

M780281

SPECIAL SESSION, Marsh 22, 1945.

BE IT REMEMBERED, that the Commissioners Court met in Special Session this 22nd. day of Marsh 1945, with the following members present to-wit:

Ed Dickson	County Judge
L. C. Banks	Comm. Prec. 1
Neil Fleming	Comm. Prec. 2
C. M. Wilson	Comm. Prec. 3
C. N. Goodwin	Comm. Prec. 4

and the following proceedings were had, to-wit:

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IN THE MATTER OF SELLING COUNTY SECURITIES.

The matter of paying bonds and interest due April 10, 1945 came up for consideration. It was determined that there are not sufficient funds available to pay bonds and interest of Special Road Fund. Maturing in April 1945, Motion by Comm. Fleming which was seconded by Comm. Wilson to authorize County Judge to sell the two \$1000.00 each U. S. Treasury Certificates Nos. 54972E-54973E owned as securities by Titus County Special Road Int & Sinking Fund, in order to meet the deficiency. Vote taken, all voted "Aye".

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IN THE MATTER OF SELLING PUMP COMPLETE.

Motion By Commissioner Wilson, seconded by Comm. Fleming to sell Pump complete which is stored at Jones & Laughlin and owned by Titus Co. R&B Fund and that County Judge Ed Dickson be authorized to sell same at private sale after securing bids. All voted "Aye", motion carried.

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IN THE MATTER OF APPOINTING G. E. BROCK, DEPUTY SHERIFF OF TITUS CO. Texas.

Mt. Pleasant, Texas.  
3/12/45

To the Honorable Commissioners Court Titus Co. Texas, I Aubrey Redfearn Sheriff, Titus Co. Texas., hereby make application for the appointment of G. E. Brock, as Deputy Sheriff of Titus Co. Texas at a salary of \$75.00 per month to be set by the court.

Aubrey Redfearn, Sheriff Titus Co. Texas.

Motion by Comm. Fleming, seconded by Commissioner Goodwin to grant the above application authorizing the Sheriff to appoint G. E. Brock Deputy Sheriff at a salary of \$75.00 per month to be paid out of the Sheriff fees of office. All vote "Aye",

ORDER OF COMMISSIONERS COURT  
TITUS COUNTY, TEXAS.

SPECIAL MEETING, MARCH 22, 1945

The commissioners' Court of Titus County, Texas met in Special Session, March 22, A.D., 1945, at the Courthouse of Titus County in the City of Mt. Pleasant, Texas at 10:00 o'clock A. M., with the following members present, to-wit:

Ed Dickson	County Judge
L. C. Banks	Commissioner of Precinct No. one
Neil Fleming,	Commissioner of Precinct No. two
C. M. Wilson,	Commissioner of Precinct No. Three
C. N. Goodwin	Commissioner of Precinct No. Four
Mrs. J. A. Glass	County Clerk and Ex-officio Clerk of County Commissioners' Court.

When and where the following proceedings were had, to-wit:

Upon motion made by Commissioner Fleming duly seconded by Commissioner Wilson, the following action was taken:

BE IT ORDERED by the Commissioners' Court of Titus County that Ed Dickson, County Judge of Titus County be and he is hereby authorized to enter into and execute for and on behalf of Titus County an agreement with the State of Texas wherein Titus County will agree to waive and relinquish any and all rights Titus County and/or road district has or may have for participation by the State in the payment of any County and/or road district bonds, warrants, or other evidences of indebtedness incurred by Titus County and/or road district in the construction, reconstruction, or maintenance of the County road from Mt. Pleasant Southwest to Monticello upon condition the Highway Commission of the State of Texas will designate such road as a farm-to-market road as contemplated by S. B. No. 348, Acts of the Forty-ninth Legislature, 1943, and construct, reconstruct, and/or maintain the same at the sole cost and expense of the State as a part of the designated highway system of Texas; that the designation of the road by the Highway Commission shall never form the basis of a claim for participation by the State in the payment of any County and/or road district bonds, warrants, or other evidences of indebtedness against said road; to agree to remove or abate any and all encroachments of encumbrances on said road or right-of-way at the sole expense of the County before its designation by the Highway Commission, and to further agree to obtain at its expense any new or additional right-of-way on location approved by the State Highway Engineer at any time the same should be considered necessary or desirable to the proper maintenance, construction, or reconstruction of said road as a part of the State System; to agree to indemnify and save harmless the State from all claims, demands, actions or causes of actions arising from or growing out of or damage to property resulting in any manner from the construction or maintenance of such road either prior to or after the designation of such road as a highway, which have accrued or may accrue prior to the time such highway is reconstructed by the State. In consideration of which agreements, waivers, and covenants on the part of the County, the State shall agree to designate the county road from Mt. Pleasant Southwest to Monticello as a farm-to-market road and to construct, reconstruct, and/or maintain the same at the sole cost and expense of the State as a part of the System of designated highways of Texas as contemplated and set forth in Chapter 1, Title 116, and Chapter 186, General Laws of the Regular Session of the Thirty-ninth Legislature and amendments thereto.

Upon vote being taken, the foregoing order was passed, the members present voting as follows:

L. C. Banks	yes
Neil Fleming	yes
C. M. Wilson	yes
C. N. Goodwin	yes

M78028i

STATE OF TEXAS |  
 COUNTY OF TRAVIS |

THIS AGREEMENT made this 22 day of March, 1945, by and between the State of Texas through the State Highway Commission hereinafter called the State, Party of the First Part, and the County of Titus hereinafter called the County, Party of the Second Part, acting by and through its duly authorized County Judge.

W I T N E S S E T H

WHEREAS, Senate Bill No. 348, enacted by the Forty-Eighth Legislature of Texas in Regular session and approved by the Governor of Texas on May, 1943, provides that the State Highway Commission is authorized to designate any county road in the State as a farm-to-market road for purposes of construction, reconstruction, and maintenance only, provided the Commissioners' Court of the County in which such county road is located shall pass and enter in its minutes an order waiving any rights such County and/or road district may have for participation by the State in the payment of any indebtedness incurred by the County and/or road district in the construction of such county road, and, provided further, that the State Highway Commission and the Commissioners' Court of the County may enter into a contract setting forth the duties of the State in the construction, reconstruction, and maintenance of the county road in consideration of the County relinquishing and waiving any and all claims that it has or may have for participation by the State in the payment of County and/or road district bonds, warrants, or other evidences of indebtedness outstanding against such road for the construction or improvement of the road before being designated by the State Highway Commission; and

WHEREAS, Titus County seeks to have its road from Mt. Pleasant Southwest to Monticello designated by the Highway Commission as a farm-to-market road and taken over for construction, reconstruction, or maintenance as is hereinafter provided by the Texas Highway Commission; and

WHEREAS, the County represents to the State that it has passed an order waiving any and all rights such County and/or road district has or may have for participation by the State in the payment of any County and/or road district bonds, warrants or other evidences of indebtedness incurred by the County and/or road district in the construction, reconstruction, or maintenance of such County road and further that such order has been entered in the official minutes of the said court and that the same, is embodied herein in full and made a part of this agreement for all purposes; and

WHEREAS, the Texas Highway Commission is agreeable and willing to designate such road as a farm-to-market road and to construct, reconstruct, and to maintain the same as conditions and finances may permit or require at the sole cost and expense of the State conditioned upon the full compliance by the County with the provisions and requirements of Senate Bill No. 348 hereinabove referred to and such other and further conditions as may be hereinafter more fully set out.

AGREEMENT

For and in consideration of the covenants, agreements, and waivers herein contained to be mutually kept and performed it is understood and agreed by and between the parties hereto;

RESPONSIBILITY OF THE COUNTY:

1. That the County has passed and entered of record in its official minutes in Volume 7, Pages 22, the following order:

Special Meeting, March 22, 1945.

The Commissioners' Court of Titus County, Texas, met in Special Session, March 22, A. D. 1945, at the Courthouse of Titus County in the City of Mt. Pleasant, Texas, at 10 o'clock A. M., with the following members present, to-wit:

Ed Dickson	County Judge
L. C. Banks	Commissioner of Precinct No. One
Neil Fleming	Commissioner of Precinct No. Two
C. H. Wilson	Commissioner of Precinct No. Three
C. N. Goodwin	Commissioner of Precinct No. Four
Mrs. J. A. Glass	County Clerk, and Ex-officio Clerk of County Commissioners' court.

When and where the following proceedings were had, to-wit:

Upon motion made by Commissioner Fleming duly seconded by Commissioner Wilson, the following action was taken;

BE IT ORDERED by the Commissioners' Court of Titus County that Ed Dickson, County Judge of Titus County be and he is hereby authorized to enter into and execute for and on behalf of Titus County an agreement with the State of Texas wherein Titus County will agree to waive and relinquish any and all rights Titus County and/or road district has or may have for participation by the State in the payment of any County and/or road district bonds, warrants, or other evidences of indebtedness incurred by Titus County and/or road district in the construction, reconstruction, or maintenance of the County road from Mt. Pleasant Southwest to Monticello upon condition the Highway Commission of Texas will designate such road as a farm-to-market road as contemplated by S.B. No. 348, Acts of the forty-eighth Legislature, 1943, and construct, reconstruct, and/or maintain the same at the sole cost and expense of the State as a part of the designated highway system of Texas; that the designation of the road by the Highway Commission shall never form the basis of a claim for participation by the State in the payment of any County and/or road district bonds, warrants, or other evidences of indebtedness against said road; to agree to remove or abate any and all encroachments or encumbrances on said road or right-of-way at the sole expense of the County before its designation by the Highway Commission, and to further agree to obtain at its expense any new or additional right-of-way on location approved by the State Highway Engineer at any time the same should be considered necessary or desirable to the proper maintenance, construction, or reconstruction of said road as a part of the State system; to agree to indemnify and save harmless the State from all claims, demands, actions or causes of actions arising from or growing out of or damage to property resulting in any manner from the construction or maintenance of such road either prior to or after the designation of such road as a highway, which have accrued or may accrue prior to the time such highway is reconstructed by the State. In consideration of which agreements, waives, and covenants on the part of the County the State shall agree to designate the county road from Mt. Pleasant Southwest to Monticello as a farm-to-market road and to construct, reconstruct, and/or maintain the same at the sole cost and expense of the State as a part of the system of designated highways of Texas as contemplated and set forth in Chapter 1, Title 116, and Chapter 186, General Laws of the Regular Session of the Thirty-Ninth Legislature and amendments thereto.

Upon vote being taken, the foregoing order was passed, the members present voting as follows:

L. C. Banks	Yes
Neil Fleming	yes
C. H. Wilson	yes
C. N. Goodwin	yes

M780281

THE STATE OF TEXAS I  
COUNTY OF TITUS I

I, Clerk of the County Court in and for the County of Titus, State of Texas, do hereby certify that the above and foregoing is a true and correct copy of the Order of the Commissioners' court of Titus County as the same appears on record in the office of the County Clerk, Titus County, Texas, in Volume 7, of the minutes of the Commissioners' Court of Titus County, Texas.

Given under my hand and seal of office this 22nd day of March, A. D. 1945.

Mrs. J. A. Glass, County Clerk,  
Titus County, Texas.

(SEAL)

2. That the County agrees to and does hereby waive and relinquish any and all claims it has or may have for participation by the State in the payment of any and all County and/or road district bonds, warrants, or other evidences of indebtedness outstanding against such road for the construction or improvement of the road before being designated as a farm-to-market road by the State Highway Commission and further, that the designation of the road by the Highway Commission shall never form the basis of a claim for participation by the State in the payment of any County or road district bonds, warrants, or other evidences of indebtedness against said road;

3. That the County agrees to remove or abate any and all encroachments or encumbrances on said road and the right-of-way thereof at its sole expense and before designation by the Highway Commission, and the County further agrees to obtain any new or additional rightofway upon request of the State on location to be approved by the State Highway Engineer should same be considered necessary or desirable to the proper maintenance, construction, or reconstruction of said road as a part of the State system.

4. That the County agrees to indemnify and save harmless the State from any and all claims, demands, actions, or causes of actions arising from any defects in the title of right-of-way and from or growing out of or damage to property resulting in any manner from the construction or maintenance of such road either prior to or after the designation of such road as a highway, which have accrued or may accrue prior to the time such highway is reconstructed by the State.

RESPONSIBILITY OF THE STATE:

1. In consideration of which agreements, waivers, and covenants to be faithfully kept and performed by the County, the State agrees to designate the county road from Mt. Pleasant-Southwest to Monticello as a farm-to-market road and to construct, reconstruct, and/or maintain the same at the sole cost and expense of the State as a part of the system of designated highways of Texas as contemplated and set forth in Chapter 1, Title 116, and Chapter 186, General Laws of the Regular Session of the Thirty-ninth Legislature and amendments thereto.

ATTEST: Mrs. J. A. Glass,  
County Clerk Titus County, Texas.

County of Titus  
By Ed Dickson,  
County Judge, Titus County, Texas.

APPROVED:

\_\_\_\_\_  
Chairman, State Highway Commission  
\_\_\_\_\_  
Member, State Highway Commission  
\_\_\_\_\_  
Member, State Highway Commission

THE STATE OF TEXAS:

BY \_\_\_\_\_  
State Highway Engineer

APPROVAL RECOMMENDED:

\_\_\_\_\_  
District Engineer

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant Attorney General.

There being no further business court adjourned to meet in regular session, April 2,  
1945 upon motion by Commissioner Banks, seconded by Comm. Fleming, all voted "Aye".

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