

**RESOLUTION NO. 139-2023**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE USE OF EMINENT DOMAIN TO ACQUIRE EASEMENTS NECESSARY FOR THE COMPLETION OF PUBLIC PEDESTRIAN ACCESS SIDEWALKS ALONG EAST SOUTH 11<sup>th</sup> STREET HAVING AN AREA OF APPROXIMATELY 0.10 ACRES TOTAL OUT OF THE WEST 100' OF LOT 3, BLOCK 191, AND LOT 103 BEING A REPLAT OF LOT 3, BLOCK 191, ORIGINAL TOWN OF ABILENE, TAYLOR COUNTY, TEXAS.**

**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 East South 11<sup>th</sup> Street, Abilene, Taylor County, Texas; 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 easement which is the subject of the condemnation is located in the City of Abilene, Taylor County, Texas and will generally be located at East South 11<sup>th</sup> Street and Rose Street; and

**WHEREAS**, because this project is in response to pedestrian sidewalk improvements along East South 11<sup>th</sup> Street, City of Abilene finds it necessary to begin the eminent domain process to condemn the permanent easement for access to the necessary property for the placement of the sidewalk improvements; and

**WHEREAS**, the real property to be condemned is described as approximately 0.10 acres total out of the West 100' of Lot 3, Block 191, and Lot 103 Being a Replat of Lot 3, Block 191, Original Town of Abilene, Taylor County, Texas, and more specifically described in Exhibit A attached hereto.

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

**PART 1:** That the City Council incorporates herein as Findings the above listed Whereas clauses.

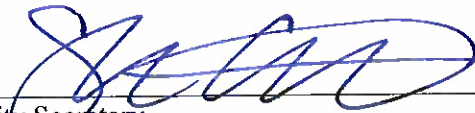
**PART 2:** That following a public hearing and record vote, the City Council hereby authorizes the use of the power of eminent domain to acquire permanent easements as depicted in "Exhibit A" of approximately 0.10 acres total out of the West 100' of Lot 3, Block 191, and Lot 103 Being a Replat of Lot 3, Block 191, Original Town of Abilene, Taylor County, Texas, for the public purpose of construction of public pedestrian access sidewalks along East South 11<sup>th</sup> Street, Taylor County.

**PART 3:** That this Resolution is effective immediately upon adoption.

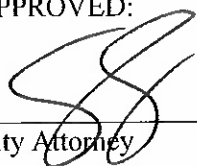
ADOPTED this 10<sup>th</sup> day of August, 2023.

  
\_\_\_\_\_  
Weldon Hurt, Mayor

ATTEST:

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

APPROVED:

  
\_\_\_\_\_  
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

ANGELO PROPERTIES, Inc  
WARRANTY DEED VOL 1614 PG 301

METES AND BOUNDS DESCRIPTION OF A PROPOSED EASEMENT MADE FOR THE CITY OF ABILENE, BEING LOCATED IN THE WEST 100 FEET OF LOT 3, BLOCK 191, ORIGINAL TOWN OF ABILENE, TAYLOR COUNTY, TEXAS AND BEING IN A REMAINING PORTION OF LOT 3, BLOCK 191, ORIGINAL TOWN, LYING SOUTH OF LOT 103 BEING A REPLAT OF LOT 3, BLOCK 191, ORIGINAL TOWN RECORDED AS CABINET 2 SLIDE 298D AND LYING NORTH OF THE 80' RIGHT OF WAY LINE OF S 11TH. LOT 103 BEING MORE PARTICULARLY DESCRIBED AS TRACT TWO IN GENERAL WARRANTY DEED VOLUME 1614 PAGE 301, OFFICIAL PUBLIC RECORDS, TAYLOR COUNTY.

BEGINNING AT A 3/8 INCH IRON ROD WITH CAP MARKED "EASEMENT" SET IN THE NORTH RIGHT OF WAY OF SOUTH 11<sup>TH</sup> STREET, ALSO KNOWN AS SH 36 (HAVING A 80' WIDE RIGHT OF WAY) AND THE EAST RIGHT OF WAY OF ROSE STREET (HAVING AN 80' RIGHT OF WAY) AND BEING THE SOUTHWEST CORNER OF SAID LOT 3 AND BEING THE POINT OF BEGINNING FOR THIS EASEMENT.

THENCE N 05°36'36" E A DISTANCE OF 9.22' ALONG EAST RIGHT OF WAY OF ROSE STREET AND WEST LINE OF SAID LOT 3 TO A POINT IN FENCE FROM WHICH A 3 INCH SQUARE CORNER POST BEARS N 85°09'29" W A DISTANCE OF 1.77'.

THENCE S 85°09'29" E A DISTANCE OF 47.77' GENERALLY FOLLOWING FENCE TO A 3 INCH SQUARE CORNER POST.

THENCE N 07°39'53" E A DISTANCE OF 8.58' GENERALLY FOLLOWING A FENCE TO A 3 INCH SQUARE CORNER POST.

THENCE S 84°41'22" E A DISTANCE OF 51.93' GENERALLY FOLLOWING FENCE TO A 3/8 IRON ROD WITH CAP MARKED "EASEMENT" SET IN THE NORTH LINE OF THIS EASEMENT, AND THE EAST LINE OF SAID WEST 100' OF LOT 3. THIS POINT ALSO BEING S 05°36'36" W A DISTANCE OF 1.50' FROM THE SOUTHWEST CORNER OF LOT 103 AS DESCRIBED IN WARRANTY DEED VOLUME 1614 PAGE 301 TRACT ONE.

THENCE S 85°05'32" E A DISTANCE OF 147.48' TO A POINT BEING THE NORTHWEST CORNER OF A CALLED 0.096 ACRE TRACT OF LAND DEEDED TO THE CITY OF ABILENE RECORDED IN VOLUME 586 PAGE 187 DEED RECORDS OF TAYLOR COUNTY FROM WHICH A RECOVERED 3/8 INCH IRON ROD BEARS S 85°13'44" E A DISTANCE OF 3.07', AND BEING IN THE SOUTH LINE OF SAID LOT 103, AND BEING THE NORTHEAST CORNER OF THIS EASEMENT, BEING 60' NORTH OF CENTERLINE.

THENCE S 05°29'26" W A DISTANCE OF 20.00' ALONG THE WEST LINE OF SAID 0.096 ACRE TRACT TO A POINT IN THE NORTH 80' RIGHT OF WAY LINE OF SOUTH 11<sup>TH</sup> FROM WHICH A RECOVERED 3/8 INCH IRON ROD BEARS S 85°53'14" E A DISTANCE OF 2.89', AND BEING THE SOUTHEAST CORNER OF THIS EASEMENT BEING 40' NORTH OF CENTERLINE.


THENCE N 84°30'34" W ALONG THE NORTH RIGHT OF WAY LINE OF SOUTH 11<sup>TH</sup> AND THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 147.51' TO A POINT BEING THE SOUTHEAST CORNER OF SAID WEST 100 FEET OF LOT 3, FROM WHICH A RECOVERED IRON PIPE BEARS S 84°02'50" W A DISTANCE OF 0.19'.

THENCE N 84°30'34" W A DISTANCE OF 100.00' ALONG THE NORTH 80' RIGHT OF WAY LINE OF SOUTH 11<sup>TH</sup> AND SOUTH LINE OF SAID WEST 100' OF LOT 3 TO THE POINT OF BEGINNING, HAVING AN AREA OF APPROXIMATELY 0.10 ACRES.

NOTE: ALL BEARINGS AND DISTANCES ARE GRID MAD 83, TXNC 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 22ND DAY OF MARCH 2023.

*Maxey Sheppard*  
MAXEY SHEPPARD, REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 3697

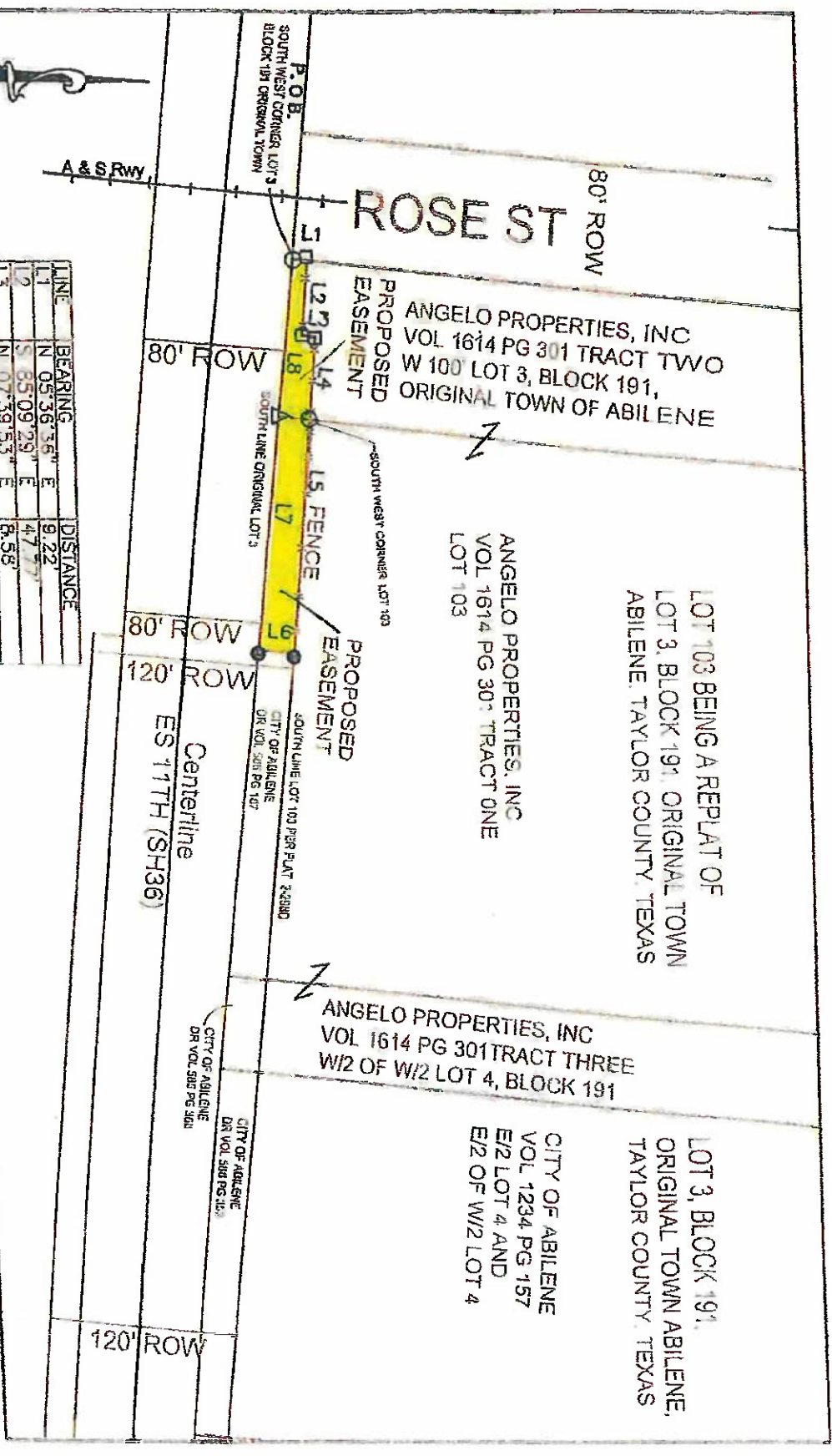


The seal is an octagonal stamp with a star in the center. The text around the star reads "REGISTERED PROFESSIONAL LAND SURVEYOR" and "STATE OF TEXAS". The name "MAXEY SHEPPARD" and the number "3697" are also visible within the seal.

3 INCH SCALE  
 SET 2/8 IRON PINS WITH CAP "EASEMENT"



LINE	BEARING	DISTANCE
L1	N 05°36'36" E	9.22'
L2	S 85°09'29" E	47.77'
L3	N 07°39'53" E	8.58'
L4	S 84°41'22" E	51.93'
L5	S 85°05'32" E	147.48'
L6	S 05°29'26" W	20.00'
L7	N 84°30'34" W	147.51'
L8	N 84°30'34" W	100.00'



ROSE ST

ANGELO PROPERTIES, INC  
 VOL 1614 PG 301 TRACT TWO  
 W 100' LOT 3, BLOCK 191,  
 ORIGINAL TOWN OF ABILENE

LOT 103 BEING A REPLAT OF  
 LOT 3, BLOCK 191, ORIGINAL TOWN  
 ABILENE, TAYLOR COUNTY, TEXAS

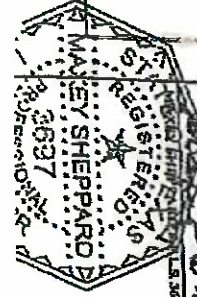
ANGELO PROPERTIES, INC  
 VOL 1614 PG 301 TRACT ONE  
 LOT 103

ANGELO PROPERTIES, INC  
 VOL 1614 PG 301 TRACT THREE  
 W/2 OF W/2 LOT 4, BLOCK 191

LOT 3, BLOCK 191,  
 ORIGINAL TOWN ABILENE,  
 TAYLOR COUNTY, TEXAS

CITY OF ABILENE  
 VOL 1234 PG 157  
 E/2 LOT 4 AND  
 E/2 OF W/2 LOT 4

Centerline  
 ES 17TH (SH36)



COMPILED GRID SCALE/INCHES	8.25/32.25
STATE PLANS COORDINATES	GRID COORDINATES
PAGE 3 OF 3	DATE 2/27/2023
SHEPPARD SURVEYING CO. INC. 1013 ENERGY DRIVE, ABILENE, TX, 79602 PHONE 325-695-4427 FAX 325-695-3982 TEXAS REG. # 11002238	
SCALE: 1"=100'	
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