



**UPSHUR COUNTY COMMISSIONERS COURT**

**GILMER, TEXAS**

August 21, 1974

The commissioners court met in special session with all members present to discuss the pipeline to be constructed across Upshur County by Texoma Pipe Line Company.

Discussion was heard on the following:

\$20,000.00 surety bond from Texoma Pipe Line Company to Upshur County for a period of one year and to be released by the commissioners court.

Roads maintained by the county that were deleted from Texoma Pipe Line Company map.

For all black top and asphalt roads to be bored and cased. This is to include dirt roads also.  
County to be compensated for damages to roads and bridges.

Everett Dean  
Clifford Naylor  
Carroll Loyd  
Charles Little  
Neal McCune

ORDER AUTHORIZING EXECUTION AND DELIVERY OF  
THIRD INSTALLMENT OF "UPSHUR COUNTY, TEXAS,  
RIGHT-OF-WAY WARRANTS," DATED OCTOBER 15, 1967

THE STATE OF TEXAS

COUNTY OF UPSHUR

ON THIS, the 30th day of August, 1974, the Commissioners' Court of Upshur County, Texas, convened in special session at the regular meeting place thereof in the Courthouse at Gilmer, Texas, the meeting being open to the public and notice of said meeting, giving the date, place and subject thereof, having been posted as prescribed by Article 6252-17, Section 3A, V.A.T.C.S., and the following members of the Court were present:

EVERETT DEAN	COUNTY JUDGE, Presiding; and,
OPPIE NOBLES	COMMISSIONER, Precinct No. 1
CANTRELI LOYD	COMMISSIONER, Precinct No. 2
CHARLES STILL	COMMISSIONER, Precinct No. 3
NEIL McCURRY	COMMISSIONER, Precinct No. 4

and with the following absent: Neal M. Curry, constituting a quorum; and among other proceedings had were the following:

The County Judge submitted to the Court the following order:

WHEREAS, the Commissioners' Court of Upshur County, Texas, by order duly passed and adopted on the 9th day of October, 1967, authorized the issuance of that certain series of warrants known as "UPSHUR COUNTY, TEXAS, RIGHT-OF-WAY WARRANTS," dated October 15, 1967, in the principal sum of \$77,000, numbered consecutively from 1 through 77, each in denomination of \$1,000, bearing interest at the rate of 5% per annum, payable on June 15, 1968 and semi-annually thereafter on December 15 and June 15 in each year, and which said order of October 9, 1967, is of record in Volume 14 of the Minutes of said Court, and reference to said order is here made for further description of said warrants; and,

WHEREAS, pursuant to the provisions and purpose of the aforesaid order, there have been duly issued and are now outstanding claims and accounts for which the County is legally liable and which have been duly audited, approved and allowed by the Commissioners' Court prior to their issuance, for which the County received full value and consideration; and,

WHEREAS, the total amount of said claims and accounts now outstanding in the amount of \$10,229.92 are duly and legally held by the FARMERS AND MERCHANTS NATIONAL BANK, Gilmer, Texas; and it is now proper for said claims and accounts (in the amount of \$10,229.92) to be funded and cancelled by the issuance and delivery to the aforesaid bank of UPSHUR COUNTY, TEXAS, RIGHT-OF-WAY WARRANTS," in the aggregate amount of \$10,000; now, therefore:

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

SECTION 1: That the warrants of Upshur County, Texas, known as "UPSHUR COUNTY, TEXAS, RIGHT-OF-WAY WARRANTS," dated October 15, 1967, numbered from 67 to 76, each in denomination of \$1,000, aggregating \$10,000, bearing interest at the rate of 5% per annum, and maturing on December 15 in each year according to the following schedule:

<u>WARRANT NUMBERS</u> <u>(All Inclusive)</u>	<u>MATURITY</u>	<u>AMOUNT</u>
67 to 76	1978	\$10,000

to be completed as to their execution and to be issued under the Constitution and laws of the State of Texas, for the purpose of paying, cancelling and funding an equal amount of existing indebtedness of the County, represented by claims and accounts duly and legally incurred for the purpose of acquiring and purchasing lands necessary for rights-of-way in respect of U. S. Highways, Texas State Highways, Farm-to-Market and Lateral Roads in said County, and to defray all expenses incidental thereto, the said claims and accounts for which were duly audited, approved and allowed by this Court prior to the issuance of the original evidence thereof, and which original indebtedness is to be surrendered to the County Judge, County Clerk and County Treasurer, and are by those officers to be cancelled by the issuance and delivery to the FARMERS AND MERCHANTS NATIONAL BANK, Gilmer, Texas, of the aforesaid \$10,000 Warrants, to be paid from the Right-of-Way fund. A true and correct list of the original indebtedness to be cancelled is as follows, to wit:

<u>Claim No.</u>	<u>Date</u>	<u>Payee</u>	<u>Amount</u>
268	10-9-73	Upshur R.E.A.	\$10,229.92

all of such claims having been incurred for the acquisition of rights-of-way.

SECTION 2: As provided in the aforesaid order of October 9, 1967, the County Judge, County Clerk and County Treasurer shall have joint control of said \$10,000 "UPSHUR COUNTY, TEXAS, RIGHT-OF-WAY WARRANTS," dated October 15, 1967, and the said officers are hereby authorized and directed to make actual delivery of said warrants to the FARMERS AND MERCHANTS NATIONAL BANK, Gilmer, Texas, and to deliver to that bank a receipt for the original claims and accounts surrendered by it; and said bank shall in turn be required to give the aforesaid officers of the County a receipt for said warrants which are to be taken in lieu of the said original indebtedness.

SECTION 3: That in all instances where claims and accounts were delivered to the County Clerk of Upshur County (being claim numbered 268 aforesaid) for the purpose of paying condemnation awards, the respective judgments for which said claims were issued or incurred are final in the condemnation suits, and the amount of the condemnation awards did not in any instance exceed the amount of the claim so issued or incurred.

SECTION 4: That when executed and delivered in accordance herewith, the aforesaid warrants shall be and the same are hereby declared to be valid, subsisting and enforceable obligations of Upshur County, Texas, the said County having heretofore received full value and consideration for the claims and accounts originally evidencing such indebtedness; that all things required by law in the issuance and delivery of said warrants and the underlying claims and accounts have happened and been performed in due time, form and manner as required by law; that each of the claims or accounts hereinabove listed were issued in payment of right-of-way acquisition and expenses necessarily incidental thereto; this judicial ascertainment is expressly made for the use and benefit of the prospective owners and holders of said warrants, the Attorney General of the State of Texas, and any other attorney who shall pass upon the legality and validity of said warrants, and the same shall be binding upon Upshur County, Texas, the Commissioners' Court of said County, and the successors in office of the County Judge and other members of said Court.

\* \* \* \* \*

The above order having been read in full, it was moved by Commissioner Alfred Nobles and seconded by Commissioner Carroll Lloyd that the same be passed and adopted. Thereupon, the question 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: County Judge Dean and Commissioners Nobles, Loyd, Still and McCurry 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.

PASSED AND APPROVED, this the 30th day of August, 1974.

ATTEST:

Ernest Dean  
County Judge, Upshur County, Texas

O. W. Loyd  
County Clerk and Ex-officio Clerk of the  
Commissioners' Court of Upshur County, Texas  
By: Julia Davis, Deputy Clerk

EXCHANGE CERTIFICATE

THE STATE OF TEXAS

COUNTY OF UPSHUR

I, Max McPeck, the Sr. Vice President & Cashier of the FARMERS AND MERCHANTS NATIONAL BANK, Gilmer, Texas, DO HEREBY CERTIFY that the same Bank has received from:

EVERETT DEAN	COUNTY JUDGE,
O. W. LOYD	COUNTY CLERK, and
C. H. PITMAN	COUNTY TREASURER,

respectively, of Upshur County, Texas, \$10,000 "UPSHUR COUNTY, TEXAS, RIGHT-OF-WAY WARRANTS," dated October 15, 1967, each in denomination of \$1,000, bearing interest at the rate of 5% per annum, and numbered and maturing as follows:

<u>WARRANT NUMBERS</u> (All Inclusive)	<u>MATURITY</u>	<u>AMOUNT</u>
67 to 76	December 15, 1978	\$10,000

I FURTHER CERTIFY that the said FARMERS AND MERCHANTS NATIONAL BANK, Gilmer, Texas, is the owner and holders of those certain evidences of indebtedness outstanding against the Road and Bridge Fund of said County, aggregating the sum of \$10,229.92, and which are described in detail in that certain order of the Commissioners' Court of said County passed and adopted on the 30th day of August, 1974, of record in Volume 16 of the Minutes of said Court to which reference is hereby made for a full, complete and correct description thereof.

AND I FURTHER CERTIFY that the said bank has delivered to the County officials named above each of the outstanding evidences of indebtedness described in the aforesaid order of the Commissioners' Court and which, together with the claims thereby evidenced, are to be cancelled and destroyed by said officials, such delivery having been accomplished simultaneously with the delivery of 10,000 "UPSHUR COUNTY, TEXAS, RIGHT-OF-WAY WARRANTS," dated October 15, 1967, which warrants were delivered in lieu of and in full and complete satisfaction of the said indebtedness so represented.

WITNESS MY HAND AND SEAL OF SAID BANK, at Gilmer, Texas, this the 30th day of August, 1974.

FARMERS AND MERCHANTS NATIONAL BANK,  
Gilmer, Texas

BY Max McPeck  
Its Sr. Vice President & Cashier

SWORN TO AND SUBSCRIBED BEFORE ME, this the 30th day of August, 1974.

Charles E. Helms  
Notary Public in and for Upshur County,  
Texas

