

RESOLUTION NO. 12-2000

**A RESOLUTION OF THE CITY OF ABILENE APPROVING THE REQUEST TO
CREATE THE LYTLE LAKE WATER CONTROL & IMPROVEMENT DISTRICT**

WHEREAS, the owners of lands within the proposed boundaries of Lytle Lake Water Control and Improvement District (the "District") have filed a request for consent, from the City of Abilene (the "City"), to create the District; and

WHEREAS, the District lies within the city limits of the City; and

WHEREAS, the District proposes to provide water, flood control, drainage and park facilities and services to the land within its boundaries but does not desire to provide potable water or wastewater services; and

WHEREAS, the City, desires to grant its consent to the inclusion of land within its city limits within the District; now, therefore,

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


That the City hereby grants its consent to the inclusion of land described in Exhibit "A" attached hereto within its city limits in the District subject to the following conditions:

1. The District shall engage only in activities related to the ownership, control, operation, maintenance, repair, and rehabilitation of Lytle Lake and the use of its waters for recreational and domestic irrigation purposes as presently permitted by the Texas Natural Resource Conservation Commission and will not provide potable water or wastewater services;
2. The District may also engage in flood control, drainage and parks and recreation activities directly related to Lytle Lake; provided that drainage and flood control plans and projects of the District, including (without limitation) dredging of Lytle Lake, shall require the approval of the City, which approval shall not be unreasonably withheld or delayed;
3. The District shall not issue bonds without the prior written approval of the City Council. which approval shall not be unreasonably withheld or delayed, and any bond resolution of the District shall clearly state that the bonds are not obligations of the City or Taylor County.
4. The District may not change its boundaries or replat without the consent of the City, which consent shall not be unreasonably withheld or delayed.


5. The District shall obtain and maintain a policy of general liability insurance in the amount of at least \$1,000,000 during the life of the District. Said policy shall specifically cover all operations of the District in regard to the ownership, control, operation, maintenance, repair and rehabilitation of the lake and dam.
6. Promptly after confirmation or creation of the District, the District will adopt one or more resolutions providing that:
 - a. The City will be named as additional insured on all policies of insurance, which the District carries.
 - b. The District shall indemnify and hold harmless the City for any and all claims relating to the District or arising out of actions of its ownership, maintenance or operation of Lake Lytle, including the dam and its condition; and the District shall maintain the Lytle Lake dam at all times while the District owns and operates the same; and
 - c. Without the further written consent of the City; Lytle Lake shall be used solely for recreational purposes and will not be used to supply water, including potable water or waste water, within or without the District, save and except for domestic irrigation as currently permitted by the water right for the Lake.
7. Should the District fail to comply with Section 6, such failure shall be grounds for the City's denial of approval of any bonds to be issued by the District or any of the approvals required from the City under Sections 2, 3, and 4 above.
8. That the City Secretary is hereby directed to file a copy of this resolution in the permanent records of that office.

ADOPTED this 9 day of March, A.D., 2000.

ATTEST:

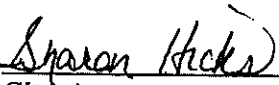


Jo Moore
City Secretary



Grady Barr
Mayor

APPROVED:



Sharon Hicks
City Attorney

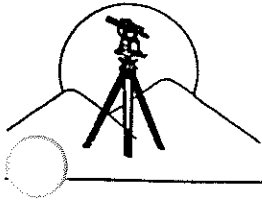


EXHIBIT "A"
to Request for Consent to the Creation of a
Water Control and Improvement District

SHEPPARD
SURVEYING CO., INC.

Registered Professional Land Surveyor 3697 - Licensed State Land Surveyor

BOUNDARY
RETRACEMENT
GPS
CONTROL
ROUTE
OIL LEASE

17 Windmill Circle Abilene, Texas 79606 (915) 695-6277 Fax 695-3299 E Mail: gis@camalott.com

The State of Texas
County of Taylor

Lytle Lake Water Control and Improvement District

Description of approximately 308 acres of land being out of Sections 47,48,51, and 52 of the Blind Asylum Lands with in the City limits of Abilene, Taylor County, Texas. Said lands to include the area of Lytle Lake it self, the dam, spillway and those lots and tracts of land enclosed by the following description.

Beginning at a point on the east Right of Way line of Farm to Market Highway 1750, AKA Oldham Lane and the North Right of Way of Lytle Trail, AKA East South 27th Street, being the southwest corner of Lot No 3 of Lytle Shores, Section 2 as recorded in Taylor County Plat Records Volume 2, Page 481 for the southwest corner of this tract.

1. **Thence**, northerly along said east Right of Way line and the west line of Lots 3, 2, 4, 5, 6, 7, 8, and 9 to the northwest corner of said Lot No 9 of said Section 2, continue same direction with said Right of Way line with the west line of tracts of land lying on the west shore of Lytle Lake as described in Volume 605, Page 238; Volume 1828, Page 292; and the Jack Ramsey tract as described in Volume 862, Page 541 to its northwest corner being the southwest corner of Lot 1 Oldham Bend Subdivision as recorded in Taylor County Plat Cabinet 3, Slide 25, continuing with said east Right of Way line along the west line of Lots 1 and 2 of Oldham Bend Subdivision to the northwest corner of said Lot No. 2 for the southwest corner of West Texas Utilities Lytle Shores Auditorium Tract being 6.35 acres the remainder of a 12.44 acre tract. Continuing with said east Right of Way line passing through the extreme northeast part of said Section 51 and on into the southeast part of said Section 48 along the west line of said 6.44 acre tract, the west line of a 0.12 acre tract conveyed from West Texas Utilities to James Tittle, November 1990, the west line of the Tittle Subdivision as recorded in Taylor County Plat Cabinet 2, Slide 121-C, the west line of the Pete Couch Subdivision as recorded in Taylor County, Plat Cabinet 2, Slide 121-D to its northwest corner.
2. **Thence**, east along the north line of said Pete Couch Subdivision to a point for the southwest corner of Lot No. 12, of proposed Section 8 Lytle Shores West for an ell corner of this tract.
3. **Thence**, north with the west line of said Lot No. 12 to its northwest corner a point in the south Right of Way line of a proposed private street within Lytle Shores West for an ell corner of this tract.

4. **Thence**, northerly with the east Right of Way line of said proposed street and the west line of Lots 12, 11, 10, 9, and 8 to the most westerly southwest corner of said Lot No. 8 for a corner of this tract.
5. **Thence**, northeasterly along the west line of said Lot No. 8 to its northwest corner on the south line of Lot No. 102, Block A, Section 4 of Lytle Shores West as recorded in Taylor County Plat Cabinet 3, Slide 178 for a corner of this tract.
6. **Thence**, west along the south line of said Lot No. 102 to its southwest corner for a corner of this tract.
7. **Thence**, northwesterly along the west line of said Lot No. 102 to a point on the south line of Willow Wren Street for the northwest corner of said Lot. No. 102 and a corner of this tract.
8. **Thence**, northerly along the south and east Right of Way line of Willow Wren, being the north and west line of Lots 102 and 101 to the northwest corner of said Lot No. 101 for the southwest corner of Lot No. 22 of Block A, Section 1 of Lytle Shores West as recorded in Taylor County Plat Cabinet 2, Slide 231-C.
9. **Thence**, northerly with the east Right of Way line of Lakeshore Drive and the west line of Lots 22, 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, and a 30' wide drainage channel to its southwest corner being the southeast corner of Lot No. 1, Section 6 of Lytle Shores West as recorded in Taylor County Plat Cabinet 3, Slide 168.
10. **Thence**, westerly continuing along the north Right of Way line of Lakeshore Drive being along the south line of said Lots 1, 2, and 3 of said Section 6 to the southwest corner of said Lot No.3 for an ell corner of this tract.
11. **Thence**, north along the west line of said Lot No. 3 to its northwest corner on the south line of said Section 48 and south line of a Charles Coody 0.1069 acre tract as described in Official Public Records of Taylor County Volume 1891, Page 969 for an ell corner of this tract.
12. **Thence**, west along the south line of said 0.1069 acre tract and another Charles Coody tract as described in Taylor County Deed Records Volume 1108, Page 118 to its southwest corner on the east Right of Way line of Farm to Market Highway No. 1750, AKA Oldham Lane also being the northwest corner of said Section 6, Lytle Shores West for a corner of this tract.
13. **Thence**, north along the east Right of Way line of Farm to Market Highway No. 1750 and the west line of said Charles Coody tract to its northwest corner being the southwest corner of the Haag Addition as recorded in Taylor County Plat Cabinet 2, Slide 112-D, continuing along said east Right of Way line along the

west line of said Haag Addition passing its northwest corner and along the west line of a panhandle of a West Texas Utilities 30.65 acre tract to the southwest corner of Lot No. 1, Block 1, Lakewood Addition as recorded in Taylor County Plat Cabinet 2, Slide 122-C for an ell corner of this tract.

14. **Thence**, east with a north line of the panhandle of said 30.65 acre tract and the south line of said Lot No. 1 to the southeast corner of said Lot No. 1 and an ell corner of said 30.65 acre tract and of this tract.
15. **Thence**, northerly with the east line of Lots 1, 2, 3, 4, 5, and 6 of Lakewood Addition to the northeast corner of said Lot No. 6 for an ell corner of said 30.65 acre tract and of this tract.
16. **Thence**, west along the north line of said Lot No. 6 to its northwest corner being on the east Right of Way line of Farm to Market Highway No. 1750 for an ell corner of said 30.65 acre tract and of this tract.
17. **Thence**, north along said east Right of Way line to its intersection with the south Right of Way line of State Highway No. 36 for the northwest corner of said 30.65 acre tract and of this tract.
18. **Thence**, east along the south Right of Way line of State Highway No. 36 to the west Right of Way line of Castle Drive for the most northerly northeast corner of said 30.65 acre tract and of this tract.
19. **Thence**, south along the west Right of Way line of Castle Drive passing into said Section 47 to a point for the northeast corner of Spillway Point Addition as recorded in Taylor County Plat Book 2, Page 584 also being the most easterly southeast corner of said 30.65 acre tract.
20. **Thence**, southerly along the west Right of Way line of Castle Drive and the east line of Lots, 1, 2, 3, 4, 5, and 6 of Spillway Point rounding a cul de sac to the northwest corner of said Lot No. 6 being the southwest corner of a panhandle of Lot No. 5 of Bay Shore Addition as recorded in Taylor County Plat Cabinet 2, Slide 245-A
21. **Thence**, northerly along the east Right of Way line of Castle Drive being the west line of said Lot No. 5, Block A, of Bay Shore Addition passing its panhandle northwest corner, being the southwest corner of a West Texas Utilities "Castle Tract" containing 1.34 acres, continuing with the east Right of Way of Castle Drive to the southwest corner of a 6.951 acre tract as described in Official Public Records of Taylor County Volume 1853, Page 123, being the northwest corner of said 1.34 acre tract, and a corner of this tract.

22. **Thence**, east along the north boundary line of said 1.34 acre tract to its northeast corner, being the northwest corner of Lot No. 2, Block A, of aforesaid Bay Shore Addition for a corner of this tract.
23. **Thence**, southeasterly along the east line of said 1.34 acre tract, being the west line of Lots No. 2, 3, and 4, Block A, Bay Shore Addition to the southwest corner of said Lot No. 4, being on the north boundary line of aforesaid Lot No.5 for a corner of this tract.
24. **Thence**, northeasterly along the north boundary line of said Lots No. 5 and 6, Block A to the northwest corner of said Lot No. 6, being on the south Right of Way of Bay Bridge Circle for a corner of this tract.
25. **Thence**, east along the said South Right of Way being the north line of Lots 6 and 7, Block A of Bay Shore Addition to the northeast corner of said Lot No.7 on the west Right of Way line of Lytle Way for a corner of this tract.
26. **Thence**, south along the west Right of Way line of Lytle Way, being the east line of Lot 7, Block A, to a point for the northeast corner of Lot 108 of a Re-Plat of Lots 8 through 13, Block A, Section 1, Bayshore Addition as recorded in Taylor County Plat Cabinet No.2, Slide 302-C, continuing along the west Right of Way line of Lytle Way and the east line of said Lot No. 108 to a point for the southeast corner of said Lot No. 108 and of this tract.
27. **Thence**, southwesterly along the west Right of Way line of Bay Shore Court, being the east line of Lots No. 108, 109, 110, and 111 of said Re-Plat to a point for the southeast corner of said Lot No. 111 for a corner of this tract.
28. **Thence**, northwesterly along the common line between Lots No. 111 and 112 to a point for the southwest corner of said Lot No. 111, being on the east boundary line of WTU Park, being a 3.23 acre tract for an ell corner of this tract.
29. **Thence**, southeasterly along the east boundary line of WTU Park, being the west line of Lot No. 112 of aforesaid Re-Plat of Lots No. 8-13, Block A, Section 1, Bayshore Addition, and Lots No. 14, 15, 16, and 17 of Bayshore Addition to a point for the southwest corner of Lot No. 17, Bay Shore Addition and an ell corner of WTU Park and of this tract.
30. **Thence**, east along the north line of panhandle of WTU Park being the south line of Lots No. 17, 18, 19, and 20 of Bay Shore Addition to a point for the southeast corner of said Lot No. 20 in the south Right of Way line of Lytle Way for a corner of this tract.
31. **Thence**, southeasterly along the south Right of Way line of Lytle Way to a point in the east line of the panhandle of WTU Park for a corner of this tract.

32. **Thence**, southwesterly along the east line of the panhandle of WTU Park to a point on the north Right of Way line of Lytle Way Circle for a corner of this tract.
33. **Thence**, westerly along the south line of the panhandle of WTU Park being the north Right of Way line of Lytle Way Circle passing into said Section 52, to the northeast corner of Lot No. 103, Block 1, Re-Plat of Lots No. 1 and 2, Block 1, Maddox Addition as recorded in Taylor County Plat Cabinet No. 1, Slide No. 724, continuing with the west and south Right of Way line of Lytle Way Circle, being the North boundary line of Lots No. 103, 102, and 101 of said Re-Plat of Lots No. 1 and 2, Block 1 of the Maddox Addition to the northeast corner of said Lot No. 101, being the northwest corner of the W. G. Kinsolving Tract as described in Taylor County Deed Records, Volume 133, Page 13, continuing along the south Right of Way line of Lytle Way Circle passing the northeast corner of said Kinsolving tract and the northwest corner of Lot No. 2, Stewart Shores as recorded in the Taylor County Plat Cabinet 2, Slide 100-D continuing to the northeast corner of said Lot No. 2, being the northwest corner of Lot No. 1, Stewart Shores for a corner of this tract.
34. **Thence**, south along the common line between said Lots No. 1 and 2 to a point for the southwest corner of said Lot No. 1, being an ell corner of said Lot No. 2 for a corner of this tract.
35. **Thence**, easterly along the common line between said Lots No. 1 and 2 of Stewart Shores to a point in the west boundary line of Lot No. 6, Section 4, Lytle Shores Addition as recorded in Taylor County Plat Book No. 3, Page No. 63, being the northeast corner of said Lot No. 2, Stewart Shores, for a corner of this tract.
36. **Thence**, south along the east line of said Lot No. 2, Stewart Shores, being the west line of Lot No. 6, Section 4, Lytle Shores Addition to a point for the southwest corner of said Lot No. 6, the Northwest corner of Lot No. 5 of said Section 4, for a corner of this tract.
37. **Thence**, east along the common boundary line between said Lots No. 6 and 5, to a point on the west Right of Way of a cul de sac of Greenbay Circle for a corner of this tract.
38. **Thence**, along the south Right of Way line of Greenbay Circle being the north line of Lots No. 5, 4, 3, 2, and 1 of said Section 4 of Lytle Shores Addition to a point for the northeast corner of said Lot No. 1 on the west Right of Way line of Shoreline Drive for a northeast corner of this tract.
39. **Thence**, southeasterly along the west Right of Way line of Shoreline Drive crossing an inlet of Lytle Lake to a point on the west Right of Way line of Campbell Drive being the northeast corner of a 0.81 acre tract as described in Taylor County Deed Records, Volume 1229, Page 556, for a corner of this tract.

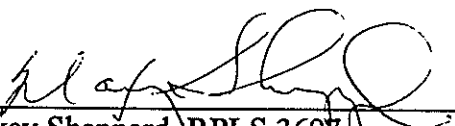
40. **Thence**, southerly along the west Right of Way line of Campbell Drive, being the east line of Tracts of land described in Taylor County Deed Records as follows: Volume 1229, Page 556; Volume 515, Page 481; Volume 935, Page 87; Volume 749, Page 516; Volume 1214, Page 683; Volume 930, Page 35; to a point being the northeast corner of a 1.77 acre tract as described in Volume 930, Page 35, also, the intersection of the south Right of Way line of Campbell Drive and the west Right of Way line of Shoreline Drive for a corner of this tract.
41. **Thence**, south along the west Right of Way line of Shoreline Drive, crossing an inlet of Lytle Lakes to a point for the northeast corner of Lot No. 2, Block A, Section 1, Lytle Shores Addition as recorded in Taylor County Plat Book No. 2, page 428, continuing with the west Right of Way line of Shoreline Drive, being the east boundary line of Lots No. 2,3,4,and 5 of said Block A, to the intersection with the north Right of Way line of Hanks Point, (AKA), Shoreline Circle.
42. **Thence**, westerly with the north Right of Way line of Shoreline Circle, being the south line of Lots No. 5,6, and 7, Block A, continuing around a cul de sac to the southeast corner of Lot No. 8, Block A, being the northwest corner Lot No. 109 a re-plat of part of Lots 8 and 9, Block A, Section 1, Lytle Shores Addition as recorded in Taylor County Plat Cabinet 2, Slide 96-D, continuing along the south Right of Way line of Shoreline Circle, being the north line of said Lot No. 109 and Lot No. 10 of aforesaid Block A to its intersection with the west Right of Way line of Shoreline Drive.
43. **Thence**, southerly along the west Right of Way line of Shoreline Drive, being the east line of Lots No. 10 through 29 of Block A, Section 1, Lytle Shores Addition to a point for the southeast corner of said Lot No. 29, the northeast corner of Lot No.130 a re-plat of Lot 30, Block A, Section 1, Lytle Shores as recorded in Taylor County Plat Cabinet 2, Slide 147-D. Continuing along said west Right of Way line to a point at its intersection with the north Right of Way line of Lytle Trail (AKA), East South 27th Street for the southeast corner of said Lot No. 130 and of this tract.
44. **Thence**, west with the north boundary line of Lytle Trail, (AKA), South 27th Street along the south line of said Lot No. 130, the southern most limits of Lytle Lake, the south boundary line of aforesaid Section 2, Lytle Shores to the place of beginning.

I, the undersigned, a duly registered professional land surveyor under the laws of the State of Texas, being retained by the petitioners for creation of Lytle Creek Water Control and Improvement District (the "District") do hereby certify that:

- (1) I am familiar with and have examined the attached metes and bounds description of the boundaries of the District.

- (2) In my opinion, the place of beginning and each of the calls in said description could be located and followed on the ground.
- (3) In my opinion, said metes and bounds description duly closes and completely includes all of the territory comprising the District.
- (4) I am familiar with the attached map, and it correctly reflects the boundaries of the District.
- (5) The District lies entirely within the corporate limits of the City of Abilene, Texas.

WITNESS MY HAND AND SEAL the 10th day of February, 2000.



Maxey Sheppard, RPLS 3697
WO # 3734 - 02/09/00