

RESOLUTION NO. 283-2024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AUTHORIZING THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE AN EASEMENT FOR THE PURPOSE OF A PUBLIC ALLEY AND DRAINAGE, BEING A 0.011 ACRE STRIP OF LAND LOCATED IN SECTION 19, BLOCK B, OF A REPLAT OF LOTS 1, 2, 3 AND 4, BLOCK B, WYNCHWOOD PLAZA ADDITION, AS RECORDED IN CABINET 2, SLIDE 70-D, TAYLOR COUNTY, TEXAS, AND BEING LOCATED IN LOT 19 AS DESCRIBED IN A SPECIAL WARRANTY DEED TO JAMES LAYNE PARTIN RECORDED IN INSTRUMENT NO. 2010-00014768, 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 alley and drainage easement located in Lot 19, Block B, of a Replat of Lots 1, 2, 3, and 4, Block B, Wychwood Plaza Addition, as recorded in Cabinet 2, Slide 70-D, Taylor County, Texas, being 0.011 acres; and

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

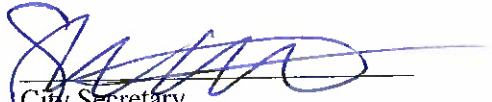
WHEREAS, acquiring this public alley and drainage easement is necessary for solid waste services and water drainage into Catclaw Creek, and the City of Abilene finds it necessary to begin the eminent domain process to condemn the permanent easement.

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 alley and drainage 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 0.011 acre strip of land located in Lot 19, Block B, of a Replat of Lots 1, 2, 3, and 4, Block B, Wychwood Plaza Addition, as recorded in Cabinet 2, Slide 70-D, Taylor County, Texas, for the public purpose of and alley and drainage easement in Taylor County.
- PART 4:** That this Resolution is effective immediately upon adoption.

ADOPTED this 5th day of December, 2024.

ATTEST:

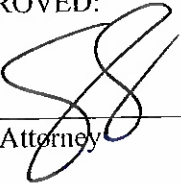


City Secretary



Weldon Hurt, Mayor

APPROVED:

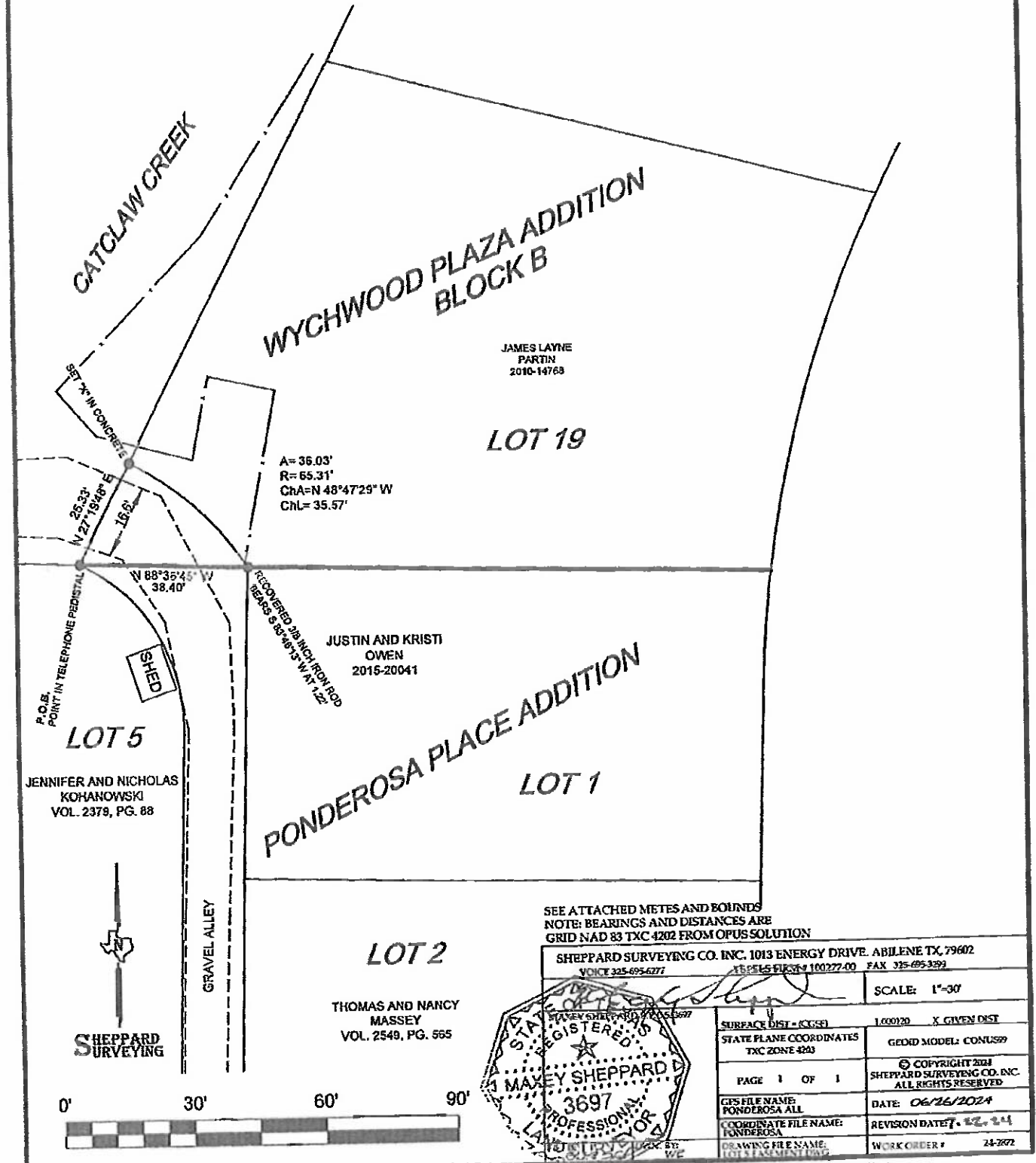


City Attorney



EXHIBIT "A"

PLAT SHOWING THE LOCATION OF AN EASEMENT
 IN THE SOUTHWEST CORNER OF
 LOT 19, BLOCK B, WYCHWOOD PLAZA ADDITION,
 ABILENE, TAYLOR COUNTY, TEXAS





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

JAMES LAYNE PARTIN
INSTRUMENT NUMBER 2010-00014768

METES AND BOUNDS DESCRIPTION OF A VARYING WIDTH EASEMENT FOR THE CITY OF ABILENE, LOCATED IN SECTION 19, BLOCK B, OF A REPLAT OF LOTS 1, 2, 3, AND 4, BLOCK B, WYCHWOOD PLAZA ADDITION, AS RECORDED IN CABINET 2, SLIDE 70-D, TAYLOR COUNTY, TEXAS. SAID EASEMENT BEING LOCATED IN LOT 19 AS DESCRIBED IN SPECIAL WARRANTY DEED TO JAMES LAYNE PARTIN RECORDED AS INSTRUMENT NUMBER 2010-00014768, OFFICIAL PUBLIC RECORDS, TAYLOR COUNTY.

BEGINNING AT A POINT (N:6836655.31, E:1577023.78) IN A TELEPHONE PEDISTAL BEING THE SOUTHWEST CORNER OF LOT 19 AND BEING IN THE NORTH LINE OF LOT 5, SECTION 2, PONDEROSA PLACE ADDITION TO THE CITY OF ABILENE, THIS POINT IN A TELEPHONE PEDISTAL BEING S 27°19'48" W AT A DISTANCE OF 241.07' (CALLED 244.9') FROM A 3/8" IRON ROD IN CONCRETE RECOVERED FOR THE NORTHWEST CORNER OF LOT 20, WYCHWOOD PLAZA ADDITION.

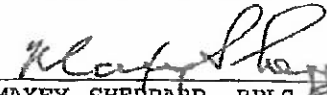
THENCE N 27°19'48" E FOR A DISTANCE OF 25.33' TO AN "X" IN CONCRETE SET FOR THE NORTHWEST CORNER OF THIS EASEMENT.

THENCE WITH A CURVE TURNING TO THE RIGHT HAVING AN ARC LENGTH OF 36.03', A RADIUS OF 65.31', A CHORD BEARING OF S 48°47'29" E, AND A CHORD LENGTH OF 35.57' TO A POINT FROM WHICH A RECOVERED 3/8" IRON ROD BEARS S 83°46'13" W AT A DISTANCE OF 1.22'.

THENCE N 88°36'45" W A DISTANCE OF 38.40' TO THE POINT OF BEGINNING AND HAVING AN AREA OF 489.0 SQUARE FEET, 0.011 ACRES.

NOTE ALL BEARINGS AND DISTANCES ARE GRID NAD 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 UNDER MY DIRECT SUPERVISION THE 20TH DAY OF MAY, 2024.


MAXEY SHEPPARD, RPLS

