

**COMMISSIONERS' COURT  
REGULAR MEETING  
MARCH 11, 2002**

**BE IT REMEMBERED THAT THE TITUS COUNTY COMMISSIONERS' COURT  
met in *Regular Session* on Monday, March 11, 2002, in the Titus County Courtroom with  
the following members present:**

DANNY P. CROOKS.....COUNTY JUDGE  
BOB FITCH.....COMMISSIONER PRECINCT 1  
MIKE FIELDS.....COMMISSIONER PRECINCT 2  
BILLY J. THOMPSON.....COMMISSIONER PRECINCT 3  
THOMAS E. HOCKADAY.....COMMISSIONER PRECINCT 4  
SHERRY JO MARS.....COUNTY CLERK

**ABSENT: NONE**

**PUBLIC AND COUNTY OFFICIALS ATTENDING MEETING**

CARL JOHNSON,COUNTY AUDITOR  
SANDY AGAN, COUNTY TREASURER

CLARISSA CUTRELL  
BOB GRAY  
JAKE NARRAMORE  
MIKE PRICE

PHILLIP CROMWELL  
JOHN HICKMAN  
NORMA NARRAMORE

**IN THE MATTER OF  
CONSIDER AND POSSIBLY APPROVE DEPUTATION  
OF NARVEL E. PARKER AND KENNETH A WILSON  
AS DEPUTY PATROL SHERIFFS**

**Motion was made by Commissioner Billy Jack Thompson and seconded by  
Commissioner Bob Fitch to approve the deputations of Narvel E Parker and Kenneth A.  
Wilson as deputy patrol sheriffs. Motion carried unanimously.**

IN THE MATTER OF  
DISCUSS AND POSSIBLY APPROVE VALORA TELECOMMUNICATIONS  
"NOTICE OF PROPOSED INSTALLATION BURIED CABLE  
LAY AND BURY CABLE ALONG NORTH ROW OF CR SE37,  
PRECINCT 4

Motion was made by Commissioner Thomas Hockaday and seconded by Commissioner Billy Jack Thompson to approve Valora Telecommunications "Notice of Proposed Installation Buried Cable" with the exception of boring along and under all roads & driveways. EXHIBIT A

IN THE MATTER OF  
CONSIDER RESOLUTION AND TAX RESALE DEED PROPERTY:  
75 FEET BY 50 FEET BEING A STRIPP OFF OF THE SOUTH SIDE  
OF LOTS 7, 8, & 9, ALSO KNOWN AS LOTS 7A, 8A, & 9A, BLOCK 7,  
CITY OF TALCO AS DESCRIBED IN VOLUME 521, PAGE 3, DEED  
RECORDS OF TITUS COUNTY, TEXAS (ACCT. #R26727  
TALCO-BOGOTA CISD, #27120-00700-0071 CITY OF TALCO

Motion was made by Commissioner Bob Fitch and seconded by Commissioner Mike Fields to approve Resolution and Tax Resale Deed for property in heading. Motion carried unanimously. EXHIBIT B

IN THE MATTER OF  
ORAL AND WRITTEN REPORTS  
OF COUNTY OFFICIALS

Motion was made by Bob Fitch and seconded by Mike Fields to approve reports from County Auditor, Justice of the Peace Precinct #2, Justice of the Peace Precinct #1, County Treasurer, County Tax Assessor, District Clerk, Mt. Pleasant Fire Department, Five Star Volunteer Fire Department, Nortex Volunteer Fire Department. Motion carried unanimously.

IN THE MATTER OF  
APPROVING BUDGET AMENDMENTS

No motion or second was made. No action taken

IN THE MATTER OF  
SIGNING PAY ORDERS AND APPROVING PAYMENT

Motion was made by Commissioner Billy Jack Thompson and seconded by Commissioner Mike Fields to approve signing of pay orders and paying bills. Motion carried unanimously.

IN THE MATTER OF  
ADJOURNMENT

Motion was made by Billy Jack Thompson and seconded by Commissioner Mike Fields to adjourn. Motion carried unanimously.

2-26-02

THOMAS E. HOCKADAY  
TITUS COUNTY Commissioner, Precinct 4  
100 W. FIRST ST. SUIT 200  
MT. PLEASANT, TX. 75455

ROW 2      TITUS COUNTY, TEXAS - ORDER NUMBER, 3C0D2CX  
DAINGERFIELD, TX.

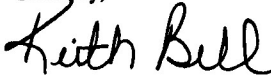
Dear Sir:

Enclosed are three copies each of the form "Notice of Proposed Installation Buried Cable", a location map and construction prints from our order number 3C0D2CX at, \_DAINGERFIELD, TX..

Our plans are to place a buried communications cable along the right-of-way of a TITUS CR\_SE37\_\_\_\_\_, County road, as shown on the attached construction prints.

If this work meets with your approval, please issue a permit to this office or contact me at 903-223-4666 if further information is required.

Sincerely,



A. KEITH BELL  
Senior Designer-Access Design  
VALORA TELECOM  
1405 E. NEW BOSTON RD.  
NASH, TX. 75569  
903-223-4666  
AKB: jh  
Enclosures

**VALOR Telecommunications**

**NOTICE OF COMMUNICATION LINE INSTALLTION**

**2-26-02**

**3C0D2CX DAINGERFIELD, TX.**

TO THE COMMISSIONERS COURT OF TITUS COUNTY  
100 W. FIRST ST. SUIT 200  
MT. PLEASANT, TX.

75455

ATTENTION COUNTY JUDGE: DANNY CROOKS

Formal notice is hereby given that Valor Telecommunications, will construct a communication line within the right-of-way of a County Road SE37 in TITUS County, Texas as follows:

VALOR proposes to bury a communications cable along the NORTH ROW of CR SE37 beginning apx. 3/10 mile West of the junction of CR SE35, continuing Westward along CR SE37 for apx. 320 ft., turning South apx. 30 ft. including 18 ft. bore under SE 35 to the South ROW.

The location and description of this line and associated appurtenances is more fully shown by three copies of drawings attached to this notice. The line will be constructed and maintained on the County Road right-of-way in accordance with governing laws.

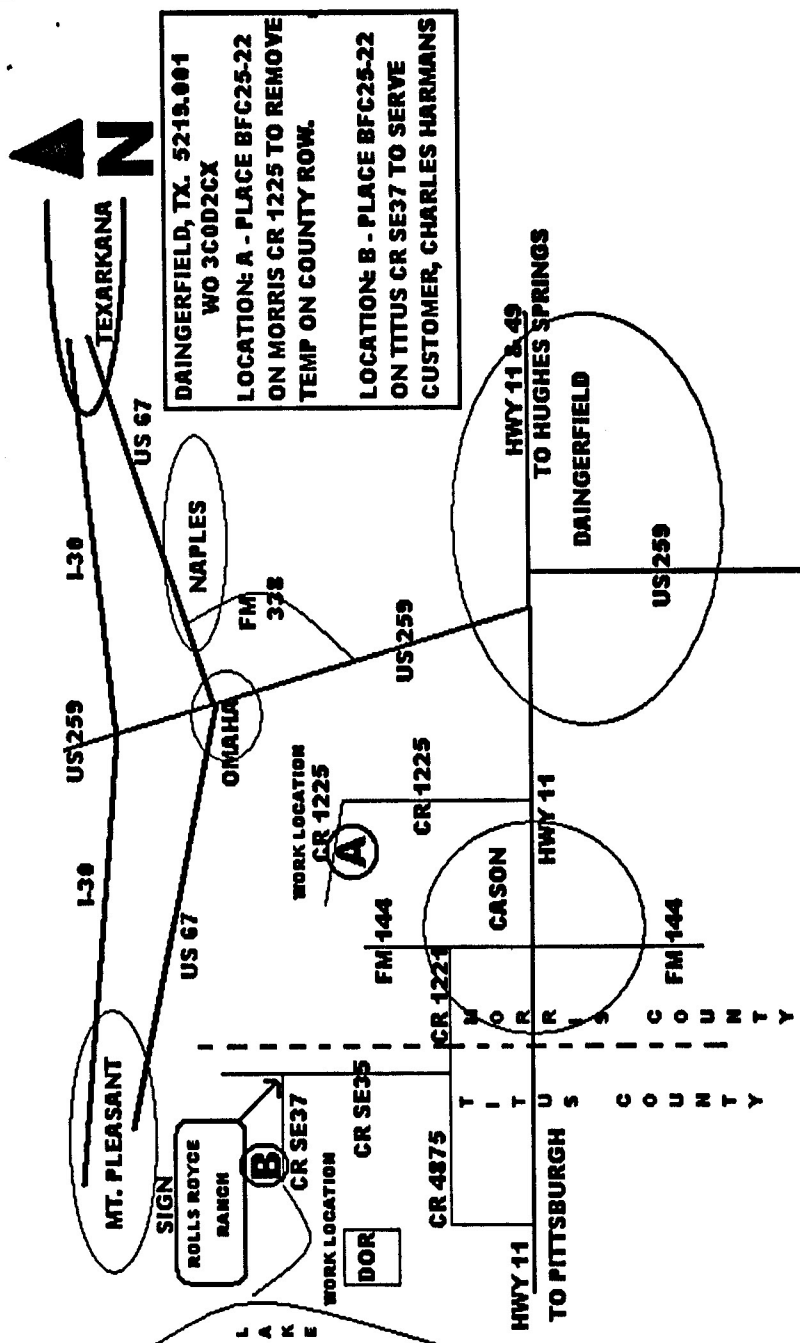
Notwithstanding any other provision contained herein, it is expressly understood that tender of this notice by the Valor Telecommunications, does not constitute a waiver, surrender, abandonment or impairment of any property rights, franchise, easement, license, authority, permission, privilege or right now granted by law or may be granted in the future and any provision or provisions so construed shall be null and void.

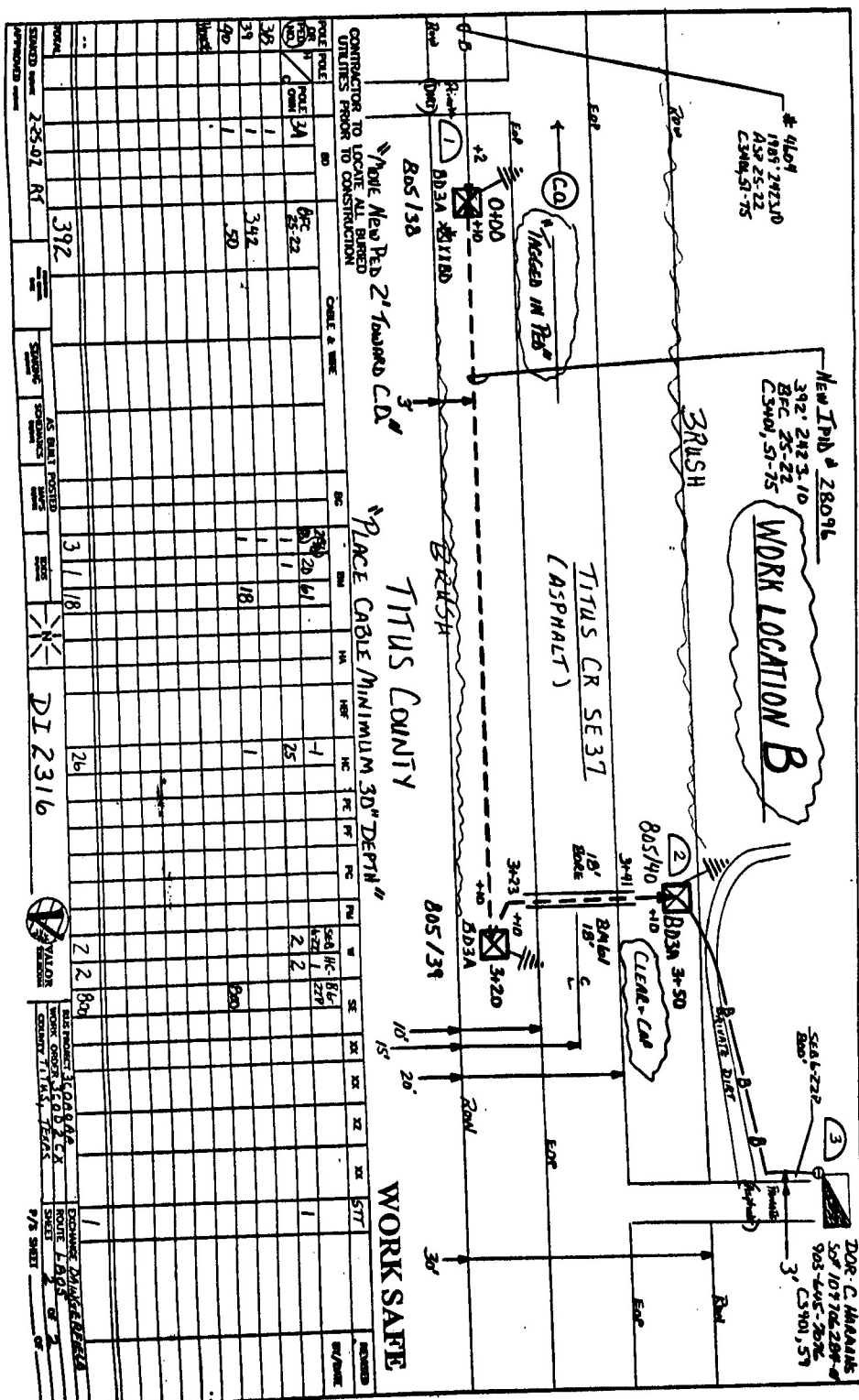
Construction of this line will begin on or after 10th day of March, 2002.

VALOR Telecommunications

*Keith Bell*

Keith Bell  
Senior Designer-Access Design  
1405 E. New Boston Rd.  
Nash, TX 75569  
903-223-4666





## EXHIBIT B

RESOLUTION NO. \_\_\_\_\_

WHEREAS, Titus County has become the owner of certain real property (see attached Exhibit "A") by virtue of the fact that a sufficient bid was not received at a sale conducted by the Sheriff pursuant to an order of the District Court in Cause No. 24,261 (see attached Exhibit "A")

WHEREAS, a potential buyer of the property has come forward, and

WHEREAS, all taxing entities involved in the above referenced cause must consent to the sale of the hereinabove described real property, and

WHEREAS, it is to the benefit of all the taxing entities involved that the property be returned to their respective tax rolls;

## NOW THEREFORE BE IT RESOLVED BY THE

Commissioners Court of Titus County, Texas

That the County Judge be and is hereby directed and authorized to execute the deed and any and all documents necessary to convey the hereinabove described real property to (see attached Exhibit "A")

for and in consideration of the cash sum of (see attached Exhibit "A"), said money to be distributed pursuant to Chapter 34 of the Texas Property Tax Code.

Resolved this the 11 day of March, 2002.

Attest:

Darryl Crook  
County Judge  
Titus County, Texas

Sherry Marie Byrd  
County Clerk  
(seal) Deputy

Those Voting Aye Were:

Darryl Crook  
R. J. Fitch  
Trish Fields  
Billy D. Hamman  
Thomas E. Hockaday

Those Voting Nay Were:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



IN TESTIMONY WHEREOF Titus County has caused these presents to be executed this 18<sup>th</sup>  
day of March, 2002.

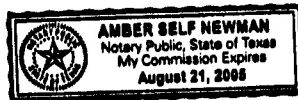
Titus County

BY: Danny P. Clark  
County Judge

STATE OF TEXAS X

COUNTY OF TITUS X

This instrument was acknowledged before me on this 18 day of March 2002  
2002, by Danny P. Clark, County Judge of Titus County, Texas.



Amber Self Newman  
Notary Public, State of Texas  
Commission Expires: 8-21-2005

**EXHIBIT "A"**

**Cause No.** Talco-Bogata Consolidated Independent School District  
and City of Talco vs. John L. Van Buskirk, et al

**Tax Warrant Date** April 10, 2000

**Taxes due at Tax** \$1,376.83 Talco-Bogata CISD  
**Warrant date** \$1,000.46 City of Talco  
\$164.17 Titus County

**Account No.** 27120-00700-0071/R26728

**Adjudged Value** \$800.00

**Present Bid** \$400.00

**Bidder** Mark Gable  
P. O. Box 353  
Talco, TX 75487

**PROPERTY DESCRIPTION**

75 feet by 50 feet, being a strip off of the South side of Lots 7, 8 & 9, also known as  
Lots 7A, 8A & 9A, Block 7, City of Talco

**TAX RESALE DEED**

STATE OF TEXAS

X

X

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TITUS

X

That the City of Talco, Trustee, Rivercrest Independent School District, formerly known as Talco-Bogata Consolidated Independent School District and Titus County, acting through the presiding officer of their governing bodies, hereunto duly authorized by resolution and order of each respective governing body which is duly recorded in their official Minutes, hereinafter called grantors, for and in consideration of the sum of \$800.00 cash in hand paid by

MARK GABLE  
P. O. BOX 353  
TALCO, TX 75487

hereinafter called grantee(s), the receipt of which is acknowledged and confessed, has quitclaimed and by these presents do quitclaim unto said grantee(s) all of the right, title and interest of all other taxing units interested in the tax warrant foreclosure against the property herein described, acquired by tax warrant foreclosure sale heretofore held under Cause No. 24,261, Talco-Bogata Consolidated Independent School District and City of Talco vs. John L. Van Buskirk, et al, in the district court of said county, said property being located in Titus County, Texas, and described as follows:

75 FEET BY 50 FEET, BEING A STRIP OFF OF THE SOUTH SIDE OF LOTS 7, 8 & 9,  
ALSO KNOWN AS LOTS 7A, 8A & 9A, BLOCK 7, CITY OF TALCO, AS DESCRIBED IN  
VOLUME 521, PAGE 3, DEED RECORDS OF TITUS COUNTY, TEXAS (ACCT #R26727  
TALCO-BOGATA CISD, #27120-00700-0071 CITY OF TALCO)

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said grantee(s), his heirs and assigns forever, so that neither the grantors, nor any other taxing unit interested in said tax warrant foreclosure, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

SUBJECT however to the following covenant, condition and restrictions:

(a) The above described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which discriminates against any person because of his race, color or national origin, regardless of whether such discrimination be effected by design or otherwise.

(b) The above described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which creates, maintains, reinforces, renews, or encourages, or which tends to create, maintain, reinforce, renews or encourage a dual school system.

These restrictions and conditions shall be binding upon grantee and grantee's successors, assigns, heirs and personal representatives for a period of fifty (50) years from the date hereof.

The foregoing restrictions and the other covenants hereafter set out are covenants running with the land, and each and every parcel thereof, and shall be fully binding upon any person, firm, partnership, corporation, trust, church, club, governmental body, or other organization or entity whatever (whether private or governmental in nature), without limitation hereinafter acquiring any estate, title, interest or property in said land, whether by descent, devise, purchase or otherwise; and no act or omission upon the part of grantor herein, its successors and assigns, shall be a waiver of the operation or enforcement of such restrictions; but neither restriction shall be construed to be a condition subsequent or special limitation on the estate thereby conveyed.

It is further covenanted, that third party beneficiaries of the restrictions set forth above shall be as follows:

- (1) As to the restrictions set out in (a) above, any person prejudiced by its violation;
- (2) As to the restriction set out in (b) above, any public school district or any person prejudiced by its violation; and
- (3) As to either or both of the restriction set out in (a) and (b) above, the United States of America, as plaintiff, and the America G.I. Forum, the League of United Latin American Citizens (LULAC), and the National Association for the Advancement of Colored People (NAACP), as intervenors, in U.S. v. Texas, Civil Action No. 5281, Tyler Division, U.S. District County, Eastern District of Texas; reported in U.S. v. Texas, 321 F. Supp. 1043 (E.D. Tex. 1970); U.S. v. Texas, 330 F. Supp. 235 (E.D. Tex. 1971); aff'd with modifications sub. nom. U.S. v. State of Texas and J. W. Edgar, et al., 447 F2d 441 (5 Cir. 1971); stay den. sub. nom. Edgar v. U.S., 404 U.S. 1206 (1971); cert den. 404 U.S. 1016 (1972).

It is further covenanted that in case of violation of either or both of the above restrictions, any of the third party beneficiaries above alluded to is authorized and empowered to prosecute proceedings at law or in equity against any person, firm, partnership, corporation, trust, church, club, governmental body or other organization or entity whatever (whether private or governmental in nature), without limitation:

- (A) To enforce either or both of such restrictions relating to the use of the above-described realty;
- (B) To abate or prevent violations of either or both of such restrictions; and
- (C) To recover damages for a breach of either or both such restrictions.

It is further covenanted, that is any third party beneficiary referred to above shall prosecute proceedings at law or in equity for the aforesaid purposes, such third party beneficiary may recover reasonable attorney's fees from the violator or violators of either or both of such restrictions, of the Court finds that the proceedings were necessary to bring about compliance therewith.

Taxes for the present year are to be paid by grantee(s) herein.

This deed is given expressly subject to any existing right of redemption remaining in the former owner of the property under the provisions of law and also subject to any recorded restrictive covenants running with the land, and valid easements of record as of the date of this sale, if such covenants or easements were recorded prior to January 1 of the year the year the tax lien(s) arose.