

RESOLUTION NO. 31-2000

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTY; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR A WATERLINE AND UTILITY EASEMENT AND USES INCIDENTAL THERETO TO LAY THE IVIE PIPELINE; ESTABLISHING PROCEDURES FOR THE ACQUISITION OF PROPERTY; AND APPROPRIATING FUNDS.

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for the parcels to be acquired for a waterline and utility easement and uses incidental thereto, for that portion of the Ivie Pipeline that crosses the lands described more fully in the attached exhibits; and

WHEREAS, there may be improvements located on some of the real property acquired for this project and such improvements may be required to be moved prior to the beginning of this project; now, therefore,

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

PART 1: That the City Council of the City of Abilene, hereby officially determines that there is a public necessity for, and the public welfare and convenience will be served by, the acquisition of property described in the attached Exhibits A, B, C, D and E, and it is the City of Abilene's intention to acquire the real property as set out and described in said exhibits, attached hereto and made a part of this resolution for all purposes, as part of the Ivie Pipeline Project running between the City of Abilene and the O. H. Ivie Reservoir for the purpose of transporting utilities and water and all other uses incidental to said transport.

PART 2: That the City Manager is hereby authorized to contract, on behalf of the City of Abilene, with professional appraisers for appraisal services and with attorneys for preparation of title opinions, if needed, by the City from time to time in connection with the acquisition of the parcels to create waterline and utility easements for the Ivie Pipeline.

PART 3: That the City Land Agent, or other staff appraiser, is hereby authorized and directed to examine the independent appraisal reports as they are submitted to said City to determine whether said appraisal reports are supported by sufficient data. Based upon such examination of said appraisal reports, the Land Agent, or other staff appraiser, shall make a recommendation to the City Manager as to establishment and approval of the amount of the just compensation for said parcels.

PART 4: After consideration of said recommendation, the City Manager shall establish and approve the amount determined to be just compensation for acquisition of the parcels.

PART 5: Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition, the Land Agent is authorized to communicate a written offer to the owner of said parcels at the full amount determined and established to be just compensation therefore, and to negotiate with said owners on behalf of the City.

PART 6: That the City Manager be and is hereby authorized to execute all documents necessary to acquire the parcels needed for said project, on behalf of the City of Abilene.


PART 7: That the City Manager be and is hereby authorized to sell such surplus improvements, if any, located on the real property acquired with this project.

PART 8: That funds be appropriated from the City of Abilene Capital Projects Fund for the Ivie Pipeline as funding for acquiring said parcels for this project.

ADOPTED this 26 day of October, A.D. 2000.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

EXHIBIT "A"

Being a 100 foot wide tract of land for a waterline/utility easement and all incidentals thereto, said tract being out of Fractional Section 66, L.A.L., and being a part of that land described as in Volume 826, Page 323, Tract No. 5, Deed Records of Taylor County, Texas, and being a part of that land described in Volume 51, Page 361, Deed Records of Taylor County, Texas, and being more particularly described as follows:

Beginning at a point in the centerline of the abandoned A&S Railroad from which the Southeast corner of said Tract No. 5 and the Northeast corner of Tract No. 4 bear Westerly 50 feet;

Thence in a Northeasterly direction along the centerline of said abandoned A&S Railroad for a distance of 1214 feet to a point in the North line of a 200 acre tract of land conveyed by Henry James and C.C. Compere to Ben F. Graham by deed dated November 17, 1906, and from which the Northeast corner of said Tract No. 5 bears Westerly 50 feet and containing 2.78 acres of land.

EXHIBIT "B"

Being a 100 feet wide tract of land for a waterline/utility easement and all incidentals thereto, said tract being out of Fractional Section 66, L.A.L., and being a part of that land described as in Volume 826, Page 323, Tract No. 4, Deed Records of Taylor County, Texas and being more particularly described as follows:

Beginning at a point in the centerline of the abandoned A&S Railroad from which the Southeast corner of said Tract No. 4 and the Northeast corner of Tract No. 2 bear Westerly 50 feet;

Thence in a Northeasterly direction along the centerline of said abandoned A&S Railroad for a distance of 953 feet to a point from which the Northeast corner of said tract No. 4 bears Westerly 50 feet and containing 2.18 acres of land.

EXHIBIT "C"

Being a 100 foot wide tract of land for a waterline/utility easement and all incidentals thereto, said tract being out of Fractional Section 66, L.A.L., and being a part of that land described as in Volume 826, Page 323, Tract No. 2, Deed Records of Taylor County, Texas, and being a part of that land described in Volume 51, Page 361, Deed Records of Taylor County, Texas, and being more particularly described as follows:

Beginning at a point in the centerline of the abandoned A&S Railroad and on the South line of said Fractional Section 66, L.A.L., from which the Southeast corner of said Fractional Section 66, L.A.L., bears East for a distance of approximately 1968 feet and from which the Southeast corner of said Tract No. 2 bears Westerly 50 feet;

Thence in a Northeasterly direction along the centerline of said abandoned Railroad for a distance of approximately 654 feet to a point from which the Northeast corner of said Tract No. 2 bears Westerly 50 feet to a point and containing 1.5 acres of land.

EXHIBIT "D"

Being a 100 foot wide tract of land for a waterline/utility easement and all incidentals thereto, said tract being out of the Northwest ¼ of Section 66, L.A.L., and being a part of that land described in Volume 51, Page 360, Deed Records of Taylor County, Texas and being more particularly described as follows:

Beginning at a point in the centerline of the abandoned A&S Railroad and the West line of said Section 67, from which the Northwest corner of said Section 67 bears North, passing the South corner of a 15.2721 acre tract described in Volume 2022, Page 103, and the South corner of a 4.25 acre described in Volume 2030, Page 719, Official Public Records of Taylor County at 144.9 feet, for a total distance of 2095.51 feet;

Thence North 20 degrees 11 minutes 12 seconds East for a distance of 725.3 feet along the centerline of said abandoned A&S Railroad to a point;

Thence North 18 degrees 26 minutes 32 seconds East for a distance of 503.3 feet along the centerline of said abandoned A&S Railroad to a point being 52.7 feet west of the northeast corner of said 4.25 acre tract described in Volume 2030, Page 719 of the Official Public Records of Taylor County, and containing 2.82 acres of land.

EXHIBIT "E"

Being a 100 foot wide tract of land for a waterline/utility easement and all incidentals thereto, said tract being out of the Southwest ¼, SPRR Survey, Block 1, Section 20, Abstract 1249, Taylor County, Texas, as described in Volume 2010, Page 708, Official Public Records, Taylor County, Texas, and the East line of said easement being more particularly described as follows:

Beginning at a point 5 feet east of the centerline of the abandoned A&S Railroad and the North line of the Southwest ¼ of said Section 20, from which the Northwest corner of the Southwest ¼ of said Section bears West for a distance of approximately 495 feet;

Thence in a Southwesterly direction parallel and 5 feet East of the centerline of said abandoned A&S Railroad for an approximate distance of 1394 feet to a point on the West line of said Southwest ¼ of Section 20 from which the Northwest corner of said Southwest ¼ bears North approximately 1305 feet, and containing 3.2 acres.