

REGULAR MEETING—June 11, 1945

The Commissioners' Court of Titus County, Texas, met in Regular Session, June 11, 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 Precinct No. One
Neil Fleming	Commissioner Precinct No. Two
C. H. Wilson	Commissioner Precinct No. Three
C. N. Goodwin	Commissioner 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:

IN THE MATTER OF ENTERING INTO CONTRACT WITH STATE OF TEXAS FOR COUNTRY ROAD FROM FRANKLIN COUNTY LINE WEST OF TALCO TO WILKINSON.

Upon motion by Commissioner Wilson duly seconded by Commissioner Fleming, 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 Franklin County Line West of Talco to Wilkinson 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-eighth Legislature, 1943, and construct, reconstruct, and/or maintain the same at the same 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, waivers, and covenants on the part of the County, the State shall agree to designate the county road from Franklin County Line West of Talco to Wilkinson 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.

STATE OF TEXAS |
COUNTY OF TRAVIS |

This agreement made this 11 day of June, 1945, by and between the State of Texas through the State Highway Commission 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 1945, 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 Franklin County Line West of Talco to Wilkinson designated by the Highway Commission as a farm-to-market road undertaken 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 on 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.

A G R E E M E N T

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 No. 7, Page 46, the following order:

Regular Meeting, June 11, 1945.

The Commissioners' Court of Titus County, Texas, met in Regular Session June 11, 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 Wilson duly seconded by Commissioner Goodwin, 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 Franklin County Line West of Talco to Wilkinson 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, waivers, and covenants on the part of the County, the State shall agree to designate the county road from Franklin County line West of Talco to Wilkinson 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

THE STATE OF TEXAS |
 COUNTY OF TITUS |

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

M780281

County, Texas.

Given under my hand and seal of office this 11 day of June, A. D. 1945.

Mrs. J. A. Glass, County Clerk,

Titus County, Texas.

(SEAL)

2. That the County agree 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 agree 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 agree to obtain any new or additional right-of-way 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 agree 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 agree to designate the county road from Franklin County Line West of Talco To Wilkinson 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.

Maintenance on the existing road will not be assumed until such time as sufficient improvement has been made to justify adequate maintenance.

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

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

APPROVED:
John S. Meaditt
Chairman, State Highway Commission
F. E. Kretsch
Member, State Highway Commission
Member, State Highway Commission

THE STATE OF TEXAS
By D. C. Gray
State Highway Engineer
APPROVAL RECOMMENDED
Ed Blumstein
District Engineer

APPROVED AS TO FORM:

Assistant Attorney General.

IN THE MATTER OF ENTERING INTO CONTRACT WITH STATE HIGHWAY DEPARTMENT FOR FARM TO MARKET ROAD FROM A POINT NORTH OF CYPRESS CREEK TO FRANKLIN COUNTY LINE (NEAR MACON)

ORDER OF COMMISSIONERS' COURT
TITUS COUNTY, TEXAS.
REGULAR MEETING, June 11, 1945

The Commissioners' Court of Titus County, Texas, met in Regular Session, June 12, 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
Hail 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 Banks 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 a Point North of Cypress Creek to Franklin County Line (near Macon) 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-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, waivers, and covenants on the part of the County, the State shall agree to designate the county road from a Point North of Cypress Creek to Franklin County Line (near Macon) as a farm-to-market road and to construct, reconstruct, and/or maintain the same as 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
Hail Fleming	yes
C. H. Wilson	yes
C. N. Goodwin	yes

STATE OF TEXAS |
COUNTY OF TRAVIS |

THIS agreement made this 11 day of June, 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 , 1945, 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 a point North of Cypress Creek to Franklin County Line (near Macon) 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 on 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 No. 7, Pages 50 the following order;

REGULAR MEETING, JUNE 11, 1945.

The Commissioners' Court of Titus County, Texas met in Regular Session, June 11, 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 Banks 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 a Point North of Cypress Creek to Franklin County Line (near Macon) 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, waivers, and covenants on the part of the County, the State shall agree to designate the county road from a Point North of Cypress Creek to Franklin County Line (near Macon) 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 |

THE STATE OF TEXAS |
COUNTY OF TITUS |

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 11 day of June, A. D. 1945.

Mrs. J. A. Gless, 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 right-of-way 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 a Point North of Cypress Creek to Franklin County Line (near Mecon) 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.

Maintenance on the existing road will not be assumed until such time as sufficient improvement has been made to justify adequate maintenance.

Attest: Mrs. J. A. Gless, County Clerk County of Titus
Titus County, Texas. By Ed Dickason, County Judge, Titus County, Texas.

APPROVED: John S. Radditt THE STATE OF TEXAS
Chairman, State Highway Commission
F. E. Knetsch By D.C. Greer
Member, State Highway Commission State Highway Engineer

Member, State Highway Commission APPROVAL RECOMMENDED:

APPROVED AS TO FORM: Ed Bluesteine
Assistant Attorney General District Engineer.

Assistant Attorney General

IN THE MATTER OF ADVANCING ASSESSING FEE TO TAX COLLECTOR AND ASSESSOR.

To: The Commissioners Court of Titus County.

Sirs:

As the fee account of this office is insufficient to compensate the deputy assessors, I am asking a loan of \$600.00 from the county for this work.

Signed: W.W. Mason, Tax Assessor-Collector
Titus County, Texas.

Motion by Commissioner Fleming seconded by Commissioner Goodwin to authorize the County to advance \$600.00 payable out of Permanent Improvement Available Fund to W.W. Mason Assessor Collector on assessment of taxes for 1945. This fund to be re-imbursed according to pro-ration of funds in October 1945, Texas. All vote "Aye".

IN THE MATTER OF APPROVING MONTHLY ACCOUNTS

Motion by Commissioner Banks, seconded by Commissioner Wilson to approve the monthly accounts as same appear of record in Vol. 7, Minutes Account Allowed, all members voted "Aye" motion carried.

IN THE MATTER OF APPROVING TAX COLLECTOR-ASSESSOR'S MONTHLY REPORT

Motion by Comm. Goodwin, seconded by Commissioner Banks to approve W. W. Mason, Tax Collector & Assessors' monthly report, all voted "aye" report approved.

IN THE MATTER OF APPROVING OFFICERS EXPENSE ACCOUNTS:

Motion by Commissioner Fleming seconded by Commissioner Wilson to approved the officers expense accounts as follows:

Frank Madison	Justice of Peace	\$5.00
Aubrey Medfearn	Sheriff	378.47
W. W. Mason	Tax Collector	312.30
L. W. Vase	Co. Attorney	5.03
Mrs. J. A. Glass	County Clerk	144.27
Frank Madison	Justice of Peace	6.15
Thos. Hood	District Clerk	1.50

All voted "Aye", motion carried.

There being no further business before the court, motion by Goodwin, seconded by Fleming to adjourn, all voted "Aye" motion carried.
