southwest corner of Lot 12, G. J. Roberts Re-plat bears South 01 degrees 27 minutes 41 seconds West for a distance of 26.14 feet;

THENCE along a curve to the right having a radius of 5774.58 feet and an arc length of 18.74 feet, being subtended by a chord of South 89 degrees 28 minutes 41 seconds East for a distance of 18.74 feet to a set 1/2" rebar with red cap;

THENCE South 89 degrees 22 minutes 46 seconds East for a distance of 81.26 feet to a 1/2" rebar with red cap set on the east line of said Lot 12 and containing 0.0115 acre of land.

EXHIBIT B



NOTE: SEE ATTACHED FIELDNOTES

- Set 1/2" rebar with red cap
- Found 3/8" rebar
- Set 1/2" rebar



1" = 30'

PARCEL #4

Fieldnotes of a survey of 0.1069 acre of land being a part of Lots 13 & 14, G. J. Roberts Re-plat of Blocks 12 to 16 inclusive of G. J. Roberts Subdivision of a part of the A. Greenwall Survey #100 as recorded in Plat Book 2 Page 83, Taylor County, Texas, being a part of that land conveyed to Larry R. Braden, et ux, from Bobby Carl Vickers, et ux, by Deed as recorded in Volume 2097, Page 912 of the Deed Records of Taylor County, Texas being more particularly described as follows;

NOTE: All bearings are based on grid north as tied to the State Plane Coordinate System North Central Zone from City of Abilene monuments #278 and #259. See attached plat as a part of these fieldnotes.

Beginning at a set 1/2" rebar being located at the southeast corner of Lot 13 and the southwest corner of Lot 12, G. J. Roberts Re-plat and also being located on the north line of Antilley Road;

THENCE North 01 degrees 27 minutes 41 seconds East for a distance of 26.14 feet along the east line of said Lot 13 to a set 1/2" rebar with red cap being on a curve to the left;

THENCE along said curve to the left having a radius of 5774.58 feet and an arc length of 118.20 feet, being subtended by a chord of South 89 degrees 51 minutes 03 seconds West for a distance of 118.20 feet to a set 1/2" rebar with red cap;

THENCE South 89 degrees 15 minutes 57 seconds West for a distance of 81.91 feet to a 1/2" rebar with red cap set on the west line of said Lot 14;

THENCE South 01 degrees 27 minutes 41 seconds West for a distance of 19.68 feet along the west line of said Lot 14 to a 1/2" rebar set for the southwest corner of said Lot 14 and the southeast corner of Lot 15 G. J. Roberts Re-plat and also being located on the north line of Antilley Road;

THENCE South 88 degrees 32 minutes 19 seconds East (BEARING LINE) For a distance of 200.00 feet along the south line of Lots 13 and 14 and the north line of Antilley Road to the place of beginning and containing 0.1069 acre of land.



I, Gary D. Hudson, RPLS #4389, certify that this document represents a survey made on the ground this the 29th day of December, 1995.

*Gary D. Hudson*

PARCEL #4-A

Fieldnotes of a survey of a 5 foot wide strip being 0.0230 acre of land being a part of Lots 13 & 14, G. J. Roberts Re-plat of Blocks 12 to 16 inclusive of G. J. Roberts Subdivision of a part of the A. Greenwall Survey #100 as recorded in Plat Book 2 Page 83, Taylor County, Texas, being a part of that land conveyed to Larry R. Braden, et ux, from Bobby Carl Vickers, et ux, by Deed as recorded in Volume 2097, Page 912 of the Deed Records of Taylor County, Texas being more particularly described as follows;

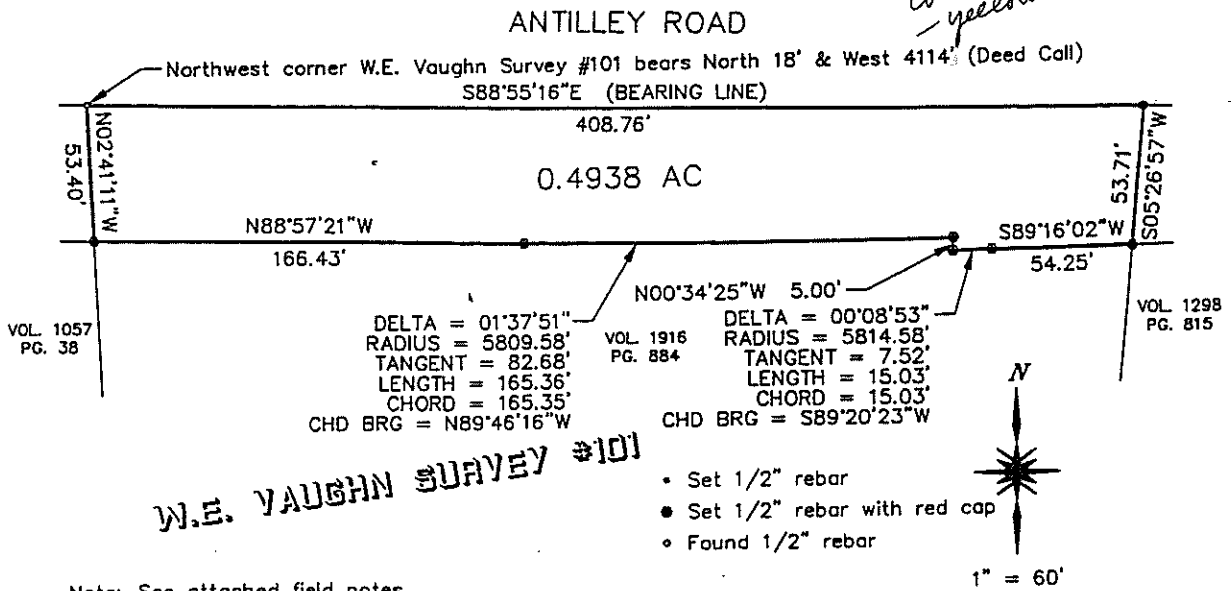
NOTE: All bearings are based on grid north as tied to the State Plane Coordinate System North Central Zone from City of Abilene monuments #278 and #259. See attached plat as a part of these fieldnotes. The following described line being the south line of said 5 foot strip;

Beginning at a set 1/2" rebar with red cap being located on the east line of Lot 13 and the west line of Lot 12, G. J. Roberts Re-plat from which a set 1/2" rebar representing the southeast corner of said Lot 13 bears South 01 degrees 27 minutes 41 seconds West for a distance of 26.14 feet;

THENCE along a curve to the left having a radius of 5774.58 feet and an arc length of 118.20 feet, being subtended by a chord of South 89 degrees 51 minutes 03 seconds West for a distance of 118.20 feet to a set 1/2" rebar with red cap;

THENCE South 89 degrees 15 minutes 57 seconds West for a distance of 81.91 feet to a 1/2" rebar with red cap set on the west line of said Lot 14 and containing 0.0230 acre of land.

*corrective highlighted in yellow on following pg.*



**W.E. VAUGHN SURVEY #101**

Note: See attached field notes.

PARCEL #14

Fieldnotes of a survey of 0.4938 acre of land being located in the W. E. Vaughn Survey No. 101, Taylor County, Texas. Said land is a part of that land conveyed to Terry Casey, et ux, from James Cecil Wilson, et al, by Warranty Deed dated April 3, 1993 as recorded in Volume 1916, Page 884 of the Deed Records of Taylor County, Texas and being more particularly described as follows:

NOTE: All bearings are based on grid north as tied to the State Plane Coordinate System North Central Zone from City of Abilene monuments #278 and #259. See attached plot as a part of these fieldnotes.

Beginning at a found 1/2" iron pin and corner fence post representing the south line of a Antilley Road from which the north west corner of said W. E. Vaughn Survey No. 101 bears North 18 feet and West 4114 feet (deed call).

THENCE South 88 degrees 55 minutes 16 seconds East (BEARING LINE) for a distance of 408.76 feet along said fence line representing the south line of Antilley Road to a set 1/2" rebar;

THENCE South 05 degrees 26 minutes 57 seconds West for a distance of 53.71 feet to a set 1/2" rebar with red cap;

THENCE South 89 degrees 16 minutes 02 seconds West for a distance of 54.25 feet to a 1/2" rebar with red cap set on the beginning of a curve to the right;

THENCE along said curve to the right having a radius of 5814.58 feet and an arc length of 15.03 feet, being subtended by a chord of South 89 degrees 20 minutes 23 seconds West for a distance of 15.03 feet to a set 1/2" rebar with red cap;

THENCE North 00 degrees 34 minutes 25 seconds West for a distance of 5.00 feet to a 1/2" rebar with red cap set on the beginning of a curve to the right;

THENCE along said curve to the right having a radius of 5809.58 feet and an arc length of 165.36 feet, being subtended by a chord of North 89 degrees 46 minutes 16 seconds West for a distance of 165.35 feet to a set 1/2" rebar with red cap;

THENCE North 88 degrees 57 minutes 21 seconds West for a distance of 166.43 feet to a 1/2" rebar with red cap set in an old fence line;

THENCE North 02 degrees 41 minutes 11 seconds West for a distance of 53.40 feet to the place of beginning and containing 0.4938 acre of land.

*corrective highlighted on following pg.*

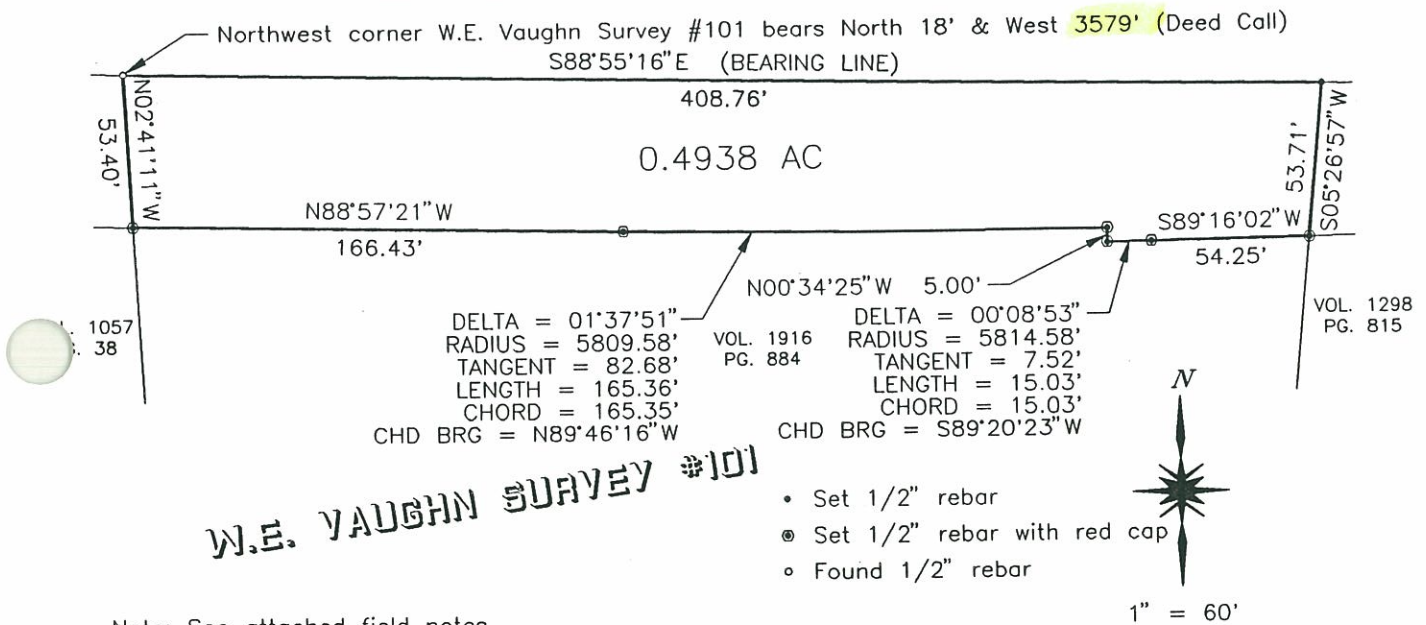


I, Gary D. Hudson, RPLS #4389, certify that this document represents a survey made on the ground this 5th day of January, 1996.

*Gary D. Hudson*



ANTILLEY ROAD



**W.E. VAUGHN SURVEY #101**

Note: See attached field notes.

PARCEL #14

Fieldnotes of a survey of 0.4938 acre of land being located in the W. E. Vaughn Survey No. 101, Taylor County, Texas. Said land is a part of that land conveyed to Terry Casey, et ux, from James Cecil Wilson, et al, by Warranty Deed dated April 3, 1993 as recorded in Volume 1916, Page 884 of the Deed Records of Taylor County, Texas and being more particularly described as follows;

NOTE: All bearings are based on grid north as tied to the State Plane Coordinate System North Central Zone from City of Abilene monuments #278 and #259. See attached plat as a part of these fieldnotes.

Beginning at a found 1/2" iron pin and corner fence post representing the south line of a Antilley Road from which the north west corner of said W. E. Vaughn Survey No. 101 bears North 18 feet and West 3579 feet (deed call).

THENCE South 88 degrees 55 minutes 16 seconds East (BEARING LINE) for a distance of 408.76 feet along said fence line representing the south line of Antilley Road to a set 1/2" rebar;

THENCE South 05 degrees 26 minutes 57 seconds West for a distance of 53.71 feet to a set 1/2" rebar with red cap;

THENCE South 89 degrees 16 minutes 02 seconds West for a distance of 54.25 feet to a 1/2" rebar with red cap set on the beginning of a curve to the right;

THENCE along said curve to the right having a radius of 5814.58 feet and an arc length of 15.03 feet, being subtended by a chord of South 89 degrees 20 minutes 23 seconds West for a distance of 15.03 feet to a set 1/2" rebar with red cap;

THENCE North 00 degrees 34 minutes 25 seconds West for a distance of 5.00 feet to a 1/2" rebar with red cap set on the beginning of a curve to the right;

THENCE along said curve to the right having a radius of 5809.58 feet and an arc length of 165.36 feet, being subtended by a chord of North 89 degrees 46 minutes 16 seconds West for a distance of 165.35 feet to a set 1/2" rebar with red cap;

THENCE North 88 degrees 57 minutes 21 seconds West for a distance of 166.43 feet to a 1/2" rebar with red cap set in an old fence line;

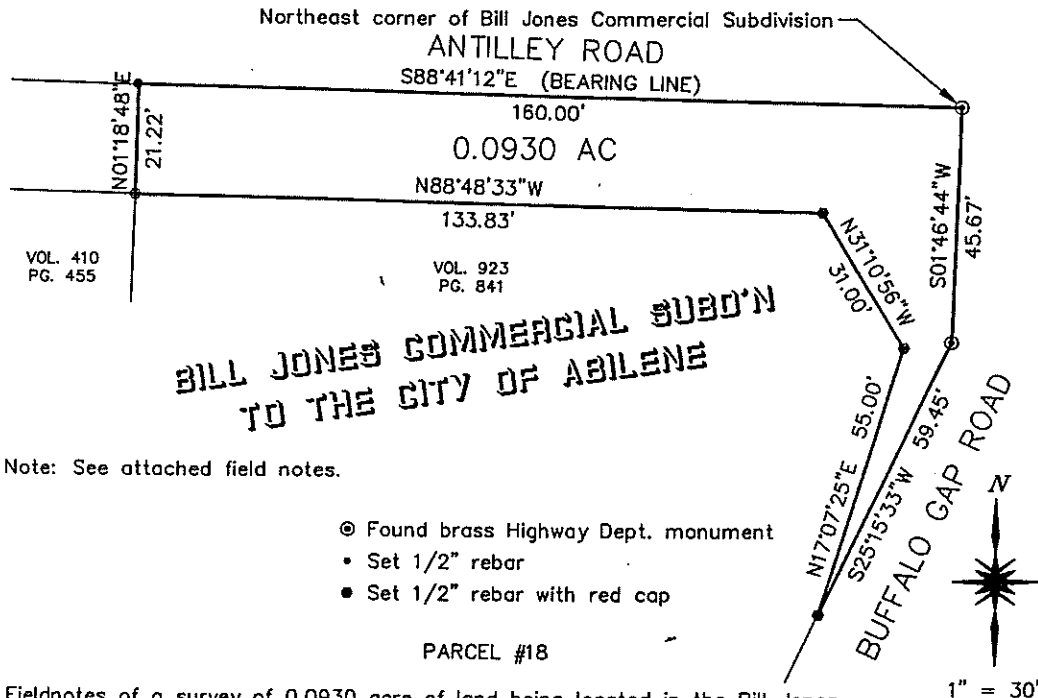
THENCE North 02 degrees 41 minutes 11 seconds West for a distance of 53.40 feet to the place of beginning and containing 0.4938 acre of land.



I, Gary D. Hudson, RPLS #4389, certify that this document represents a survey made on the ground this 5th day of January, 1996.

*Gary D. Hudson*

EXHIBIT D



Note: See attached field notes.

- ⊙ Found brass Highway Dept. monument
- Set 1/2" rebar
- Set 1/2" rebar with red cap

PARCEL #18

Fieldnotes of a survey of 0.0930 acre of land being located in the Bill Jones Commercial Subdivision to the City of Abilene, out of the W. E. Vaughn Survey No. 101, Taylor County, Texas. Said land is a part of that land conveyed to Frank Gerlach Oil Company, Inc. from W. L. Jones and wife, Elsie D. Jones, by Warranty deed as recorded in Volume 923, Page 841 of the Deed Records of Taylor County, Texas and being more particularly described as follows;

NOTE: All bearings are based on grid north as tied to the State Plane Coordinate System North Central Zone from City of Abilene monuments #278 and #259. See attached plat as a part of these fieldnotes.

Beginning at a found brass highway department monument being located at the north east corner of said Bill Jones Commercial Subdivision and also being located at the intersection of the south line of Antilley Road and the west line of Buffalo Gap Road;

THENCE South 01 degrees 46 minutes 44 seconds West for a distance of 45.67 feet along the east line of said Bill Jones Subdivision and the west line of said Buffalo Gap Road to a found brass highway department monument;

THENCE South 25 degrees 15 minutes 33 seconds West for a distance of 59.45 feet along the east line of said Bill Jones Subdivision and the westerly line of said Buffalo Gap Road to a set 1/2" rebar with red cap being located at the south east corner of said Bill Jones Subdivision;

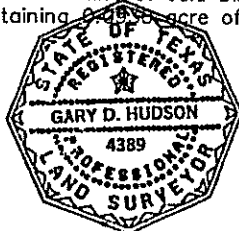
THENCE North 17 degrees 07 minutes 25 seconds East for a distance of 55 feet to a set 1/2" rebar with red cap;

THENCE North 31 degrees 10 minutes 56 seconds West for a distance of 31 feet to a set 1/2" rebar with red cap;

THENCE North 88 degrees 48 minutes 33 seconds West for a distance of 133.83 feet to a set 1/2" rebar with red cap being located on the west line of said Bill Jones Subdivision;

THENCE North 01 degrees 18 minutes 48 seconds East for a distance of 21.22 feet to a 1/2" rebar set for the north west corner of said Bill Jones Subdivision and the south line of Antilley Road;

THENCE South 88 degrees 41 minutes 12 seconds East (BEARING LINE) for a distance of 160 feet along the north line of said Bill Jones Commercial Subdivision to the place of beginning and containing 0.0930 acre of land.



I, Gary D. Hudson, RPLS #4389, certify that this document represents a survey made on the ground this the 5th day of January, 1996.

*Gary D. Hudson*