

**RESOLUTION NO. 206-2024**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE A UTILITY EASEMENT FOR THE PURPOSE OF INSTALL PUBLIC UTILITIES, BEING A 0.882 ACRE STRIP OF LAND OUT OF THE SW/4 OF SECTION NO. 66, BLIND ASYLUM LANDS, ABSTRACT NO. 745, CITY OF ABILENE, TAYLOR COUNTY, TEXAS, AND BEING OUT OF THAT CERTAIN 64.73 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO ABILENE ASSET MANAGEMENT LLC RECORDED IN INSTRUMENT NO. 2018-9771, OFFICIAL PUBLIC RECORDS, 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 City of Abilene requires a public utility easement along portions of the West and South boundary lines of real property, being a 0.882 acre strip of land out of the SW/4 of Section No. 66, Blind Asylum Lands, Abstract No. 745, City of Abilene, Taylor County, Texas; and

**WHEREAS**, the proposed easement which is the subject of the condemnation are located in Taylor County and will be located on the real property as depicted in the attached Exhibit "A"; and

**WHEREAS**, acquiring this public utility easement in response to growing development in the area of the City and the need to extend and provide public utilities to the area, the City of Abilene finds it necessary to begin the eminent domain process to condemn the permanent utility easements.

**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.

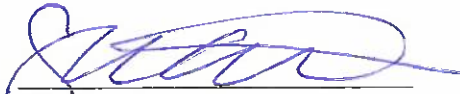
**PART 2:** That the City Council finds that taking is necessary to achieve a public use and does hereby make a determination of a public necessity to acquire the utility easement.

**PART 3:** That following a public hearing and record vote, the City Council hereby authorizes the use of the power of eminent domain to acquire a permanent utility easement as depicted in "Exhibit A", being a 0.882 acre strip of land out of the SW/4 of Section No. 66, Blind Asylum Lands, Abstract No. 745, City of Abilene, Taylor County, Texas, for the public purpose of installing public utilities in Taylor County.

**PART 4:** That this Resolution is effective immediately upon adoption.

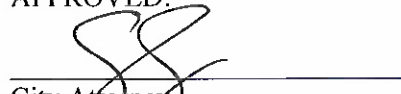
**ADOPTED** this 12<sup>th</sup> day of September, 2024.

ATTEST:

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

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

APPROVED:

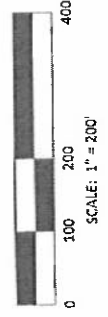
  
\_\_\_\_\_  
City Attorney



**EXHIBIT "A"**  
**SURVEYED FOR:**  
**THE CITY OF ABILENE**

THIS SURVEY DRAWING REPRESENTS A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION. THE FIELDWORK OF WHICH WAS COMPLETED IN AUGUST 2023.

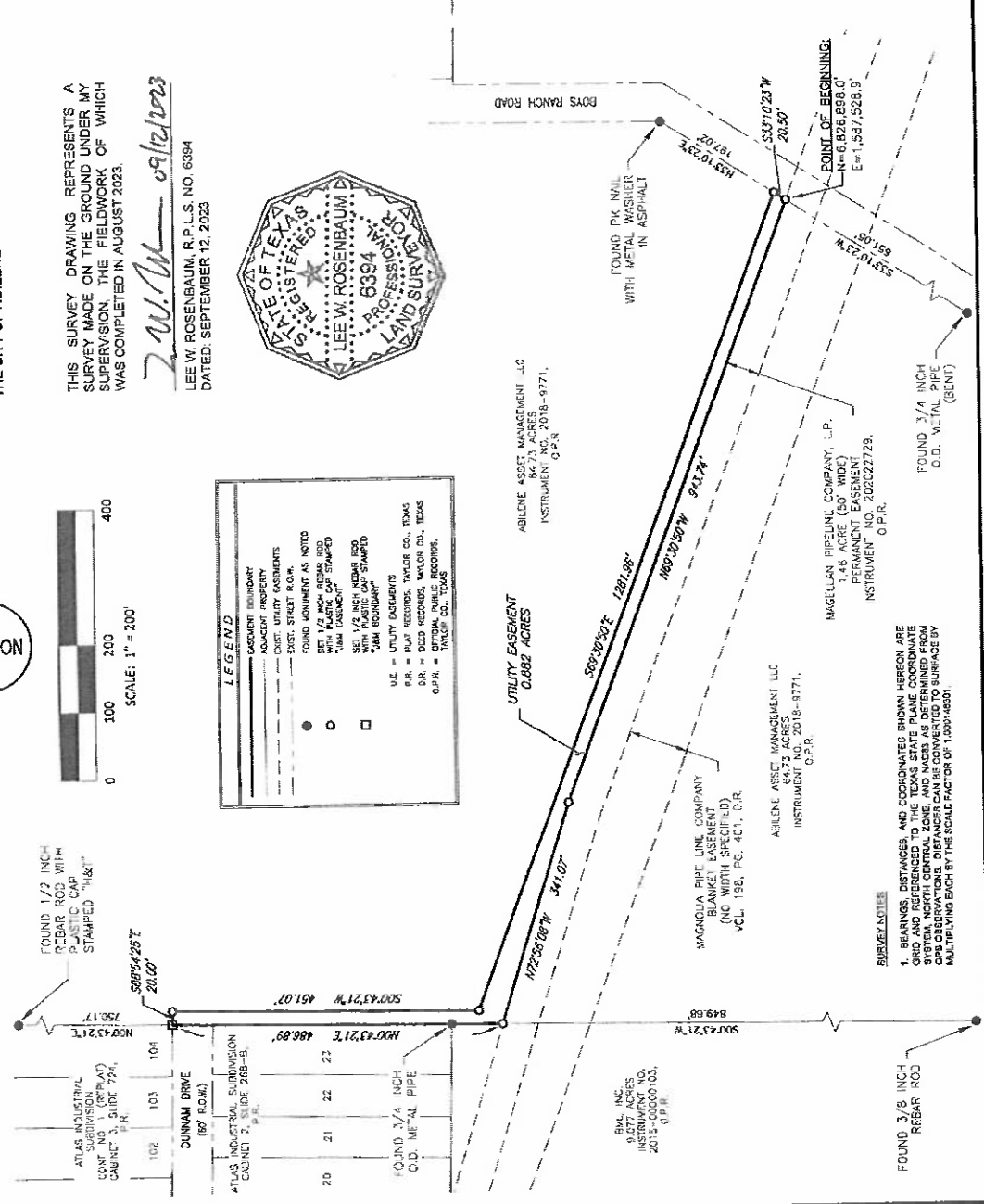
*L.W.M.* 09/12/2023  
 LEE W. ROSENBAUM, R.P.L.S. NO. 6394  
 DATED: SEPTEMBER 12, 2023



**LEGEND**

- EASEMENT BOUNDARY
- ADJACENT PROPERTY
- - - EXIST. STREET R.O.P.
- FOUND MONUMENT AS NOTED
- SET 1/2" INCH REBAR ROD WITH PLASTIC CAP STAMPED "M&T"
- SET 1/2" INCH NODAR ROD WITH PLASTIC CAP STAMPED "J&M BOUNDARY"

U.C. = UTILITY EASEMENTS  
 P.R. = PLAT RECORDS, TAYLOR CO., TEXAS  
 D.R. = DEED RECORDS, WAGON CO., TEXAS  
 O.P.R. = ORIGINAL PLAT RECORDS, TAYLOR COUNTY, TEXAS



**SURVEY NOTES**  
 1. BEARINGS, DISTANCES, AND COORDINATES SHOWN HEREON ARE GRID AND REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, AND MOVED AS DESIGNATED BY THE SURVEYOR. DISTANCES MUST BE MULTIPLIED EACH BY THE SCALE FACTOR OF 1.000148301.

3405 CURRY JANE  
 ABILENE, TX 79601  
 325-695-1079  
 1825 FORT WORTH HIGHWAY  
 WEATHERFORD, TX 76086  
 817-554-8800  
**JACOB MARTIN**  
 LICENSED PROFESSIONAL SURVEYOR

**METES AND BOUNDS DESCRIPTION**

BEING a 0.882 acre strip of land, a UTILITY EASEMENT, out of the SW/4 of Section No. 66, Blind Asylum Lands, Abstract No. 745, City of Abilene, Taylor County, Texas, and being out of that certain 64.73 acre tract of land described in a Special Warranty Deed to Abilene Asset Management LLC recorded in Instrument No. 2018-9771, Official Public Records, Taylor County, Texas. Said 0.882 acre UTILITY EASEMENT is more particularly described in metes and bounds as follows:

**BEGINNING** at a set 1/2 inch rebar rod with plastic cap stamped "J&M EASEMENT" (hereinafter known as a SET EASEMENT REBAR), the coordinates thereof being N=6,826,898.0', E=1,587,528.9' for the southeast corner of the herein described easement tract, and along the southeast line of said 64.73 acre tract, and being in the northeast right-of-way line of Boys Ranch Road. Said point of beginning also being at the northeast corner of that certain 68.68 (68) foot wide Permanent Easement described in an Easement and Right-of-Way Plat recorded in Instrument No. 2018-9771, recorded in instrument No. 202022723 of the Official Public Records, from which a 3/4 inch O.D. metal pipe (bent) found in the most southerly southeast corner of said 64.73 acre tract bears S33°10'23"W 651.05 feet;

**THENCE** along the southwest line of the herein described easement tract, same being the northeast line of said Magellan Pipeline Company, L.P. Permanent Easement, the following bearings and distances:  
 • N89°30'50"W 843.74 feet to a SET EASEMENT REBAR at a point of deflection for corner of the herein described easement tract, and being in the west line of said 64.73 acre tract, and being in the northeast right-of-way line of Boys Ranch Road, from which a 3/8 inch rebar rod found at a right angle point in the west line of said 64.73 acre tract bears S09°43'21"W 849.68 feet;

**THENCE** N05°40'21"E along the west line of the herein described easement tract and said 64.73 acre tract, and along the east line of said 64.73 acre tract, at a distance of 75.82 feet, pass a 3/4 inch O.D. metal pipe found at instrument corner of said 64.73 acre tract, same being the southeast corner of Lot 221, Atlas Industrial Subdivision, and continuing on per plat recorded in Cabinet 2, Slide 268-B, Plat Records, Taylor County, Texas, and continuing on for a total distance of 488.88 feet to a 1/2 inch rebar rod with metal pipe stamped "J&M BOUNDARY" set for the northwest corner of the herein described easement tract. Said point also being at the northeast corner of Dunnam Drive right-of-way, same being the southeast corner of Lot 104, Block A, Atlas Industrial Subdivision, Continuation No. 1 (Replat), as shown per plat recorded in Cabinet 3, Slide 724 of said Plat Records, from which a 1/2 inch rebar rod with plastic cap stamped "487" found at the northwest corner of said 64.73 acre tract bears N00°42'27"E 750.17 feet;

**THENCE** over and across said 64.73 acre tract the following bearings and distances:  
 • S89°54'25"E 20.00 feet to a SET EASEMENT REBAR for the most northerly northeast corner of the herein described easement tract;  
 • S00°43'21"W 491.07 feet to a SET EASEMENT REBAR for the most easterly northeast corner of the herein described easement tract, and being in the northeast line of said 64.73 acre tract, same being the northeast right-of-way line of said Boys Ranch Road, from which a PK nail with metal washer found at the most easterly southeast corner of said 64.73 acre tract bears N85°10'29"E 167.02 feet;

**THENCE** S33°10'23"W 20.50 feet along the southeast line of the herein described easement tract and said 64.73 acre tract, same being the northwest right-of-way line of said Boys Ranch Road, to the POINT OF BEGINNING, and containing 0.882 acres of land, more or less.

**SURVEY DRAWING OF A  
 UTILITY EASEMENT  
 CONTAINING 0.882 ACRES OUT OF THE  
 SW/4 OF SECTION NO. 66,  
 BLIND ASYLUM LANDS, ABSTRACT NO. 745,  
 CITY OF ABILENE, TAYLOR COUNTY, TEXAS**