

**RESOLUTION NO. 173-2021**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS APPROVING THE RELEASE OF A PORTION OF ABILENE'S EXTRATERRITORIAL JURISDICTION AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF CLYDE, TEXAS TO ALLOW THE CITY OF CLYDE TO ANNEX THE RELEASED ETJ**

**WHEREAS**, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act.; and

**WHEREAS**, the City of Abilene's extraterritorial jurisdiction (ETJ) extends five miles from its corporate limits, while Clyde's extraterritorial jurisdiction (ETJ) extends one-half mile from its boundaries, pursuant to Section 42.021(a) of the Texas Local Government Code; and

**WHEREAS**, Section 42.023 of the Texas Local Government Code authorizes a city to reduce its extraterritorial jurisdiction (ETJ) by ordinance or resolution, and Section 42.022 of the Texas Local Government Code provides that a city may annex into the extraterritorial jurisdiction (ETJ) of another city if an agreement between the cities is in place on or before the date of the annexation; and

**WHEREAS**, Abilene and Clyde have negotiated an agreement that Abilene will release a portion of its extraterritorial jurisdiction (ETJ) to allow Clyde to annex into that area; and

**WHEREAS**, the City of Abilene hereby reduces a portion of its extraterritorial jurisdiction being 308.14 acres out of Section 31, Block 8, S.P.RR. Company Surveys and Section 37, B.B.B. & C. RR. Company Surveys, Callahan County, Texas.

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

Part 1: That the City Council, pursuant to Section 42.022 of the Texas Local Government Code, hereby authorizes the City Manager to enter into an Interlocal Agreement with the City of Clyde, Texas regarding the release of a portion of Abilene's extraterritorial jurisdiction (ETJ) to allow Clyde to annex into that area.

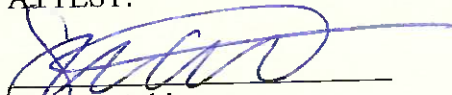
Part 2: That the City Council, pursuant to Section 42.023 of the Texas Local Government Code, hereby reduces the following portion of its extraterritorial jurisdiction:

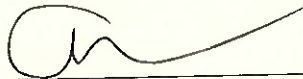
Being 308.14 acres out of Section 31, Block 8, S.P.RR. Company Surveys and Section 37, B.B.B. & C. RR. Company Surveys, Callahan County, Texas, said 308.14 acres being all of that same property described as 308.096 acres, more or less, in Volume 14, Page 736, Official Public Records, Callahan County, Texas.

Part 3: That this Resolution becomes effective immediately upon adoption.

**ADOPTED this 28<sup>th</sup> day of October, 2021.**

ATTEST:

  
\_\_\_\_\_  
Shawna Atkinson  
City Secretary

  
\_\_\_\_\_  
Anthony Williams, Mayor

APPROVED:

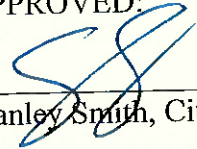
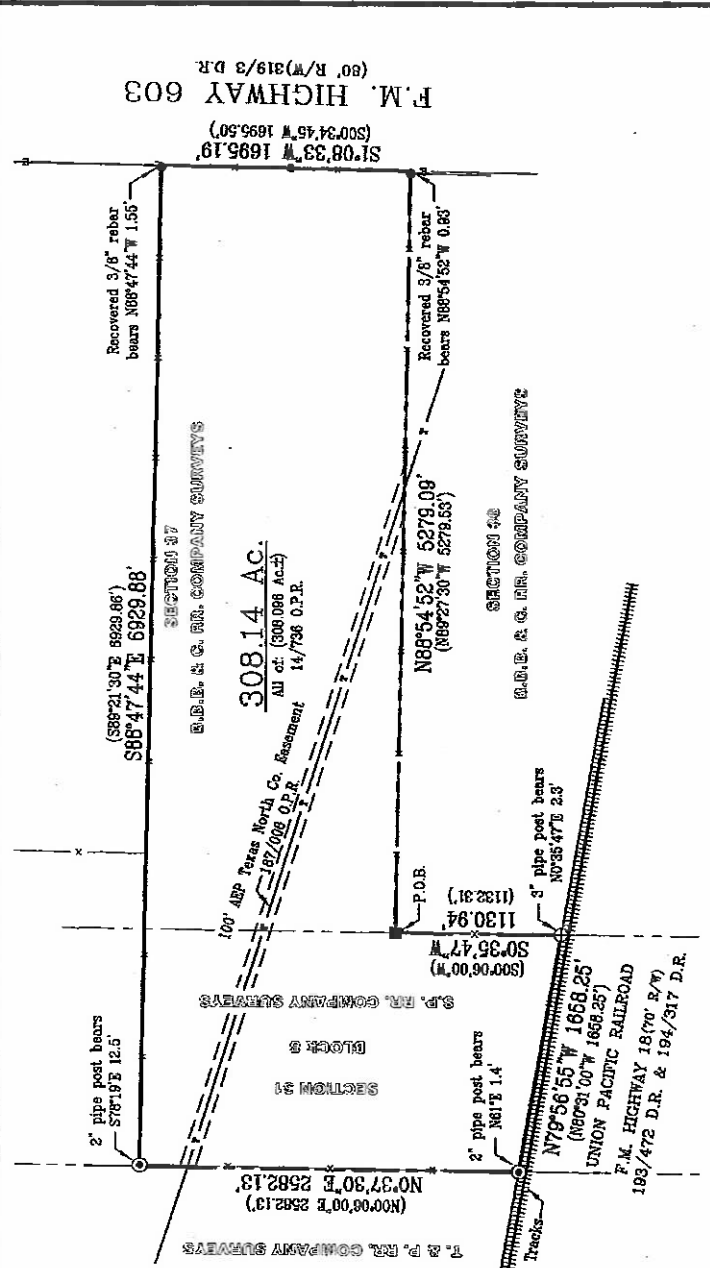
  
\_\_\_\_\_  
Stanley Smith, City Attorney



Exhibit "A"



NOTE: Bearings shown herein were determined by G.P.S. observations using TANC State Plane Coordinates NAD 83.

NOTE: There may be encumbrances on or near this property which are not reflected by title commitment or this survey plat. At least 40 hours before any excavation type work is done, proper authorities should be contacted. One resource is DIG TESS at 1-800-344-8377.

EASEMENT NOTES FROM TITLE COMMITMENT SCHEDULE B:

- 10.I. highway deeds, shown hereon
- 10.J. is a blanket easement.
- 10.K. subject to, shown hereon.
- 10.L. is a blanket easement.

- Legend**
- = Found 3/8" rebar
  - = Found Concrete Monument
  - ⊙ = Existing 2" Pipe
  - ⊕ = Fence Corner Post
  - ⊗ = Existing 3" Pipe
  - ⊘ = Fence Corner Post
  - X- = Recorded Call
  - ( ) = Right of Way
  - R/W = More or Less
  - ± = Place of Beginning
  - P.O.B. = Acres
  - Ac. = Official Public Records
  - C.P.R. = Deed Records
  - D.R. = Deed Records

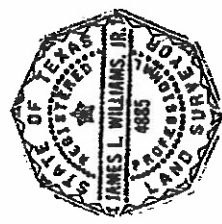
Survey Prepared for:  
 Cary Clark and  
 Richard Lemay  
 GF No. ABL2109771

I hereby certify to Cary Clark, Richard Lemay and Security Title Company, the above to be a correct plat of 308.14 acres out of Section 31, Block 8, S.P.R.R. Company Surveys and Section 37, B.B.B. & C. RR. Company Surveys, Callahan County, Texas, said 308.14 acres being all of that same property described as 308.096 acres, more or less, in Volume 14, Page 736, Official Public Records, Callahan County, Texas and being more particularly described by attached field notes.

SEE ATTACHED FIELD NOTES.  
 Surveyed on the ground June 15, 2021.

There are no visible or apparent protrusions or overlapping of improvements upon or off this property other than shown. (Fences are not entirely upon property lines.)

GEOTEX PROPERTY SOLUTIONS 209 S. Pioneer Drive, Suite 2 Abilene, Texas 79605 325-677-6712 Firm Registration No. 10194134	File No: 86-01-21 File Name: Clark 308.14 Acre Tract Location: D:\CALLAHAN\2021\Clark Tract Geotex Property Solutions Drawn by: © 2021 All Rights Reserved RL	0 1000 2000 SCALE IN FEET Scale: 1" = 1000'	 James L. Williams, Jr. RPLS #4685
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F.M. HIGHWAY 603  
 S1°08'33" W 1695.19'  
 (S00°34'45" W 1695.50')  
 (60' R/W) 319/3 D.R.

Recovered 3/8" rebar  
 bears N86°47'44" W 1.55'

Recovered 3/8" rebar  
 bears N86°54'52" W 0.83'

(S89°21'30" E 8920.86')  
 S86°47'44" E 6929.88'

N86°54'52" W 5278.09'  
 (N89°27'30" W 5278.63')

1130.94'  
 (S00°06'00" W)

3" pipe post bears  
 N0°35'47" E 2.3'

N79°56'55" W 1668.25'  
 (N80°31'00" W 1668.25')

F.M. HIGHWAY 18(70' R/W)  
 193/472 D.R. & 194/317 D.R.

SECTION 37  
 B.B.B. & C. RR. COMPANY SURVEYS

308.14 AC.  
 All of (308.096 Ac.)  
 14/736 O.P.R.

SECTION 34  
 B.B.B. & C. RR. COMPANY SURVEYS

SECTION 34  
 BLOCK 8  
 S.P. RR. COMPANY SURVEYS

SECTION 33  
 BLOCK 8  
 S.P. RR. COMPANY SURVEYS