REGULAR MEETING-June 11, 1945

The Commissioners' Court effitus 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 L. C.Banks Neil Fleming C. H. Wilson C. H. Goodwin Mrs. J. A. Glacs

County Judge Commissioner Precinct No. cms Commissioner Precinct No. Two Commissioner Precinct No. Three Countsioner Precince No. Four County Clerk and Ex-efficie Clerk of Tounty Commissioners' Court.

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

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

Upon motion by Commissioner Wilson duly seconded by Commissioner Flaming, 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 end/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 as 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/er road district bonds, warrents, or other evidences of indebtedness against said road; to agras to remove or abate any and all encroschments or encumbraness on said road or right of way at the sole supense 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 ascessary 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 read either prior to or after the designation of each 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 Telco to Wilkinson as a ferm-to-market road end 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 Lews 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
Neil Fleming
C. H. Wilson
C. N. Goodwin

748 748 STATE OF TEXAS I

This agreement made this 11 day of June, 1945, by and between the State of Taxas through the State Bighway Commission hereinafter called the County, Party of the Second Part, acting by and through its duly authorized County Judge.

WITHESETH

WHERAS, Senate Bill No. 348, emacted by the Forty-Eighth Legislature of Texas in regular esseion 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 shell 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 esting 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 sgidences of indebtedness outstanding against such road for the construction or improvement of the road before being designated by the State Highway Commission; and

MHERRAS, Titue County seeks to have its road from Franklin County Line West of Talco to Wilkinson designated by the Lighway Commission as a ferm-to-market road endtaken 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 avidences of indebtedness incurred by the County and/or road district in the construction, reconstruction, or maintenents 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 ambodied 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 ferm-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 Senete Bill No. 348 hereinabove referred to and such other and further conditions as may be hereinafter more fully set out.

AGHERMENT

For end in consideration of the covenants, agreements, and waivers herein contained to be mutually kept and parformed it is understood and agreed by and between the partise hereto:

RESPONSIBILITY OF THE COUNTY;

1. That the County has passed and entered of record in its official minutes in Volume No. 7, Pages 46, the following order:

Regular Meeting, June 11, 1945.

The Commissioners' Court of Titus County, Texas, set in Regular Session June 11, A. D.

1945, at the Courthouse offices County in the City of Mt. Pleasant, Texas, et 100'eleck.

A. M., with the following members present, to-wit:

Ed Dickson, County Judge L. C. Benke, Commissioner of Precinct No. Que. Neil Fleaing Commissioner of Precinct No. Two G. H. Wilson Commissioner of Precinct No. Three C. M.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 hade 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 end 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 end/or road district bonds, warrents, or other swidenoss of indebtedness incurred by Titus County and/or road district in the construction, reconstruction, or maintenence of the county road from Franklin County Line West of Telco to Wilkinson upon condition the bighway Commission of Texas will designate such road as a farm-to-market road as contamplated by S.B. No. 345. 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 perticipation by the State in the payment of any County and/or road district bonds. warrants, or other swidences of indebtedness against said road; to agree to remove or abate any and all encroschments or encumbrances on said road or right-of-way at the sole expensa of the County before its designation by the Highway Commission, and to further agree to botsin at its expense any new or additional right-of-way on location approved by the State Righway Engineer at any time the mame should be considered ascessary or desirable to the proper maintenence, 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 occuses 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 ofTalco to Wilkinson as a farm-to-market road and to construct, reconstruct, end/or maintain the same at the sole cost and expense of the State as a part of the system of designated highways of Texas se 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 esfollows:

L. C. Banks yes
Neil Fleming yes
C; H. Wilson yes
C. N. Godwin 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 atrus and correct copy of the order of the Countseioners' Court of Titus Sounty as the same appears on record in the office of the County Clerk, Titus County, Texas, in Volume 7 of the Minutes of the Countseioners' court of Titus

County . Texas .

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

Mre. J. A. Glass, County Clerk,

(SEAL)

78028

Titus County, Texas.

- 2. That the County agrees to and does hereby waive and relinquisy 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, werrants, 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 Eighway 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, werrants, or other evidences of indebtedness against acid road.
- 3. That the County agrees to remove or abata any and all eneroschments or encumbfances 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 raght-of-way and from or growing out of or damage to property resulting in any manner from the sometruction or maintenance of such road either prior to or after the designation of such road as a highway, which have secrued or may scorus prior to the time such highway is reconstructed by the State.

RESPONSIBILITY OF THE STATE:

1. In consideration of which agreements, weivers, and covenants to be feithfully kept and performed by the County, the State agrees 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-Winth Legislature and amendments thereto.

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

ATTEST: Mrs. J.A. Glasa, Gounty Clerk, Titus Co.Texas, County of Titus By Ed Dickson, County Judge Titus County, Texas.

THE STATE OF TEXAS

By D. C. Greer

State Highway Angineer

APPROVAL RECOMMENDED

Ed Bluesteine

District Engineer

Assistant Attorney General.

140011

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

> ORDER OF COMCSSIONERS' COURT TITUS COURTY, TEXAS. REGULAR MEETING, June 11, 1945

The Commissioners' Court of Titus County, Texas, ast 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 L. C. Banks Neil Fleming C. H. Wilcon C. N.Goodwin Mrs. J. A. Glass County Judge Commissioner of Precinct Ho. One Commissioner of Precinct Ho. Two Commissioner of Precinct Ho. Three Counts 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 Titue 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 Mherein Titus County will agree to waive and relinquish any and all rights. Siths 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, warrents, 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 Mecon) 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 Taxas: that the designation of the road by the Highway Commission shall never form the basis of a cleim for participation by the State in the pay ment 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 encroathments or encumbraness on said road or right-of-way at the cole expanse 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 mave harmless the State from all claims, demands, actions or causes of actions srising from or growing out of or damage to property resulting in any manner from the construction or maintenance of auch road either prior to or after the designation of such road as a highway, which have accrued or may accouse 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 ferm-to-market road end to construct, reconstruct, and/or maintain the same as the cole cost and expense of the State as a part of the system of designated highwaya 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 emendments thereto.

Upon vots heing taken, the for egoing order was passed, the members present voting as follows:

L. C. Banke yes Neil Fleming yes C. H. Wilson yes C. M. Goodwin yes 478028i

STATE OF TEXAS I

.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 theCounty offitus hereinafter called the County, Party of the Second Part, acting by and through its duly authorized County Judge.

WITHESSETE

MHERRAS, Senate Bill No. 345, enacted by the Forty-Eighth Legislature of Texas in regular assession 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 farme-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 end/or road district may have for participation by the State in the payment of any indebtedness insured 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 weiving 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 eachs to have its road from a point North of Cypress Creek to Franklin County Line (near Macon) designated by the Highway Commission as a ferm-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, werrants 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 Eighwey Commission is agreeable and willing to designate such road as a ferm-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 expanse of the State conditioned upon the full compliance by the County with the provisions and requirements of Senate Bill No. 348 hereinabova referred to and such other and further conditions as may be hereinafter more fully set out.

AGREMENT

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 satered of record in its official minutes in Volume No. 7, Pages 50 the following order;

REGULAR MERTING, 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 Dickeon
C. C. Benke
Commissioner of Precinct No. One
Reil Fleming
C. H. Wilson
C. H. Goodwin
Mrs. J.A. Glass
County:Clerk, and Ex-officio Clerk
of County Commissioners' Gourt.

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

Upon motion made by Commissioner Fleming duly esconded by Commissioner Banks the following action was taken:

BE IT ORDERED by the Commissioners' Court of Titus County that Ed Dickson, County Judge of Titue County be and he is hereby authorized to enter into and executs for and on behalf of Titue County an agreement with the State of Texas wherein Titus County will agree to waive and relinquish any end ell rights Titus County and/or road district has or may have for participation by the State in the payment of any flounty and/or road district bonds. werrants, or other evidences of indebtedness incurred by Titus County and/or road district in the Construction, reconstruction, or meintenance of the county road from a Point North of Cypress Creek to Frenklin County Line (nes Macon) upon condition the Highway Commission of Texas will designate such road as a ferm-to-market road as contemplated by S.B. Mo. 348. Acts of the Forty-Eighth Legisleture, 1943, and construct, reconstruct, end/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 besis 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 egree to remove or shate any and all encroschmente of encumbrances on said road or rightof-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 eave heralese the State from all claims, demands, actions or causes of actions arising from or growing out ofor demags to property resulting in any manner from the construction or maintenance of such road sither prior to er 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 Cypraes Creek to Frenklin County Line (near Magon) 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, Ueneral Laws of the Regular Session of the Thirty-Ninth Legislature and emendments therato.

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

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

THE STATE OF TEXAS I

I, Clerk of the County Court in and for the County of Titue, 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 theoffice of the County Clerk, Titus County, Texas, in Volume 7 of the Minutes of the Commissioners' Court . of Titus County, Tedas.

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

Mrs. J. A. Glees, County Clerk,

(SEAL)

Titus County, Texas.

- 2. That the County agrees to and does hereby waive and relinquish any end 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 design nation of the road by the Highway Commission shall never form the basis of a claim for perticipation by the State in the payment of any County or road district bonde, warrants or other evidences of indebtedness against said road.
- 3. That the County agrees to remove or abate any end all ancroschments or angumbrances on said road and the right-of-wey 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 seas 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 demage 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 Cypresa Creek to Franklin County Line (neer Macon) as a ferm-tomarket road end to construct, reconstruct, and/or maintain the same at the cole cost and expense of the State or 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-Minth 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.

Mrs. J. A. Glass, County Clerk County of Titus By Ed Dickson, County Judge, Titus County, Texas. Titue County, Texas.

John S. Radditt
THES
Chairman, State Highway Commission
F. E. Knetsch APPROVED: THESTATE OF TEXAS

Member, State Highway Commission

D.C. Greer

By State Highway Engineer

Member, State Highway Commission APPROVAL RECOMMENDED:

APPROVED AS TO FORM:

Ed Bluesteins District Engineer.

Assistant Attorney Ceneral

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

TO: The Commissioners Court of Titus County.

Size:

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

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

Motion by Commissioner Flaming ascended 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 assording to proration of funds in October 1945, Texas. All vote "Ays".

IN THE MATTER OF APPROVING MONTHLY ACCOUNTS

Motion by Commissioner Benks, asconded 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, accorded by Commissioner Banks to approve W. W. Mason, Tax

Collector & Assessors' monthly report, all voted "eye" report approved.

IN THE MATTER OF APPROVING OFFICERS EXPENSE ACCOUNTS:

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

Frank Medison	Justice of Peace	85.00
Aubrey Redfearn	Sheriff	378.47
W. W. Mason	Tax Collector	312.30
L. W. Vance	Co. Attorney	5.03
Mrs. J. A. Glass	County Clerk	144.27
Frank Madison	Justice of Peace	6.15
Thos. bood	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.