

**RESOLUTION NO. 05C-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:**



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Mayor

ATTEST:

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

APPROVED AS TO FORM:

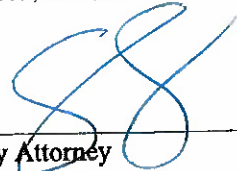
  
\_\_\_\_\_  
City Attorney



EXHIBIT "A"



**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

SOUTH KENDALL PROPERTIES, INC  
VOLUME 1039 PAGE 646

METES AND BOUNDS DESCRIPTION OF A Proposed CORNER CLIP EASEMENT MADE FOR THE CITY OF ABILENE, BEING LOCATED IN A TRACT OF LAND DESCRIBED AS ALL OF BLOCKS 12 AND 13, COMMERCE HEIGHTS ADDITION, SECTION 2, PLAT CABINET 2, SLIDE 10, AN ADDITION TO CITY OF ABILENE, OUT OF THE EDWARD RAMIREZ SURVEY SECTION 34, ABSTRACT 228, TAYLOR COUNTY, TEXAS. THIS TRACT BEING SHOWN BY PLAT OF RECORD IN VOLUME 3-A, PAGE 39, PLAT RECORDS OF TAYLOR COUNTY.

BEGINNING AT A RECOVERED 'X' IN CONCRETE IN THE WEST RIGHT OF NORTH LEGGETT (HAVING A 30' WIDE RIGHT OF WAY) AND THE SOUTH RIGHT OF WAY OF NORTH FIRST (HAVING AN 80' RIGHT OF WAY) AND BEING THE NORTHEAST CORNER OF SAID LOT 13 AND BEING THE POINT OF BEGINNING.

TRENCHE S 01°46'52" W ALONG THE WEST RIGHT OF WAY OF NORTH LEGGETT AND THE EAST LINE OF SAID LOT 13 A DISTANCE OF 7.40' TO A SET 3/8 IRON ROD WITH CAP MARKED EASEMENT BEING THE SOUTH CORNER OF SAID EASEMENT.

TRENCHE N 38°45'24" W A DISTANCE OF 10.29' TO A POINT FALLING ON A HIGH VOLTAGE CABINET LED BEING IN THE SOUTH RIGHT OF WAY OF NORTH FIRST AND BEING THE NORTHWEST CORNER OF EASEMENT FROM WHICH A 'X' SET IN CONCRETE SET FOR REFERENCE BEARS S 38°45'24" E HP 1.90'.

TRENCHE S 84°38'03" E ALONG THE SOUTH RIGHT OF WAY OF NORTH FIRST AND THE NORTH LINE OF SAID LOT 13 A DISTANCE OF 6.70' TO THE POINT OF BEGINNING, HAVING AN AREA OF APPROXIMATELY 24 SQUARE FEET.

NOTE ALL BEARINGS AND DISTANCES ARE GRID NAD 83, TXNC 4262 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, 2008.

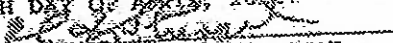
  
MAXEY SHEPPARD, PELS 3697

EXHIBIT "A"  
BLOCKS 12 & 13, SECTION 2, COMMERCE HEIGHTS ADDITION

NORTH 1ST (80' ROW)

1/2" IN CONCRETE BEARS S 35°45'24" E  
1.90' FROM EASEMENT CORNER

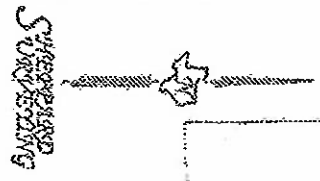
LINE	BEARING	DISTANCE
L47	S 01°46'52" W	7.40
L48	N 35°45'24" W	11.29
L49	S 87°35'03" E	8.70

Proposed Corner Clip out of Lot 12 and 13,  
Sect 2, COMMERCE HEIGHTS ADDITION  
to City of Abilene, Taylor County  
Plat 2 Slide 13

South Kentall Properties, Inc  
Lot 12 and 13, Sect 2, COMMERCE  
HEIGHTS ADDITION  
to City of Abilene, Taylor County  
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UNION PACIFIC RR VOLUME 2379 PAGE 825

Leggett (80' ROW)



- RECOVERED 1/2" IN CONCRETE
- SET 'X' IN CONCRETE
- RECOVERED IRON ROD
- SET PK NAIL WITH WASHER 'SHEPPARD SURVEY MARK 3603'
- SET 3/8 IRON ROD WITH EASEMENT CAP

SEE ATTACHED NOTES AND MOLINDS DESCRIPTION!  
NOTE BEARINGS AND DISTANCES ARE  
CREDIT MAP'S TANG AND SECTION 2, PLAT 13, SLIDE 13

SHEPPARD SURVEYING CO. INC. 1012 ENERGY DRIVE, ABILENE TX 79602		SCALE: 1"=50'	
PROJECT: SHEPPARD SURVEY MARK 3603		DATE: 09/12/2025	
DRAWN BY: [Signature]		CHECKED BY: [Signature]	
DATE: 09/12/2025		DATE: 09/12/2025	
PROJECT NO.:		SHEET NO.:	
DRAWING TITLE:		DATE PLOTTED:	