

**RESOLUTION NO. 05A-2023**

**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 PUBLIC PEDESTRIAN ACCESS SIDEWALKS ALONG NORTH 1<sup>ST</sup> STREET.**

**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**, the Texas Department of Transportation is making improvements to portions of North and South 1<sup>st</sup> Streets intersections, Abilene, Taylor County, Texas, that are adjacent to the Union Pacific railroad; and

**WHEREAS**, improved public pedestrian access sidewalks will be installed in either existing public right-of-way or in new permanent easements which will be owned by the City of Abilene; and

**WHEREAS**, the proposed easements which are the subject of the condemnation are located in Taylor County and will generally be located at North 1<sup>st</sup> and Leggett streets intersection, and North 1<sup>st</sup> street and Pioneer Drive intersection; and

**WHEREAS**, to facilitate the completion of the construction of the sidewalk improvements, a temporary construction easement will also be obtained adjacent to the permanent easements on Leggett street to provide the Contractor with adequate space for construction activities; and

**WHEREAS**, because this project is in response to public vehicular and pedestrian improvements along North and South 1<sup>st</sup> Streets and the Union Pacific railroad, 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 sidewalk improvements.

**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 public pedestrian access sidewalks along North 1<sup>st</sup> Street in Taylor County.

**ADOPTED** this 12<sup>th</sup> day of January, 2023.

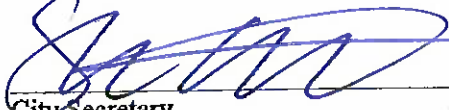
**APPROVED:**




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Mayor

ATTEST:

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

APPROVED AS TO FORM:

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





**SHEPPARD SURVEYING COMPANY, INC.**

TEPELS FIRM # 100277-00  
1813 Energy Drive, Abilene, Texas 79802  
325-695-6277 • sheppard-survey@sheppard-survey.com

STATE OF TEXAS  
TAYLOR COUNTY  
CITY OF ABILENE

3W BRANDS, LLC  
DOCUMENT No. 2022-17392

METES AND BOUNDS DESCRIPTION OF A PROPOSED CORNER CLIP EASEMENT MADE FOR THE CITY OF ABILENE, BEING LOCATED IN LOT 202, SECTION 3, COMMERCE HEIGHTS ADDITION, PLAT CABINET 4, SLIDE 268, AN ADDITION TO CITY OF ABILENE, OUT OF THE EDWARD RAMIREZ SURVEY SECTION 34, ABSTRACT 228, TAYLOR COUNTY, TEXAS.

BEGINNING AT AN 'X' IN CONCRETE RECOVERED IN THE EAST RIGHT OF NORTH LEGGETT DRIVE (HAVING A 60' WIDE RIGHT OF WAY) AND THE SOUTH RIGHT OF WAY OF NORTH FIRST (HAVING AN 80' RIGHT OF WAY) AND BEING THE NORTHWEST CORNER OF SAID LOT 202 AND BEING THE POINT OF BEGINNING.

THENCE S 84°28'07" E ALONG THE SOUTH RIGHT OF WAY LINE OF NORTH FIRST STREET AND THE NORTH LINE OF SAID LOT 202 A DISTANCE OF 30.10' TO 'X' IN CONCRETE SET FOR THE EAST CORNER OF THIS CORNER CLIP EASEMENT.

THENCE S 74°52'28" W A DISTANCE OF 31.40' CROSSING SAID LOT 202 TO A 3/8 IRON ROD WITH CAP MARKED EASEMENT SET FOR THE SOUTH CORNER OF THIS CORNER CLIP EASEMENT.

THENCE N 01°48'49" E ALONG THE EAST RIGHT OF WAY OF NORTH LEGGETT DRIVE AND THE WEST LINE OF SAID LOT 202 A DISTANCE OF 11.10' TO THE POINT OF BEGINNING, HAVING AN AREA OF APPROXIMATELY 166 SQUARE FEET.

NOTE ALL BEARINGS AND DISTANCES ARE GRID NAD 83, TXNAD 4202 BASED UPON RTK NETWORK.

I, MAKEY SHEPPARD, A REGISTERED PROFESSIONAL LAND SURVEYOR OF TEXAS HEREBY CERTIFY THAT THE FOREGOING DESCRIPTION AND ATTACHED PLAT REPRESENT A SURVEY COMPLETED ON THE GROUND THE 18TH DAY OF APRIL, 2022.

MAKEY SHEPPARD



EXHIBIT "A"  
 LOT 202, SECTION 2, COMMERCE HEIGHTS ADDITION

NORTH 1ST (80' ROW)

Leggett (80' ROW)

Proposed Corner Clip out of Lot 202, Sect. 2,  
 COMMERCE HEIGHTS ADDITION  
 to City of Abilene, Taylor County  
 Plat 4 Slide 288

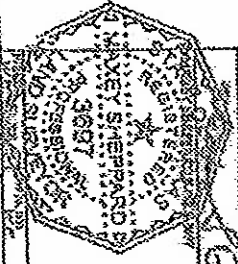
3WY BRANDS, LLC  
 Special Warranty Deed  
 Doc No. 2022-17382

LINE	BEARING	DISTANCE
158	S 82°28'07" E	130.10
159	S 74°52'28" W	111.40
161	N 01°28'30" E	111.10

UNION PACIFIC RR VOLUME 2379 PAGE 825

TEXAS TRAILS COUNCIL, INC.  
 Lot 202, Sect. 2, COMMERCE HEIGHTS  
 ADDITION  
 to City of Abilene, Taylor County  
 Plat 4 Slide 288

- RECOVERED 'X' IN CONCRETE
- SET 'X' IN CONCRETE
- RECOVERED IRON ROD
- SET 'PK NAIL WITH WASHER "SHEPPARD SURVEY MARK 3687"
- SET 3/8 IRON ROD WITH ERSEMENT CAP



COMMISSION NO.	3687
EXPIRES	12/31/2025
ISSUED	12/31/2022
ISSUED BY	STATE OF TEXAS
ISSUED TO	SHEPPARD SURVEYING CO. INC.
ISSUED AT	ABILENE, TEXAS
ISSUED FOR	GENERAL SURVEYING
ISSUED UNDER	ARTICLE 1631, CHAPTER 163, TITLE 1, ACTS OF THE LEGISLATURE

SEE ATTACHED NOTES AND RECORDS FOR CORNER  
 NOTATIONS AND DISTANCES AND  
 SETTING OF MARKS FOR SECTION 2, T11N  
 SHEPPARD SURVEYING CO. INC. 1000 ENERGY CENTER, ABILENE TX 79602  
 SHEPPARD SURVEYING CO. INC.  
 1000 ENERGY CENTER  
 ABILENE, TEXAS 79602

SCALE: 1"=40'

DATE: 5/20/2022  
 SHEPPARD SURVEYING CO. INC.  
 1000 ENERGY CENTER  
 ABILENE, TEXAS 79602

0 50 100

SHEPPARD SURVEYING



**SHEPPARD SURVEYING COMPANY, INC.**

TBPELS FIRM # 100277-00  
1013 Energy Drive, Abilene, Texas 79602  
325-695-6277 • sheppard-survey@sheppard-survey.com

STATE OF TEXAS  
TAYLOR COUNTY  
CITY OF ABILENE

3W BRARDS, LLC  
DOCUMENT NO. 2022-17332

NOTICE AND BOUNDARY DESCRIPTION OF A PROPOSED CONSTRUCTION EASEMENT NEAR  
FOR THE CITY OF ABILENE, BEING LOCATED IN LOT 202, SECTION 3, COMMERCE  
HEIGHTS ADDITION, PLAT CASKIN 2, SLIDE 268, AN ADDITION TO CITY OF ABILENE,  
OUT OF THE EDWARD BARRINE SURVEY SECTION 34, ABSTRACT 228, TAYLOR COUNTY,  
TEXAS.

COMMENCING AT AN IRON ROD WITH CAP MARKED 'RPLS 4130' RECOVERED IN THE  
EAST RIGHT OF NORTH LEGGETT DRIVE (HAVING A 66' WIDE RIGHT OF WAY) AND THE  
NORTH RIGHT OF WAY OF UNION PACIFIC RAILROAD (HAVING AN 109' RIGHT OF WAY)  
AND BEING THE SOUTHWEST CORNER OF SAID LOT 202.

THENCE N 81°48'49" E ALONG THE EAST RIGHT OF WAY OF NORTH LEGGETT DRIVE  
AND THE WEST LINE OF SAID LOT 202 A DISTANCE OF 7.30' TO AN IRON ROD WITH CAP  
MARKED EASEMENT SET FOR THE SOUTHWEST CORNER OF THIS CONSTRUCTION EASEMENT  
AND BEING THE POINT OF BEGINNING.

THENCE N 81°48'49" E ALONG THE EAST RIGHT OF WAY OF NORTH LEGGETT DRIVE  
AND THE WEST LINE OF SAID LOT 202 A DISTANCE OF 50.60' TO AN 'X' SET IN  
CONCRETE BEING THE NORTHWEST CORNER OF THIS CONSTRUCTION EASEMENT.

THENCE S 84°30'15" E A DISTANCE OF 11.50' TO AN 'X' IN CONCRETE SET FOR  
THE NORTHEAST CORNER OF THIS CONSTRUCTION EASEMENT.

THENCE S 81°48'49" W A DISTANCE OF 50.60' TO AN 'X' IN CONCRETE SET FOR  
THE SOUTHWEST CORNER OF THIS CONSTRUCTION EASEMENT.

THENCE N 04°30'15" W A DISTANCE OF 11.50' TO THE POINT OF BEGINNING,  
HAVING AN AREA OF APPROXIMATELY 580 SQUARE FEET.

NOTE ALL BEARINGS AND DISTANCES ARE GRID MAG 83, EXRC 4242 BASED UPON RTK  
NETWORK.

I, MARY SHEPPARD, A REGISTERED PROFESSIONAL LAND SURVEYOR OF TEXAS HEREBY  
CERTIFY THAT THE FOREGOING DESCRIPTION AND ATTACHED PLAT REPRESENT A SURVEY  
COMPLETED ON THE GROUND THE 12TH DAY OF APRIL, 2022.



EXHIBIT "A"  
 LOT 202, SECTION 2, COMMERCE HEIGHTS ADDITION

NORTH 1ST (80' ROW)

Leggett (80' ROW)

Proposed Construction Easement out of Lot 202, Sect. 2, COMMERCE HEIGHTS ADDITION to City of Abilene, Taylor County Plat # Slide 288

OW BRANDS, LLC  
 Special Warranty Deed  
 Doc No. 2022-17892

LINE	BEARING	DISTANCE
1	N 01°48'49" W	50.00
2	S 89°24'15" W	111.00
3	S 01°48'49" E	20.00
4	N 89°24'15" E	111.00
5	N 01°48'49" E	111.00

POB RECOVERED IRON ROD  
 UNION PACIFIC RR VOLUME 2370 PAGE 825

TEXAS TRAILS COUNCIL, Inc.  
 Lot 202, Sect. 2, COMMERCE HEIGHTS  
 ADDITION  
 to City of Abilene, Taylor County  
 Plat # Slide 288

- RECOVERED 'X' IN CONCRETE
- SET 'X' IN CONCRETE
- RECOVERED IRON ROD
- SET 'PK NAIL WITH WASHER "SHIPPED SURVEY MARK 3897"
- SET 3/8 IRON ROD WITH EASEMENT CAP

STANDARD SURVEYING

0 50 100

SEE ATTACHED PLATS AND BOUNDARY DESCRIPTION  
 NORTH BRANCHES AND DISTANCES ARE  
 APPROXIMATE TO THE NEAREST TENTH OF AN INCH

SHIPPED SURVEYING CO., INC. 1904 WALDOY DRIVE, ABILENE TX, 79602

DATE OF SURVEY: 05/11/2022

PROJECT NO: 22-001

CLIENT: OW BRANDS, LLC

DATE OF PLOTTING: 05/11/2022

SCALE: AS SHOWN

PLAT NO: 2022-17892

SECTION: 2

TOWNSHIP: 10N

RANGE: 12E

COUNTY: TAYLOR

STATE: TEXAS

