

RESOLUTION NO. 10-2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE AN EASEMENT NECESSARY FOR THE COMPLETION OF A PIPELINE DESIGNED TO DELIVER ADVANCED TREATED WASTEWATER FROM THE HAMBY WASTEWATER TREATMENT PLANT INTO LAKE FORT PHANTOM HILL.

WHEREAS, eminent domain proceedings in the State of Texas are governed by Chapter 21 of the Texas Property Code; and

WHEREAS, under that code a governmental entity exercising the power of eminent domain must first authorize the initiation of the condemnation proceeding at a public meeting by a record vote adopting a resolution, ordinance, or order; and

WHEREAS, as part of the Hamby wastewater treatment plant reuse project the City's consulting engineers have designed a pipeline to deliver advanced treatment wastewater from the Hamby wastewater treatment plant into Lake Fort Phantom Hill.

WHEREAS, the Hamby project is necessary to supplement the City's raw water supplies during this critical drought period; and

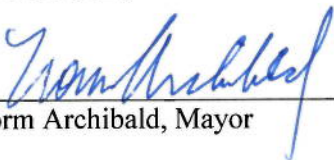
WHEREAS, after initially agreeing to an easement, one property owner has now rescinded that agreement making it necessary initiate condemnation proceedings to acquire the necessary easement.

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

That the City of Abilene, Texas is hereby authorized to use of the power of eminent domain to acquire an easement fully described in Exhibit "A" on the property fully described in Exhibit "B" for the public purpose of construction of a pipeline necessary to deliver advanced treatment wastewater from the Hamby wastewater treatment plant into Lake Fort Phantom Hill.

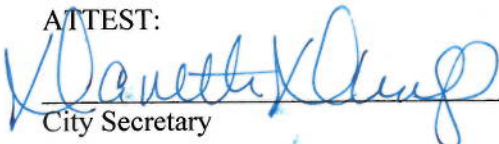
ADOPTED this 24th day of April, 2014.

APPROVED:



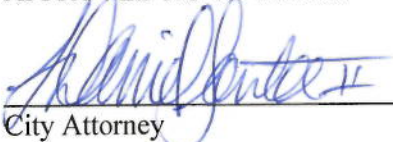
Norm Archibald, Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM:



City Attorney

EXHIBIT A



Enprotec / Hibbs & Todd

**FIELD NOTES
FOR A 40' WIDE EASEMENT
OUT OF THE
SOUTH HALF OF
SECTION 5, BLIND ASYLUM LANDS
AND SECTION 76, BLOCK 14,
T. & P. RAILROAD COMPANY SURVEY
JONES COUNTY, TEXAS**

BEING a forty (40') foot wide easement out of the south half of Section 5, Blind Asylum Lands and Section 76, Block 14, T. & P. Railroad Company Survey, Jones County, Texas and being out of a 473.627 acre tract out of the O.N. Myatt Estate, recorded in Volume 115, Page 413, Official Public Records of Jones County, Texas. Said easement being 20 feet on both sides of the following described centerline:

BEGINNING at a point on the south line of aforesaid Section 5, Blind Asylum Lands from which a fence corner post recovered for the southwest corner of the aforesaid Section 5, Blind Asylum Lands and the southeast corner of aforesaid Section 76, Block 14, T. & P. Railroad Company Survey bears 20.00 feet North 88 degrees 57 minutes 04 seconds West.

Bearings are based on Grid North as determined by RTK GPS observations.

THENCE North 00 degrees 51 minutes 33 seconds West for a distance of 99.21 feet to a point;

THENCE North 89 degrees 56 minutes 01 seconds West for a distance of 675.16 feet to an angle point in this easement;

THENCE North 44 degrees 55 minutes 52 seconds West for a distance of 70.94 feet to an angle point in this easement;

THENCE North 89 degrees 55 minutes 52 seconds West for a distance of 68.48 feet to an angle point in this easement;

THENCE South 45 degrees 04 minutes 08 seconds West for a distance of 70.95 feet to an angle point in this easement;

Environmental, Civil & Geotechnical Engineers

Abilene Office
402 Cedar
Abilene, Texas 79501
P.O. Box 3097
Abilene, Texas 79604
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Plano Office
One Preston Park
2301 Ohio Drive, Suite 105
Plano, Texas 75093
972.699.3480 | 972.599.3513 fax

www.e-hl.com

PE Firm Registration No. 1151
PG Firm Registration No. 50103
RPLS Firm Registration Nos. 10011900 & 10007300



THENCE North 89 degrees 56 minutes 01 seconds West for a distance of 3726.61 feet to a point on the west line of aforesaid 473.627 acre tract from which the southwest corner of aforesaid 473.627 acre tract bears 109.0 feet South 00 degrees 00 minutes 44 seconds West.

Plat Attached

Total Length = 4711.36'



Keith L. Raybuck RPLS #5666

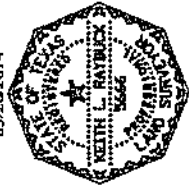
Date: _____



SCALE IN FEET

EASEMENTS
OUT OF
SOUTH HALF OF SECTION 5,
BLIND ASYLUM LANDS AND
SECTION 76, BLOCK 14,
T&P RAILROAD COMPANY SURVEY
JONES COUNTY, TEXAS

03/20/2014



I, KEITH L. RAYBUCK, BEING FULLY
INFORMED OF MY DUTY AND THE
NATURE OF THE BUSINESS TO BE
PERFORMED, DO HEREBY CERTIFY
THAT THE FOREGOING SURVEY
WAS PREPARED FROM AN ACTUAL SURVEY
MADE ON THE GROUND DURING THE MONTH

KEITH L. RAYBUCK, S.P.S. 15666
DATE 03/20/2014

IT IS THE
POLICY OF THIS OFFICE TO
ISSUE PUBLIC RECORDS
OFFICIAL PUBLIC RECORDS

P.O.B.
PROPERTY RECORDS UNIT
PUBLIC RECORDS SECTION
OFFICIAL PUBLIC RECORDS
AUSTIN AND LATHROP BUILDING
FREDERICKSBURG, TEXAS 77841
OFFICIAL PUBLIC RECORDS

FIELD NOTES ATTACHED

37 DAY
EASEMENT
FOR USE OF PAGE 47
DEED RECORDS

T&P RAILROAD COMPANY SURVEY
BLOCK 14
SECTION 76

G. N. MEYER, JR.
INDEPENDENT EXECUTOR
OF THE
ESTATE OF
G. N. MEYER, JR.
VOLUME 112, PAGE 413
PROBATE RECORDS

LINE NUMBER	DIRECTION	DISTANCE
L-1	N 00°51'33" E	99.21'
L-2	N 44°55'52" W	70.94'
L-3	N 89°55'52" W	68.48'
L-4	S 45°04'08" W	70.95'

14' UTILITY EASEMENT

AS SET FORTH IN
VOLUME 142, PAGE 811,
OFFICIAL PUBLIC RECORDS

SECTION 6 LANDS
BLIND ASYLUM LANDS

N 89°56'01" W - 3726.61'

AS SET FORTH IN
VOLUME 142, PAGE 811,
OFFICIAL PUBLIC RECORDS

EMT
EMPROTECT/HIBBS & TARDY, INC.
SURVEYING AND ENGINEERING
1000 WEST 10TH STREET, SUITE 100
AUSTIN, TEXAS 78703
TEL: 512.476.1111
WWW.EMT-SURVEYING.COM

G. N. MEYER, JR.

CITY OF ARLING
VOLUME 112, PAGE 413
PROBATE RECORDS

EXHIBIT B

Property Identification and Location



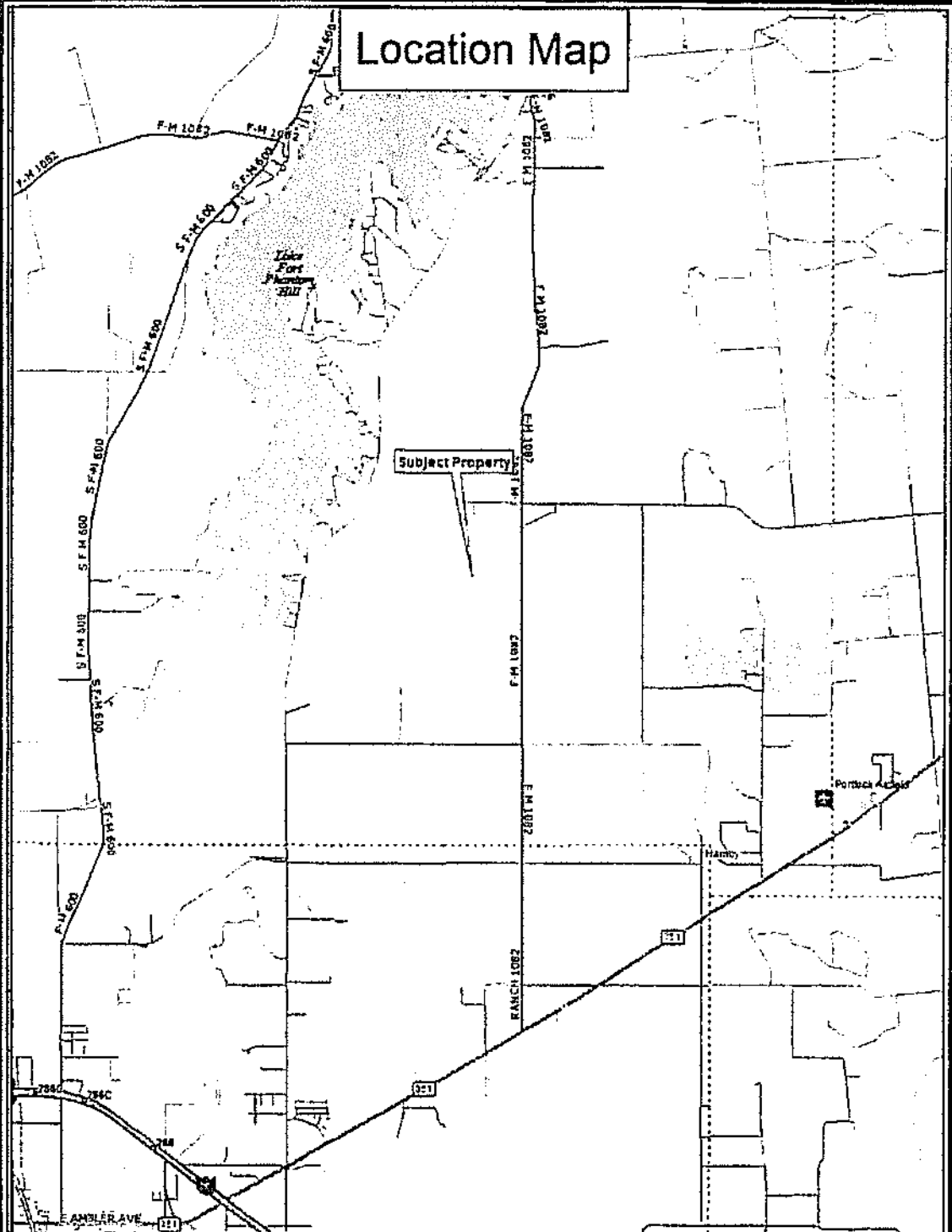
Location

The property, which is the subject of this appraisal, is identified as being a tract of agricultural land located along the west side of FM 1082, approximately 0.50 miles south of Jones County Road 318, just north of the Abilene city limits, in Jones County, Texas. The subject property consists of a total of approximately 561.77 acres of rural agricultural land, primarily native pasture land.

Legal Description

Being approximately 94.23 acres out of Section No. 73, F.W. Douglass Survey, Abstract 170; approximately 288.43 acres out of Section No. 76, Block 14, Texas & Pacific Railroad Company Survey, Abstract 772; approximately 160 acres out of the South $\frac{1}{2}$ of Section 5, Blind Asylum Lands Survey, Abstract 525; and approximately 19.11 acres out of Section 74, T.F. Parrott Survey, Abstract 288; all in Jones County, Texas.

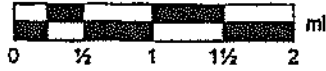
Location Map



Subject Property



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www.delorme.com



Data Zoom 11-5