

**RESOLUTION NO. 35-2000**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION A WATERLINE AND UTILITY EASEMENT AND USES INCIDENTAL THERETO TO LAY THE IVIE PIPELINE TO CERTAIN DESCRIBED PROPERTIES; AND ORDERING THE CONDEMNATION OF SAID PROPERTIES TO PROCEED.**

**WHEREAS**, the City Council of the City of Abilene has heretofore determined to acquire the right of way necessary for 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; and

**WHEREAS**, an independent professional appraisal report of the subject properties has been submitted to the City, and the City Manager has accordingly established and approved a certain amount determined to be just compensation for said parcels, pursuant to the authority granted him by resolution of the City Council on October 26, 2000; and

**WHEREAS**, an official written offer based upon the amount determined to be just compensation has been transmitted to the owners of the properties described herein, and the owners have been unable to agree with the City of Abilene upon the properties' 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, the Federal Aid Highway Program Manual and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (and the revisions of same), and condemnation has become necessary in order to acquire easements to the properties described below; now, therefore,

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

**PART 1:** That the bona fide offers by the City of Abilene for the properties described in the attached exhibits, in the amounts of

- a. ONE THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$1500.00) to Tom Graham; and
- b. ONE THOUSAND SIX HUNDRED NINETY DOLLARS AND NO CENTS (\$1690.00) to William J. Russell as representative of the Russell Family Trust are hereby confirmed.

**PART 2:** 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 and the Federal Aid Highway Program Manual and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (and the revisions of same), for the properties described in the attached exhibits, and the owners of said properties 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 an easement to the properties described in the attached exhibits for the Ivie Pipeline Project; and that public necessity and convenience require the condemnation of these properties in order to acquire them for such purpose.

**PART 4:** That the City of Abilene Legal Department is hereby authorized and directed to institute proceedings in eminent domain against Tom Graham for the property described in attached exhibit A, and against William J. Russell and the Russell Family Trust for the property described in attached Exhibit B, and against all other owners, lienholders, and other holders of an interest in the property, in order to acquire an easement interest in and to the following described property laying and being situated in Taylor County, Texas, to-wit:

[See Attached Exhibits A & B]

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

**ADOPTED** this 14 day of December, A.D. 2000.

ATTEST:

*Jo Moore*  
CITY SECRETARY

*Gwady Barr*  
MAYOR

APPROVED:

*Sharon Hecker*  
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. 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 "B"**

Being a 100 foot wide tract of land for a waterline/utility easement and all incidentals thereto, said tract being out of the Southwest  $\frac{1}{4}$ , Section 20, Block 1, SPRR Survey, Abstract 1249, Taylor County, Texas, as described in Volume 2010, Page 708, Official Public Records, Taylor County, Texas, and being the same land described in Volume 51, Page 368, Deed Records of 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  $\frac{1}{4}$  of said Section 20, from which the Northwest corner of the Southwest  $\frac{1}{4}$  of said Section 20 bears West for a distance of approximately 493 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  $\frac{1}{4}$  of Section 20 from which the Northwest corner of said Southwest  $\frac{1}{4}$  bears North approximately 1305 feet, and containing 3.2 acres.