

line of J. L. Lineberger tract; THENCE E. with Lineberger's S. bd line 146.3 vrs, to S. E. corner of same; THENCE N. 246 vrs to S. W. corner of E.D. Cochran's 100 acre tract; THENCE E. on S. bd. line 1002 vrs to S. E. corner of same; THENCE N. 563 1/2 vrs to N. E. corner; THENCE W. with N. bd line 548 vrs to S. E. corner of John Clay land; THENCE N. 859 vrs to S. bd. line of Mrs. M. L. Abernathy's tract; THENCE W. 57 vrs to S. W. corner of same; THENCE N. 282.3 vrs. to N. W. corner of Abernathy's tract; THENCE E. 57 vrs. to S. E. corner of R. S. King land; THENCE N. 107 vrs to his N. E. corner; THENCE with Cherokee Trace road through W. W. Weems tract as follows: N. 2 1/2° E. 162 vrs; N. 8° E. 225 vrs; N. 18 1/2° E. 40 vrs; N. 26° E. 66 vrs; N. 37 1/2° E. 115 vrs; N. 12 3/4° E. 99 vrs; N. 8 1/2° W. 213 vrs; N. 2 1/2° W. 69 vrs; N. 6° W. 77 vrs; to S. Bd line of W. A. Ellison tract; THENCE W. 1086 vrs to S. E. corner of Fred Reed's land; THENCE N. 1047.5 vrs vrs. with said Reed's and Ellison's line to a stake at W. O. Spencer's S. E. corner on Scroggins Mill Road and J. B. Ellison's S. W. corner; THENCE W. 800 vrs to the N. W. corner on the Mattie McCoy tract; THENCE S. 230 vrs to the N. E. corner of Ollie Moore's 45 acre tract; THENCE W. 1485 vrs to the corner on the East line of O. W. Lewis Head-right Survey; THENCE N. 1420 vrs to the place of beginning.

II.

BE IT FURTHER ORDERED that a certified copy of this order be made and transmitted by the County Clerk to the County Clerks of Camp and Wood Counties, respectively, for the records of the Commissioners' Courts of such counties.

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The above order having been read in full, it was moved by Commissioner E. H. Shaw and seconded by Commissioner Jim Shockey that the same be passed and adopted. Thereupon, the question being called for, the following members of the Commissioners' Court voted "AYE": Commissioners \_\_\_\_\_; and none voted "NO".

The County Judge declared the motion carried and the order duly passed and adopted.

WITNESS THE SIGNATURES OF THE MEMBERS OF THE COMMISSIONERS' COURT OF UPSHUR COUNTY, TEXAS, this the 9th day of May, 1949.

W. A. Lunsford, County Judge, Upshur County, Texas  
 Jim Shockey, Commissioner of Precinct No. 1  
 E. H. Shaw, Commissioner of Precinct No. 2  
 A. B. Reynolds, Commissioner of Precinct No. 3  
 \_\_\_\_\_ Commissioner of Precinct No. 4.

FILED FOR RECORD May 9, 1949, James Poole, Co. Clerk, Upshur County, Texas.

---W. A. Lunsford  
 Jim Shockey  
 E. H. Shaw  
 A. B. Reynolds  
 D. W. Gatlin

May 11, 1949.

Commissioners' Court met in Special Session with all members present.

Motion made, seconded and carried that hearing on petition and order setting same concerning Road Bond Election in the amount of \$75,000.00 in and for Road District No. 1-B Upshur County, Texas, be set down for May 27, 1949, at 10:00 o'clock A. M.

ORDER SETTING DOWN FOR HEARING  
 PETITION FOR \$75,000.00 ROAD  
 BONDS OF ROAD DISTRICT NUMBER  
 1-B OF UPSHUR COUNTY, TEXAS

THE STATE OF TEXAS  
 COUNTY OF UPSHUR

ON THIS the 11 day of May, 1949, the County Commissioners' Court of

ABC364

Upshur County, Texas, convened in Special Session, at the regular meeting place of said court in the Courthouse at Gilmer, Texas, all members of the Court, to-wit:

W. A. LUNSFORD,	COUNTY JUDGE, presiding; and
JIM SHOCKEY,	COMMISSIONER, Precinct No. 1;
E. H. SHAW,	COMMISSIONER, Precinct No. 2;
A. B. REYNOLDS	COMMISSIONER, Precinct No. 3;
D. W. GATLIN	COMMISSIONER, Precinct No. 4;

being present; and, among other proceedings had by said Court, were the following:

There came on to be considered a petition signed by R. E. O'Byrne and certain other persons, alleging themselves to be resident property taxpaying voters of ROAD DISTRICT NUMBER L-B, OF UPSHUR COUNTY, TEXAS, who own taxable property in said district and who have duly rendered the same for taxation, praying this Court for an order for a hearing for a bond election to be held within said Road District Number 1-B, for the purpose of voting bonds in the principal sum of \$75,000.00, such bonds to be issued upon the faith and credit of said Road District Number 1-B, a defined District of said County, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, or in aid thereof, in said District; and

WHEREAS, the said Road District Number 1-B, of Upshur County, Texas, was duly created by order of this Court duly passed and entered of record on the 9th day of May, 1949, said order providing that the said District is created and established for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof, under and by virtue of the Constitution and laws of the State of Texas, including Section 52, of Article 3, of the Constitution, and Chapter 16, Acts 1926, First Called Session, amendments thereto; and,

WHEREAS, it further appearing to this court that such petition for said bond election is signed by more than fifty (50) of the resident property taxpaying voters of said Road District Number 1-B, of Upshur County, Texas; and,

WHEREAS, the statute expressly providing that upon the presentation of a petition signed by fifty (50), or a majority, of the resident property taxpaying voters of a road district or political subdivision praying the Court to order an election for the purpose of voting bonds and the levy of taxes in payment thereof, it shall be the duty of the Court to which such petition is presented to fix a time and place at which time such petition shall be heard, which date shall be not less than fifteen (15) days, nor more than thirty (30) days, from the date of the order setting such petition down for hearing; and,

WHEREAS, it further appearing to the Court that said petition sets forth the amount of bonds proposed to be issued, the maximum rate of interest said bonds shall bear, if issued, and the purpose for which such proposed bonds are to be issued; the proposition for the issuance of such bonds, as set forth in such petition, being as follows, to-wit:

"WHETHER OR NOT the bonds of ROAD DISTRICT NUMBER 1-B, of UPSHUR COUNTY, TEXAS, SHALL be issued in the total principal sum of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00) for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, or in aid thereof in said District, and which bonds are to bear interest at the rate of not exceeding THREE PER CENTUM (3%) per annum, and are to be payable at such times as may be deemed most expedient by the Commissioners' Court, but not to exceed two (2) years from the date thereof, and whether or not ad valorem taxes shall be levied on all taxable property within said Road District for the purpose of paying the interest on the said bonds and providing a sinking fund for the redemption or payment thereof at maturity."

AND WHEREAS, the said petition further stipulates and provides that if the said bonds are voted and issued the money received from the sale thereof will be applied to maintaining, re-topping or applying a seal coat to and operating all of the paved macadamized roads not in said district.

AND WHEREAS, it is further stipulated in the aforesaid petition that the proposed improvement will be for the benefit of all taxable property situated in said ROAD DISTRICT NUMBER 1-B, of Upshur County, Texas;

IT IS, THEREFORE, ORDERED BY THE COMMISSIONERS' COURT OF UPSHUR COUNTY, TEXAS:

I.

That the said petition be and the same is hereby set down for hearing before the Commissioners' Court of Upshur County, Texas, in the Commissioners' Court Room in the Courthouse at Gilmer, Texas, at ten o'clock A. M., on the 27 day of May, 1949, the same being more than fifteen (15) days, and less than thirty (30) days, from the date of this order.

II.

That the Clerk of this Court shall forthwith issue a notice of such time and place of hearing, which notice shall inform all persons concerned of the time and place of hearing and of their right to appear at such hearing and contend for or protest the ordering of such bond election. Such notice shall state the amount of bonds proposed to be issued, and shall describe the boundaries of Road District Number 1-B, of Upshur County, Texas, as such boundaries are described and defined in the order of the Commissioners' Court establishing such District.

III.

The Clerk shall execute said notice by posting true copies thereof in three public places within said ROAD DISTRICT NUMBER 1-B, and one at the door of the County Courthouse of the County. Said notice shall be posted for ten (10) days prior to the date of said hearing. Said notice shall also be published in The Gilmer Mirror, a newspaper of general circulation published in said County, and shall be published in said newspaper one time, and the date of publication shall be at least five (5) days prior to the date herein set for the hearing on said petition.

The duties herein imposed upon the Clerk may be performed by said Clerk in person or by Deputy, as provided by law for other similar duties.

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The above order having been read, it was moved by Commissioner Jim Shockey, and seconded by Commissioner E. H. Shaw, that the same be passed and adopted. Whereupon, the question being being called for, the County Judge put the motion to a vote of the members of the Commissioners' Court, and the motion carried by the following vote: Commissioners Shockey, Shaw, Reynolds and Gatlin voting "AYE"; and none voting "NO".

The County Judge declared the motion carried and the order duly passed and adopted, and the County Clerk was instructed to record the same in the Minutes of the Court.

WITNESS THE SIGNATURES OF THE MEMBERS OF THE COMMISSIONERS' COURT OF UPSHUR COUNTY, TEXAS, this the 11 day of May, 1949.

W. A. Lunsford, County Judge

Jim Shockey, Commissioner of Precinct No. 1

E. H. Shaw, Commissioner of Precinct No. 2,

A. B. Reynolds, Commissioner of Precinct No. 3;

D. W. Gatlin, Commissioner of Precinct No. 4;

Filed May 11, 1949, at 1:32 o'clock P. M. James Poole County Clerk, Upshur County, Texas.

W. A. Lunsford

Jim Shockey

E. H. Shaw

ABC361

A. B. Reynolds

D. W. Gatlin

May 19, 1949.

Commissioners' Court met in special session with all members present.

Motion made, seconded and carried that County Clerk be authorized to issue warrant monthly, on General Fund, payable to the City of Gilmer in the amount of \$200.00 for fire protection in County as voted by the Commissioners' Court April 1, 1949, and incorporated in contract on file in County Clerk's office.

"THE STATE OF TEXAS    |

COUNTY OF UPSHUR       |

WHEREAS, the City of Gilmer is a municipal corporation, duly and legally incorporated under and by virtue of the general laws of the State of Texas; and

WHEREAS, the said City of Gilmer is the owner of three fire trucks, i.e.; trucks equipped and specially manufactured for the purpose of fighting fires; and

WHEREAS, the City of Gilmer has agreed to answer fire calls outside the City Limits of the City of Gilmer, subject to the conditions hereinafter set out, for Two Hundred Dollars (\$200.00) per month, beginning April 1, 1949, and a like sum on the 1st day of each month thereafter during the life of this contract.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That the City of Gilmer, acting by and through its Mayor and Board of Aldermen, and the County of Upshur, acting by and through its County Judge and Commissioners' Court, enter into the following contract and agreement, to-wit:

That the City of Gilmer agrees to furnish a fire truck with equipment, hose, booster tank, etc., to answer rural fire calls, that is, fire calls outside the City Limits of the City of Gilmer, provided, however, that said truck or trucks, shall not at any time be required or permitted to leave the City Limits of the City of Gilmer in case of a fire or fires in the City Limits of the City of Gilmer, and should in the opinion of the Fire Chief of the Gilmer Volunteer Fire Department all three trucks now owned by the City of Gilmer be needed in fighting a fire or fires within the City Limits of the City of Gilmer, that the City shall not be required to answer a rural call with either of its said trucks.

It is understood and agreed by and between the City of Gilmer and Upshur County, Texas, each acting as aforesaid, that the City of Gilmer maintains only a voluntary fire department, and that it has only two paid employees, and that the City of Gilmer does not agree to send any particular number of men out with a truck, other than the driver of the truck; but that the City of Gilmer does obligate itself to have the fire alarm or siren sounded, and to request the members of the volunteer fire department to go outside the City of Gilmer, and to help with any fire or fires which the City Volunteer Fire Department may be called upon to extinguish, but does not in any way obligate itself to require its Volunteer Firemen to go outside of the City Limits of the City of Gilmer.

That the sum of Two Hundred Dollars monthly, to be paid by the County of Upshur to the City of Gilmer, for the purposes hereinabove set out, shall be paid out of the general funds of the County of Upshur.

That the above contract was approved by the City of Gilmer at a called meeting of its Board of Aldermen on this 31st day of March, 1949, as appears from the Minutes of the Board of Aldermen of the City of Gilmer.

IN TESTIMONY WHEREOF we have hereunto set our hands this the 31st day of March, 1949.

Robert E. Gates, Mayor, City of Gilmer