

**RESOLUTION NO. 05B-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

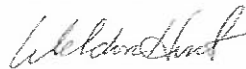
**WHEREAS**, because this project is in response to public vehicular and pedestrian improvements along North and South 1<sup>st</sup> Streets and the Union Pacific railroad, the City of Abilene finds it necessary to begin the eminent domain process to condemn the temporary and permanent easements for 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 easement 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:**




\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

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





**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

GARDEN PLACE, Inc  
VOLUME 1943 PAGE 836

METES AND BOUNDS DESCRIPTION OF A PROPOSED CORNER CLIP EASEMENT MADE FOR THE CITY OF ABILENE, BEING LOCATED IN LOT 7, SECTION 1, COMMERCE HEIGHTS ADDITION, PLAT CABINET 2, SLIDE 3, 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 SET IN THE WEST RIGHT OF NORTH LEGGETT (HAVING A 80' WIDE RIGHT OF WAY) AND THE NORTH RIGHT OF WAY OF NORTH FIRST (HAVING AN 80' RIGHT OF WAY) AND BEING THE SOUTHEAST CORNER OF SAID LOT 7 AND BEING THE POINT OF BEGINNING.

THENCE N 84°28'50" W A DISTANCE OF 21.50' TO A PK NAIL WITH WASHER STAMPED 'SHEPPARD SURVEY MARK 3697' SET IN THE NORTH RIGHT OF WAY LINE OF NORTH FIRST STREET AND THE SOUTH LINE OF SAID LOT 7 BEING THE SOUTHWEST CORNER OF SAID EASEMENT.

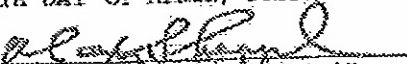
THENCE N 49°51'42" E CROSSING SAID LOT 7 A DISTANCE OF 36.80' TO A PK NAIL WITH WASHER STAMPED 'SHEPPARD SURVEY MARK 3697' SET IN THE WEST RIGHT OF WAY LINE OF NORTH LEGGETT DRIVE AND THE EAST LINE OF SAID LOT 7 BEING THE NORTH CORNER OF SAID EASEMENT.

THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 7.34', WITH A RADIUS OF 504.56', WITH A CHORD BEARING OF S 03°13'07" W, WITH A CHORD LENGTH OF 7.34', TO A PK NAIL WITH WASHER STAMPED 'SHEPPARD SURVEY MARK 3697' SET IN THE WEST RIGHT OF WAY LINE OF NORTH LEGGETT DRIVE AND THE EAST LINE OF SAID LOT 7.

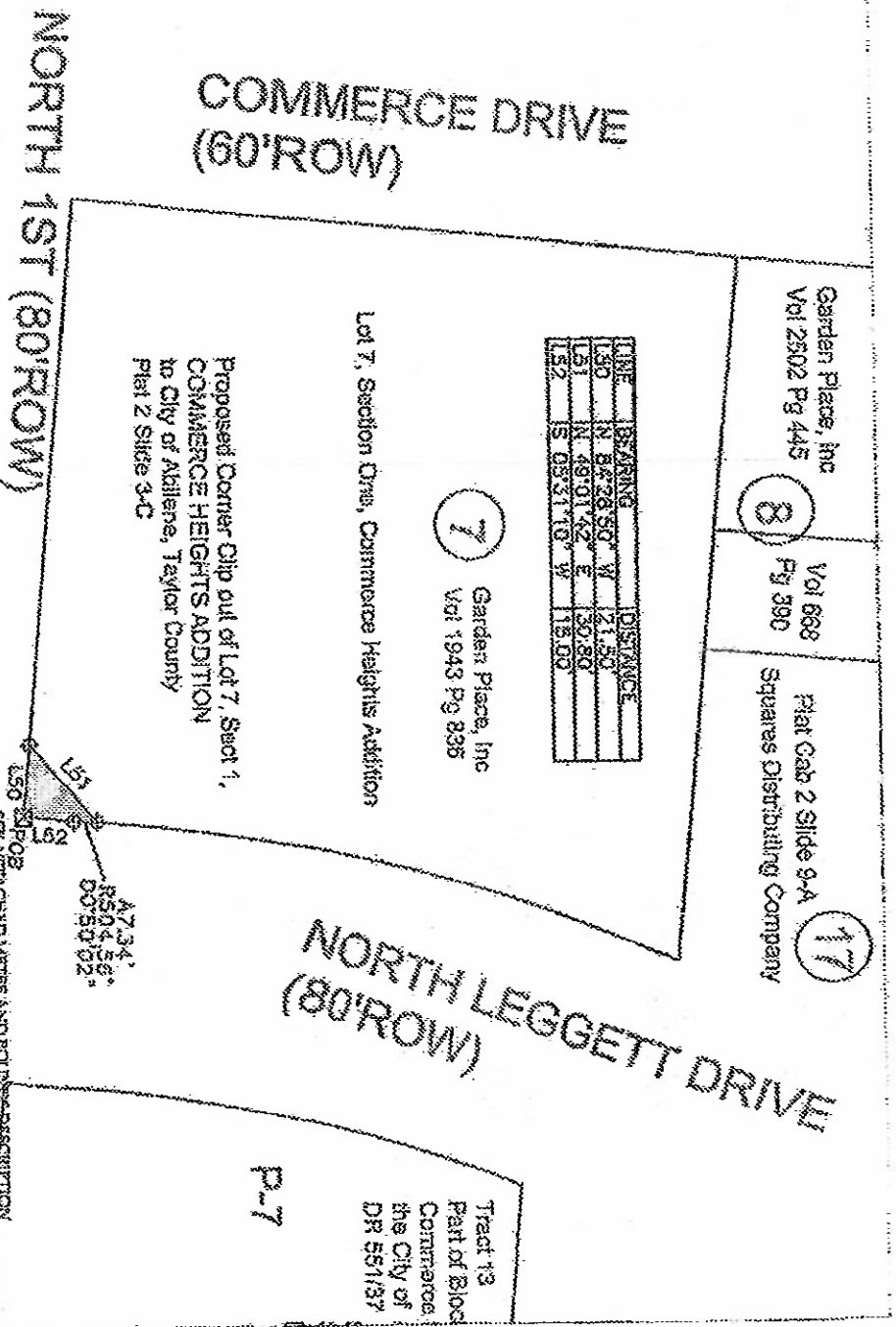
THENCE S 05°31'10" W A DISTANCE OF 15.00' ALONG THE WEST RIGHT OF WAY OF NORTH LEGGETT DRIVE AND EAST LINE OF SAID LOT 7 TO THE POINT OF BEGINNING, HAVING AN AREA OF APPROXIMATELY 242 SQUARE FEET.

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

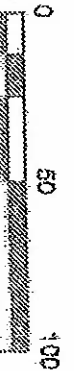
I, MAXEY SHEPPARD, A REGISTERED PROFESSIONAL LAND SURVEYOR OF TEXAS HEREBY CERTIFY THAT THE FOREGOING DESCRIPTION AND ATTACHED PLAT REPRESENT A SURVEY COMPLETED ON THE GROUND THE 12TH DAY OF APRIL, 2022.

  
MAXEY SHEPPARD, NPLS 3697

BLOCK R, THIRD CONTINUATION OF SECTION 2, PARK PLAZA ADDITION



- RECOVERED 'X' IN CONCRETE
- SET 'X' IN CONCRETE
- RECOVERED IRON ROD
- SET PICKNAIL WITH WASHER \*SHEPPARD SURVEY MARK 3897\*
- SET 3/8" IRON ROD WITH EASEMENT CAP



SEAL AND SIGNATURE OF SURVEYOR

SEAL AND SIGNATURE OF CLIENT

DATE: 7/21/2023

PROJECT: BLOCK R, THIRD CONTINUATION OF SECTION 2, PARK PLAZA ADDITION

CLIENT: SHEPPARD SURVEYING CO. INC., 2013 BUNDLES DRIVE, ABILENE, TX 79602

SCALE: 1"=50'

DATE: 7/21/2023

BY: SHEPPARD SURVEYING CO. INC.