

RESOLUTION NO. 10-2015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE EASEMENTS NECESSARY FOR THE COMPLETION OF PIPELINES AND APPURTENANCES DESIGNED TO DELIVER RAW WATER FROM POSSUM KINGDOM LAKE TO ABILENE**

**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**, to address the ongoing drought, the City of Abilene is constructing pipeline improvements to transfer raw water from Possum Kingdom Lake (PK) to a proposed raw water roughing facility in Breckenridge, TX and to transfer the resulting product raw water from the roughing facility to Abilene; and

**WHEREAS**, the proposed pipeline improvements will be installed in either existing permanent pipeline easements held by the West Central Texas Municipal Water District (District) or in new permanent easements which will be owned by the City of Abilene; and

**WHEREAS**, the proposed easements which will be held by the City are located in Stephens and Palo Pinto Counties and will generally extend from the roughing facility east to Veale Parks and will generally be located adjacent to an existing Brazos River Authority permanent pipeline easement, adjacent to other permanent utility easements located on a property, or along property lines to minimize impacts on the property; and

**WHEREAS**, to facilitate the construction of the pipeline improvements and appurtenances, temporary construction easements will also be obtained adjacent to the permanent easements to provide the Contractor with adequate space for construction activities; and

**WHEREAS**, because this project is in response to the worsening drought and time is of the essence, the City of Abilene finds it necessary to begin the eminent domain process to condemn the temporary and permanent easements for access to the necessary properties for the placement of the pipelines and appurtenances.

**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 permanent and temporary easements as depicted in "Exhibit A" for the public purpose of construction of pipelines and appurtenances in Stephens and Palo Pinto Counties necessary to deliver water from Possum Kingdom Lake to a proposed water roughing facility in Breckenridge, TX and to transfer the resulting product raw water from the roughing facility to Abilene.

ADOPTED this 12<sup>th</sup> day of February, 2015.

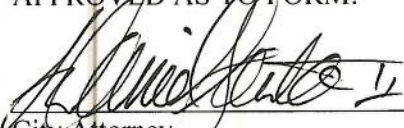
APPROVED:

  
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Norm Archibald, Mayor

ATTEST:

  
\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

