



UPSHUR COUNTY COMMISSIONERS COURT

GILMER, TEXAS

July 14, 1969

Commissioners Court met in regular session . Motion made by Fannin second by Holmes to approve application of Arkansas Louisiana Gas Company request to cross County road with 4 inch and 6 inch pipe lines as indicated by attached maps and application.

Motion approved.

\_\_\_\_\_  
*Appie Naples*  
\_\_\_\_\_  
*Bryant Holmes*  
\_\_\_\_\_  
*E. D. Fannin*  
\_\_\_\_\_  
*A. D. Hackler*

Commissioners Court met in regular session . Motion made by Fannin second by Hackler to close County Road running through property of Geo. P. Bane located Southeast of Rhonesboro and to relocate road as per agreement of letters attached to these minutes.  
Motion carried.

\_\_\_\_\_  
*Appie Naples*  
\_\_\_\_\_  
*Bryant Holmes*  
\_\_\_\_\_  
*E. D. Fannin*  
\_\_\_\_\_  
*A. D. Hackler*

We reaffirm to keep and maintain an unrestricted all-weather public road from Hendley Tuckers Northeast property line South and Southeast to another county road, using all means at the County's disposal to keep this road open.

July 3, 1969

Dear Mr Fannin

Mr Bane and myself have agreeded to let him close the county road from my Northeast property corner North across his property provided you will agree to maintain a road South of this property line.

I feel this will suit Jim Murphy, E.T. Langford, Dean Langford and Bud Langford better, they were concerned about a thru road being there.

As described in the enclosed letter I will be in contact with you before the next Commissioners meeting to see if you agree with this agreement and see if the other Commissioners agree with the letter.

Thank you.

Hendley Tucker  
818 Necker Drive  
Tyler, Texas

818 Neches  
Tyler, Texas 75701

June 30, 1969

Mr. George Bane  
220 North Glenwood  
Tyler, Texas 75701

Dear Mr. Bane,

As per our conversation last week, I will not pursue my objections to your closing the county road across your property southeast of Rhonesboro, provided:

1. Commissioner E. L. Fannin and the Upshur County Commissioners Court will vote and place in their records agreeing to keep and maintain an unrestricted all-weather public road from my northeast property line South and Southeast to another county road, using all means at their disposal to keep this road open. Also, provided the other property owners do not attempt to close the road across their property.
2. You will leave the present fence on the East side of my property and build another fence on the East side of the county road to my Northeast property corner. The road to be 35 feet wide. (This is the present distance between the old fences. Also, this width is to be agreed on by Commissioner Fannin that he will maintain a road of this width.)
3. Assist Commissioner Fannin in installing, or install for him, a culbert replacing the weakened bridge, to insure all desiring to use this road to do so without fear of falling through the bridge.

As you suggested, you will clean trees a safe distance from the fences; also, help me with a road and fire lane.

Thank You!!

Yours truly,

*Fendley Tucker*  
Fendley Tucker

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IN THE COUNTY COURT OF UPSHUR COUNTY, TEXAS

On this 14 day of July, 19 69  
came on to be considered the application and petition of  
Arkansas Louisiana Gas Company for permission and authority of  
this court to construct, lay, maintain and operate gas line  
along and across public roads in Upshur County at  
the locations indicated on plat        attached to said application  
filed with this court, and the court having considered said  
application is of the opinion and finds that the same should be  
granted.

It is, therefore, ordered that Arkansas Louisiana Gas  
Company shall be and is hereby granted permission and authority  
to construct and maintain its gas line        over and across public  
roads in Upshur County, Texas, at the locations  
shown on the plat        attached to said Company's application for  
this order heretofore filed with this court; said gas line         
to be constructed and maintained by said Company in such manner  
as not to interfere with the public use of the public roads in  
Upshur County along and under which said pipe line         
shall be constructed and maintained.

It is further ordered that said Company will, while  
constructing and laying said gas line       , keep open such public  
roads so as not to block, or cause traffic to cease: that, if it  
is necessary, the Company will furnish suitable detours for normal  
traffic.

It is further ordered that the Company will, at its own  
expense, replace, repair and restore such public roads with the  
same or similar type of materials to their original condition as  
far as possible.

It is further ordered that the Company will move the  
lines at its own expense in case said County needs that portion  
of the right of way on which the lines are located.

Line F-379

L. G. McLaughlin  
County Judge

Oppie Nobles

August Adams

E. L. Fanning

A. D. Hockler

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STATE OF TEXAS I

COUNTY OF UPSHUR I

Line F-379

TO THE HONORABLE COUNTY COURT OF SAID COUNTY OF UPSHUR,

STATE OF TEXAS:

Your Petitioner, ARKANSAS LOUISIANA GAS COMPANY, a Delaware Corporation, having a permit to do business in the State of Texas, and with its principal office in Shreveport, Louisiana, respectfully represents that it is now engaged in the sale and transportation of natural gas, and has the authority to construct pipelines for transporting such gas through pipelines, and that it desires to construct the following facilities at the location described:

- (1) Proposed 4" gas pipe line crossing County Road in Homer Mings 50 acre tract in Benigno Davenport Survey A-1, as indicated in red on Plat SL-5157, attached.
- (2) Proposed 6" gas pipe line crossing three County Roads in the Juan Bernardo Benigno Davenport Survey A-1, as indicated in red on Plats SL 5155 and SL-5156, attached.

and that in the construction of the said gas pipeline, it will be necessary to lay its pipeline, in and across County Roads in Upshur County, Texas, at the locations shown on the plat attached hereto and made a part hereof.

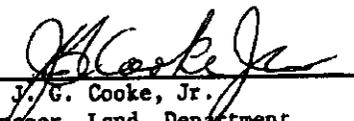
Your Petitioner understands and accepts the condition that in the event the county authorities find it necessary to enlarge, widen, straighten or otherwise improve these roads, then in that event the Gas Company will relocate such lines as required by the County at the expense of the Gas Company.

Your Petitioner, therefore prays for permission to construct and maintain its gas line in and under the public roads now under the jurisdiction of the County Court of Upshur County at the locations shown on the maps attached hereto, and that an order be entered by this Court granting such permission.

Respectfully submitted,

ARKANSAS, LOUISIANA GAS COMPANY

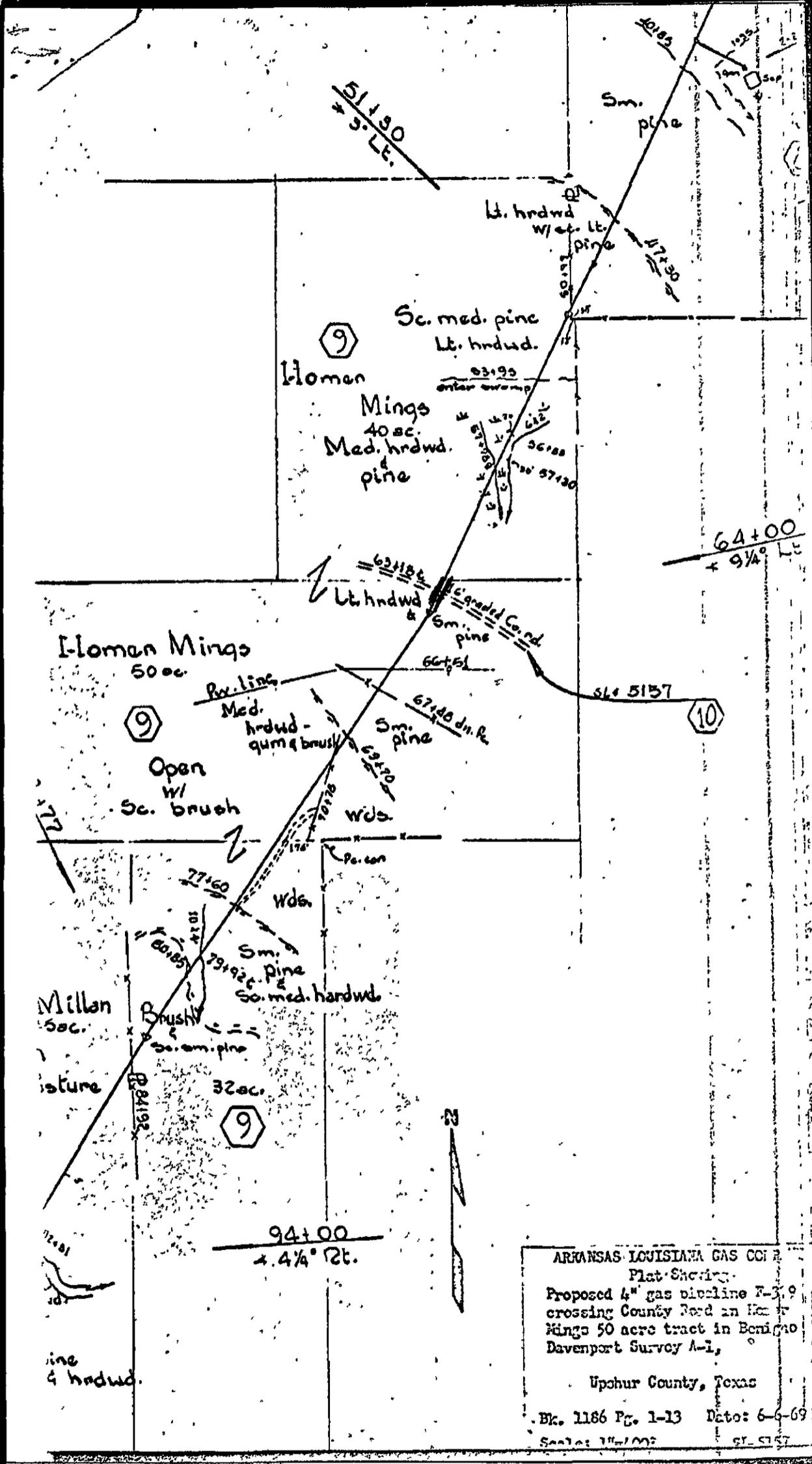
By

  
 J. G. Cooke, Jr.

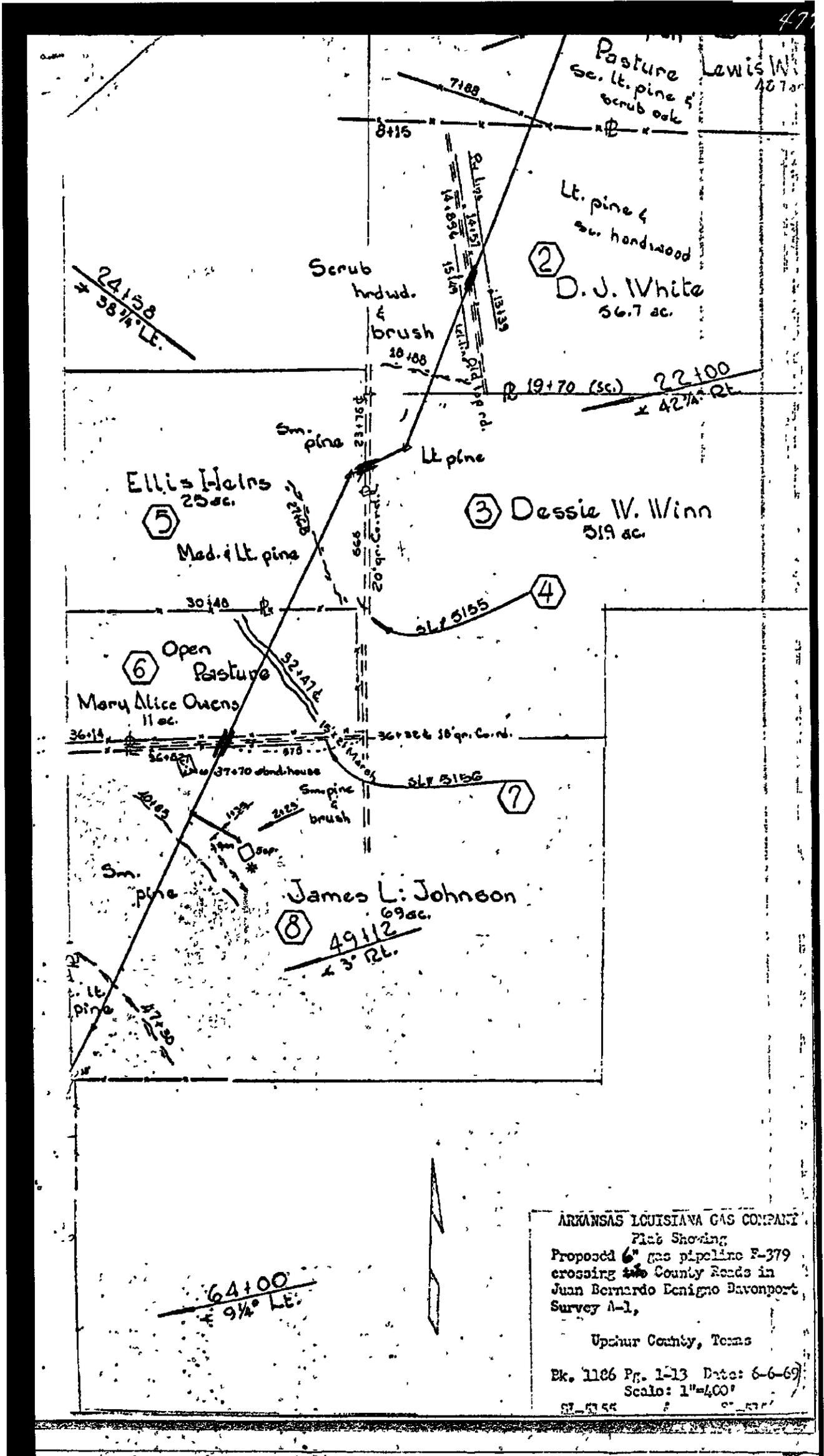
Manager, Land Department

Line F-379

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ARKANSAS-LOUISIANA GAS CO. INC.  
 Plat Showing  
 Proposed 4" gas pipeline T-3-9  
 crossing County Road and Homestead  
 Mingo 50 acre tract in Benigno  
 Davenport Survey A-1,  
 Upshur County, Texas  
 Bk. 1186 Pg. 1-13 Date: 6-6-69  
 Scale: 1"=100'



THE STATE OF TEXAS

COUNTY OF UPSHUR

IN THE MATTER OF THE APPLICATION  
OF HUMBLE OIL & REFINING COMPANY  
FOR CONTROL CALBE RIGHT OF WAY

On this 14 day of July, 1969, came on to be considered by the Commissioners' Court of Upshur County, Texas, all members of said Court being present, the application of Humble Oil & Refining Company, a Delaware Corporation, for the right to lay, construct, maintain, repair, operate, replace, change the size of and remove one control cable upon and across a County Road situated in Upshur County, Texas, said control cable to be installed at the crossing indicated in RED on the plat attached to the application on file herein, marked Exhibit "A," said control cable to be utilized for the purposes of electric power and automatic control signal transmission upon and across said County Road; and said application having been duly considered by this Court, it is ORDERED by the Court and so ADJUDGED and DECREED that the said right of way and easement for the above purposes be granted to the said Humble Oil & Refining Company, its successors and assigns, upon the following terms and conditions:

Humble Oil & Refining Company shall, at its own expense, keep the control cable constructed under this grant in such condition that the same will not impair or interfere with the

use and travel along the said County Road, and shall keep the portion of said road along which said control cable is laid in as good condition as at the time the said control cable was laid, and in the event such control cable is buried through surface excavation, no loose dirt or other material shall be left on said road, but such dirt shall be packed to at least the same consistency as before the said control cable was buried. The repairs made to the portion of said road by Humble Oil & Refining Company in keeping with this grant shall be made so as to fully meet with the requirements and approval of the Commissioners' Court of Upshur County, Texas.

It is expressly understood and agreed that should the above described County Road be widened or relocated, either in whole or in part, Humble Oil & Refining Company shall, upon the request of the Commissioners' Court of Upshur County, Texas, raise, lower and/or relocate that portion of the said control cable affected thereby, subject, however, to the following:

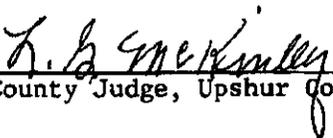
(a) Humble Oil & Refining Company shall bear all expenses relative to the lowering, raising and/or relocation of that portion of the said control cable lying within the road right of way as presently located upon the ground; and

(b) Upshur County, Texas shall bear all expenses relative to the raising, lowering and/or relocation of the affected portion of said control cable lying outside the road right of way as presently located upon the ground.

It is further understood and agreed that Humble Oil & Refining Company, its successors and assigns, is hereby granted

an individual right of way and easement for control cable purposes upon and across the County Road shown on the plat and at the crossing indicated in RED thereon.

It is further understood and agreed that Humble Oil & Refining Company, its successors and assigns, in accepting and operating under this order is and shall be bound by the terms and provisions hereof.

  
County Judge, Upshur County, Texas

THE STATE OF TEXAS

COUNTY OF UPSHUR

WHEREAS, on the 14 day of July, 1969, the Commissioners' Court of Upshur County, Texas, entered an Order granting to Humble Oil & Refining Company, a Delaware corporation, its successors and assigns, a right of way and easement for the purposes of laying, constructing, maintaining, repairing, operating, replacing, changing the size of and removing a control cable for electric power and automatic control signal transmission upon and across a county road, said control cable to be installed at the crossing indicated in RED on the plat attached to the Application on file herein, marked Exhibit "A," to which Order reference is here made for the full terms thereof:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the Commissioners' Court of Upshur County, Texas, acting by and through the County Judge and all of the Commissioners of said County, does hereby give and grant unto the said Humble Oil & Refining Company, its successors and assigns, the right of way and easement provided for in the Order above referred to; subject, however, to all of the terms and provisions set out in said Order.

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EXECUTED in duplicate originals this the 14 day  
of July A. D., 1969.

L. G. McKinley  
County Judge of Upshur County, Texas

Opie Nobles  
Commissioner of Precinct 1

Bryant A. Bryant Adams  
Commissioner of Precinct 2

C. L. Hammin  
Commissioner of Precinct 3

W. D. Hatcher  
Commissioner of Precinct 4

THE COMMISSIONERS' COURT OF UPSHUR  
COUNTY, TEXAS

THE STATE OF TEXAS

COUNTY OF UPSHUR

BEFORE ME, the undersigned authority, on this day personally appeared L. G. McKinley, known to me to be the person whose name is subscribed to the foregoing instrument as County Judge of Upshur County, Texas, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 14 day of July A. D. 1969.

O. W. Land Co. Clerk  
Notary Public in and for Upshur County,  
Texas

Opie Nobles, Deputy

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THE STATE OF TEXAS

COUNTY OF UPSHUR

BEFORE ME, the undersigned authority, on this day personally appeared Offie Nobles, known to me to be the person whose name is subscribed to the foregoing instrument as County Commissioner of Precinct 1 of Upshur County, Texas, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14 day of July, A. D. 1969.

O. W. Loyd, County Clerk  
~~Notary Public~~ in and for Upshur  
County, Texas  
By [Signature] Deputy

THE STATE OF TEXAS

COUNTY OF UPSHUR

BEFORE ME, the undersigned authority, on this day personally appeared Bryant Holmes, known to me to be the person whose name is subscribed to the foregoing instrument as County Commissioner of Precinct 2 of Upshur County, Texas, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14 day of July, A. D. 1969.

O. W. Loyd, County Clerk  
~~Notary Public~~ in and for Upshur  
County, Texas  
By [Signature] Deputy

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THE STATE OF TEXAS

COUNTY OF UPSHUR

BEFORE ME, the undersigned authority, on this day personally appeared E. L. Fannin, known to me to be the person whose name is subscribed to the foregoing instrument as County Commissioner of Precinct 3 of Upshur County, Texas, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14  
day of July, A. D., 1969.

O. W. Loyd, County Clerk  
~~Notary Public~~ in and for Upshur  
County, Texas  
By [Signature] Deputy

THE STATE OF TEXAS

COUNTY OF UPSHUR

BEFORE ME, the undersigned authority, on this day personally appeared A. D. Hackler, known to me to be the person whose name is subscribed to the foregoing instrument as County Commissioner of Precinct 4 of Upshur County, Texas, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14  
day of July, A. D. 1969.

O. W. Loyd, County Clerk  
~~Notary Public~~ in and for Upshur  
County, Texas  
By [Signature] Deputy