

COMMISSIONERS COURT

VOL. 17 PG. 495

Sept. 20, 1976

FILED
J.B. HILL, JR.
CLERK UPSHUR COUNTY
1976 SEP 27 PM 1:30

Commissioners Court met in special session with all members present. Offie Nobles, J.W. Meadows, Charles Still, Floyd Drennan, and Judge Everett Dean. Judge Dean presided.

Judge Dean read the minutes of the September 13, 1976 meeting. J.W. Meadows made a motion the minutes stand approved as read. Seconded by Charles Still. Motion carried.

Judge Dean read a proclamation from Governor Dolph Briscoe to the court concerning the Pine-Tree beetle. Then he made a motion that this be placed in the court minutes. Seconded by Floyd Drennan. Motion carried. (Proclamation attached).

J.W. Meadows made a motion to approve the amended personnel policy for Upshur County personnel. And also for the policy to be placed in the minutes. Seconded by Charles Still. Motion carried.

Floyd Drennan made a motion to approve the amended permit application, to be used in Upshur County for permits of Right-of-Ways. Seconded by J.W. Meadows. Motion carried. (copy attached).

A permit application from Ralph L. Mosley was presented to the court to place a driveway culvert on Right-of-Way of County Road Lemon Trail. Charles Still made a motion to approve the permit. Seconded by Floyd Drennan. Motion carried. (Copy attached).

A permit application from Byron Spencer to place a half-inch water line within the Right-of-Way of County Road Armadillo Road was presented to the court for approval. Floyd Drennan made a motion to approve this permit. Seconded by Charles Still. Motion carried. (Copy Attached).

A permit application from W. B. Floyd to place a water line within the Right-of-Way of County Road Old Enon Road was presented to the court. Floyd Drennan made a motion to approve this permit. Seconded by Charles Still. Motion carried. (Copy attached).

Floyd Drennan made a motion to pay the Bettie Fire Department \$50.00 per month. First payment to begin October 1, 1976, for fire prevention. Seconded by J.W. Meadows. Motion carried. (Certificate of Incorporation attached).

County Treasure C.H. Pitman ask the court for permission to go to a County Treasurers seminar at Brownsville September 22, 23, 24, 1976. Charles Still made a motion for Mr. Pittmon to go. Seconded by Floyd Drennan. Motion carried.

County Clerk, J.B. Hill Jr. asked the court to hire an extra deputy clerk for absentee work for the month of October 1976. Charles Still made a motion for him to hire this extra help. Floyd Drennan seconded. Motion carried.

Court Adjourned.

Ernest Dean

Charles L. Hill

Offie Nobles

Walter D. Dorman

J. W. Meadows

FILED
J. B. HILL, JR.
CLERK UPSHUR COUNTY
1916 SEP 27 PM 1:30

PROCLAMATION

Governor of the State of Texas

I, Dolph Briscoe, Governor of Texas, upon the certification of the applicable responsible officials, do hereby certify that the rapid spread of the pine-tree beetle (*Dendroctonus frontalis*) in the forested areas of the State, constitutes an imminent disaster as defined in the Texas Disaster Act of 1975.

Therefore, in accordance with the authority vested in me by Section 5(d) of the Disaster Act of 1975, I do hereby proclaim the existence of such disaster and direct that all necessary measures, both public and private, be implemented to meet this threat to our forestry resources. Counties affected are listed in an attachment to this Proclamation.

In accordance with the statutory requirements, copies of this Proclamation shall be filed with the applicable authorities.



Dolph Briscoe
Dolph Briscoe
Governor of Texas

September 9, 1976
Date

Mark White
Secretary of State

FILED
J.B. HILL, JR.
CLERK UPSHUR COUNTY
1976 SEP 20 PM 4 10

Filed in the office of
Secretary of State

SEP 9 1976

W. J. Hill
Director Adm. Div.

Anderson

Angelina

Bowie

Cass

Chambers

Cherokee

Gregg

Grimes

Hardin

Harris

Harrison

Houston

Jasper

Jefferson

Liberty

Marion

Montgomery

Morris

Nacogdoches

Newton

Orange

Panola

Polk

Rusk

Sabine

San Augustine

San Jacinto

Shelby

Smith

Trinity

Tyler

Upshur

Walker

Waller

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J.S. HILL, JR.
CLERK UPSHUR COUNTY
SEP 20 PM 4 10

Filed in the office of
Secretary of State

SEP 9 1976

W. J. Hill
Director Adm. Div.

Office of Governor Dolph Briscoe
September 9, 1976

VOL. 17 PG. 499

Governor Dolph Briscoe today declared thirty-four counties in East Texas as a disaster area due to an epidemic of the Southern Pine Beetle.

The Governor noted that infestation "spots" total more than 7,000, nearly twice as many as in 1975. Texas Forest Service experts predict that the tree mortality rate is the equivalent to a wood product value loss of 8-1/2 million dollars per month.

The infestation has been so widespread that many homeowners in the Houston area have noted property values declined substantially due to the dead pine trees on their land caused by the insect.

Governor Briscoe said that nothing less than tangible cooperation between industry, environmentalists and private citizens will work in this situation. He urges all landowners to heed advice offered by the Texas Forest Service in this matter.

"There is no danger to human life due to the Southern Pine Beetle. However, there is a very real danger to the future economy of Texas if we are not able to check this epidemic," the Governor stated.

Those interested in securing more information about this problem should contact the Texas Forest Service, in care of Texas A&M University System at College Station.

--30--

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J.B. ELLIOTT, JR.
CLERK OF SUPERIOR COURT
1976 SEP 20 PM 4:10



UPSHUR COUNTY COMMISSIONERS COURT

GILMER, TEXAS

VOL. 17 PG. 500

Amended Sept. 20, 1976
County of Upshur
Personnel Policy

FILED
J.B. HILL, JR.
CLERK UPSHUR COUNTY
1976 SEP 20 PM 2:34

Purpose-- The Personnel Policy is the primary instrument for the guidance of the County of Upshur's personnel. The broader aims include the establishment, coordination and equitable application of approved personnel policies, while the specific aim is to provide a basic policy of procedures for the administration of the personnel program.

Policy-- Vacancies shall be filled on the basis of merit, whether by promotion or by initial appointment. Selection shall be made of persons in terms of experience, skills, training, education and aptitude. Employment opportunities shall be made available on an equal basis to qualified persons regardless of age, race, sex, color, origin, religion, or political beliefs. No vacancy shall be filled by any department head without prior approval of Commissioners Court. Department heads will direct new employees to Office of County Auditor for processing all personnel forms before new employee shall begin work.

Any employee who has been suspended for disciplinary reasons or whose services have been involuntarily terminated, shall be entitled to appeal to the County Official in whose department they are employed or to the Supervisory County Official of County Commissioners provided that they indicate in writing their intention to do so within 48 hours of suspension or termination. Employees shall be encouraged to offer constructive suggestions for work improvement. Employees have certain responsibilities to the County of Upshur. Each employee is expected to give a full days work, maintain good moral conduct, and do his part in maintaining good relationship with fellow employees.

Working hours-- The regular working hours of the County of Upshur are considered to be 8 hours per day Monday through Friday. These hours, however, may be altered to fit the particular needs of each individual office by the proper County Official. Employees may be requested to provide service in addition to normal hours or on weekends or holidays. Employees will receive compensatory time for excess hours worked. Employees are expected to



VOL. 17 PG. 501
UPSHUR COUNTY COMMISSIONERS COURT
GILMER, TEXAS

report punctually for duty at the beginning of the work day and to observe the full working hours duly established.

Leave of absence-- The following types of leaves are recognized.
Holidays-- Holidays will be taken as designated as official holidays by the Commissioners Court-- New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas with one extra day for Christmas-- any other day may be declared a special holiday by order of Commissioners Court-- whenever a holiday falls on a Saturday or Sunday the holiday will be taken as directed by Commissioners Court.

Vacation leave-- If an employee leaves the job before completing one year of service, then that employee is not eligible for accrued vacation pay. Vacation time shall be credited to the employees in accordance with the following schedule:

Vacation shall amount to ten (10) working days per year which shall accumulate at the rate of $\frac{5}{6}$ of a working day per month, however, vacation accrued shall not begin until an employee has completed six months of work. After ten (10) years of continuous service an employee shall be granted an additional five (5) working days vacation time. Making a total of fifteen (15) working days vacation per year after ten (10) years as a regular county employee. An employee working as extra help for Upshur County will accrue no vacation time for services to Upshur County whether said services were continuous or not. Maximum allowable accumulation of vacation time shall not exceed that which an employee might accrue in one year. Pay in lieu of vacation is not permitted.

Sick leave-- Sick leave is a period of absence with pay granted employees when incapacitated for duty by sickness, injury, or confinement for medical reasons. Employees shall be extended 30 days or one month absence with pay due to illness or injury in any one year. After 30 days the employee will be placed on leave without pay, but shall receive weekly indemnity from County insurance for a maximum of 26 weeks if so certified by a licensed Physician and approved by the Insurance Company. If the employee is sick and unable to work after this period of time, then all compensation ceases. Sick leave cannot be accumulated. Written notice shall be given to the County Auditor anytime an employee is absent from work because of illness and the day the employee returns

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J.B. HILL, JR.
CLERK UPSHUR COUNTY
1976 SEP 20 PM 4:10

FILED
J.B. HILL, JR.
CLERK UPSHUR COUNTY

1976 SEP 20 PM 2:26

APPROVAL OF PERMIT APPLICATION
Amended Sept. 20, 1976

Date _____

TO _____

The Upshur County Commissioners Court offers no objections to the location on the right-of-way of your proposed _____ line as shown by accompanying drawings and notice dated _____ except as noted below:

It is expressly understood that the Upshur County Commissioners Court does not purport, hereby, to grant any right, claim, title, or easement in or upon this county road; it is further understood that in the future should for any reason Upshur County need to work, improve, relocate, widen, increase, add to, or in any manner change the structure of this right-of-way, this appurtenance, if affected, will be moved under the direction of the Upshur County Commissioners Court representative and shall be relocated at the complete expense of the owner within thirty (30) days upon receipt of notice from the Commissioners Court.

All work on the county right-of-way shall be performed in accordance with the Commissioners Courts instructions. The installation shall not damage any part of the highway and adequate provisions must be made to cause minimum inconvenience to traffic and adjacent owners. Special specifications for placing this line are as follows:

1. Barricades, warning signs and lights, and flagmen when necessary shall be provided by the contractor or owner. One half of the traveled portion of the road must be open at all times.
2. All lines, where practicable, shall be located to cross roadbed at approximately right angles thereto. No lines are to be installed under or within 50 feet of either end of any bridge. No lines shall be placed in any culvert or within 10 feet of the closest point of same.
3. Parallel lines will be installed as near the right-of-way lines as is possible and no parallel line will be installed in the roadbed or between the drainage ditch and the roadbed without special permission of the County Commissioners Court.
4. Overhead lines will have a minimum clearance of 18 feet above the road surface at the point of crossing.
5. Operations along roadways shall be performed in such a manner that all excavated material be kept off the surface at all times, as well as all

Operating equipment and materials. No equipment, or installation procedures will be used which will damage any road surface or structures. The cost of any repairs to road surface, roadbed, structures or other right-of-way features as a direct result of this installation will be borne by the owner of this line.

6. All lines under roads carrying pressure in excess of 50 psi shall be enclosed in satisfactory casing extending from the right-of-way line to right-of-way line. Pipe used for casing may be of any type approved by the County Engineer or Commissioners Court and shall be capable of supporting load of roadbed and traffic and shall be so constructed that there will be no leakage of any matter through casing for its entire length. Inside diameter of casing shall be at least 2 inches greater than the largest diameter of carrier pipe, joints, or couplings.

7. All excavations within the right-of-way and not under surfacing shall be backfilled by tamping in 6 inch horizontal layers. All surplus material shall be removed from the right-of-way and the excavation finished flush with surrounding natural ground.

8. All ground lines are to be installed a minimum of 36 inches below the flow line of the adjacent drainage or borrow ditch.

(a) Any material placed in county right of way by permit will be of a nature or composition that said line can be located with the use of a standard locator devices used in locating buried cables or pipe.

9. Lines crossing under roads and under cross roads within the right-of-way shall be placed by boring. Boring shall extend from crown line to crown line. Gravity flow sewer lines under roadways shall be cast iron or equivalent pipe.

10. Where evidence is presented indicating the impracticability of boring or tunnelling, the Commissioners Court may grant permission to cut the surfacing no wider than 4 inches. In the event a cut is permitted the following conditions will govern:

- (a) Excavation areas are to be filled and packed with compatible material,
- (b) The surfacing will be replaced with equivalent quality surfacing.

11. Notice will be given to the precinct Commissioner 48 hours prior to starting construction of the line in that Commissioners' precinct.

12. Where in the opinion of the Upshur County Commissioners Court it may be considered necessary to protect losses incurred by damages to the roads, bridges, on right-of-way structures, they may by action of the Court require a surety bond in the amount sufficient to cover any damages.

13. Where, in the opinion of the Commissioners Court, an inspector is necessary, the party receiving permit will bear the cost of an inspector.

Approved: [Signature]
County Judge

Approved: County Commissioners

- Precinct 1 [Signature]
- Precinct 2 [Signature]
- Precinct 3 [Signature]
- Precinct 4 [Signature]

FILED
J.B. HILL, JR.
CLERK UPSHUR COUNTY
1916 SEP 20 PM 4:09

PERMIT APPLICATION FOR
USE OF UPBUR COUNTY RIGHT OF WAY

Date 9-16-76

TO: THE UPSHUR COUNTY COMMISSIONERS COURT
COUNTY OF UPSHUR
GILMER, TEXAS

Formal notice is hereby given that RALPH L. MOSLEY
whose principal address is P.O. BOX 894 BIG SANDY TEXAS 75755
does propose to place a DRIVE WAY CULVERT
within the ROW of County Road LEMIN TRAIL
as follows:

The location and description of the proposed lines or appertenances
is more fully shown by three (3) copies of drawings attached to
this application.

All work will be as directed by the County Commissioner or his
designate in full accordance with Upshur County Road & Bridge
Department policies and specifications.

Proposed construction will begin, if approved, on or after
_____ day of _____ 19__

Firm: _____

Title: _____

Address: _____

*approved
9-30-76*

FILED
J.B. HILL, JR.
CLERK UPSHUR COUNTY
1976 SEP 20 PM 4:09

VOL. 17 PG. 506.

APPROVAL OF PERMIT APPLICATION

Date 9-20-76

TO Ralph L. Mosley
P.O. Box 894
Big Sandy, Texas 75755

The Upshur County Commissioners Court offers no objections to the location on the right-of-way of your proposed Driveway Culvert line as shown by accompanying drawings and notice dated 9-16-76 except as noted below:

It is expressly understood that the Upshur County Commissioners Court does not purport, hereby, to grant any right, claim, title, or easement in or upon this county road; it is further understood that in the future should for any reason Upshur County need to work, improve, relocate, widen, increase, add to, or in any manner change the structure of this right-of-way, this appurtenance, if affected, will be moved under the direction of the Upshur County Commissioners Court representative and shall be relocated at the complete expense of the owner within thirty (30) days upon receipt of notice from the Commissioners Court.

All work on the county right-of-way shall be performed in accordance with the Commissioners Courts instructions. The installation shall not damage any part of the highway and adequate provisions must be made to cause minimum inconvenience to traffic and adjacent owners. Special specifications for placing this line are as follows:

1. Barricades, warning signs and lights, and flagmen when necessary shall be provided by the contractor or owner. One half of the traveled portion of the road must be open at all times.
2. All lines, where practicable, shall be located to cross roadbed at approximately right angles thereto. No lines are to be installed under or within 50 feet of either end of any bridge. No lines shall be placed in any culvert or within 10 feet of the closest point of same.
3. Parallel lines will be installed as near the right-of-way lines as is possible and no parallel line will be installed in the roadbed or between the drainage ditch and the roadbed without special permission of the County Commissioners Court.
4. Overhead lines will have a minimum clearance of 18 feet above the road surface at the point of crossing.
5. Operations along roadways shall be performed in such a manner that all excavated material be kept off the surface at all times, as well as all

operating equipment and materials. No equipment, or installation procedures will be used which will damage any road surface or structures. The cost of any repairs to road surface, roadbed, structures or other right-of-way features as a direct result of this installation will be borne by the owner of this line.

6. All lines under roads carrying pressure in excess of 50 psi shall be enclosed in satisfactory casing extending from the right-of-way line to right-of-way line. Pipe used for casing may be of any type approved by the County Engineer or Commissioners Court and shall be capable of supporting load of roadbed and traffic and shall be so constructed that there will be no leakage of any matter through casing for its entire length. Inside diameter of casing shall be at least 2 inches greater than the largest diameter of carrier pipe, joints, or couplings.

7. All excavations within the right-of-way and not under surfacing shall be backfilled by tamping in 6 inch horizontal layers. All surplus material shall be removed from the right-of-way and the excavation finished flush with surrounding natural ground.

8. All ground lines are to be installed a minimum of 36 inches below the flow line of the adjacent drainage or borrow ditch.

(a) Any material placed in county right of way by permit will be of a nature or composition that said line can be located with the use of a standard locator devices used in locating buried cables or pipe.

9. Lines crossing under roads and under cross roads within the right-of-way shall be placed by boring. Boring shall extend from crown line to crown line. Gravity flow sewer lines under roadways shall be cast iron or equivalent pipe.

10. Where evidence is presented indicating the impracticability of boring or tunnelling, the Commissioners Court may grant permission to cut the surfacing no wider than 4 inches. In the event a cut is permitted the following conditions will govern:

- (a) Excavation areas are to be filled and packed with compatible material,
- (b) The surfacing will be replaced with equivalent quality surfacing.

11. Notice will be given to the precinct Commissioner 48 hours prior to starting construction of the line in that Commissioners' precinct.

12. Where in the opinion of the Upshur County Commissioners Court it may be considered necessary to protect losses incurred by damages to the roads, bridges, on right-of-way structures, they may by action of the Court require a surety bond in the amount sufficient to cover any damages.

13. Where, in the opinion of the Commissioners Court, an inspector is necessary, the party receiving permit will bear the cost of an inspector.

Approved: [Signature]
County Judge

Approved: County Commissioners

Precinct 1 [Signature]
Precinct 2 [Signature]
Precinct 3 [Signature]
Precinct 4 [Signature]

VOL- 17 PG. 508

PERMIT APPLICATION FOR
USE OF UP SHUR COUNTY RIGHT OF WAY

Date 9-14-76

TO: THE UPSHUR COUNTY COMMISSIONERS COURT
COUNTY OF UPSHUR
GILMER, TEXAS

Formal notice is hereby given that Byron Spencer
whose principal address is RT 2, Gilmer, Tex.
does propose to place a 1/2 in. water line
within the ROW of County Road Armidillo Road
as follows:

The location and description of the proposed lines or appertenances
is more fully shown by three (3) copies of drawings attached to
this application.

All work will be as directed by the County Commissioner or his
designate in full accordance with Upshur County Road & Bridge
Department policies and specifications.

Proposed construction will begin, if approved, on or after
_____ day of _____ 19__

Firm: _____

Title: _____

Address: _____

*Approved
9-20-76
J. B. Hill, Jr.*

FILED
J.B. HILL, JR.
CLERK UPSHUR COUNTY
1976 SEP 20 PM 4:09

APPROVAL OF PERMIT APPLICATION

Date 9-20-76

TO Byron Spencer
Rt. 2
Gilmer, Texas 75644

The Upshur County Commissioners Court offers no objections to the location on the right-of-way of your proposed Water Line line as shown by accompanying drawings and notice dated 9-14-76 except as noted below:

It is expressly understood that the Upshur County Commissioners Court does not purport, hereby, to grant any right, claim, title, or easement in or upon this county road; it is further understood that in the future should for any reason Upshur County need to work, improve, relocate, widen, increase, add to, or in any manner change the structure of this right-of-way, this appurtenance, if affected, will be moved under the direction of the Upshur County Commissioners Court representative and shall be relocated at the complete expense of the owner within thirty (30) days upon receipt of notice from the Commissioners Court.

All work on the county right-of-way shall be performed in accordance with the Commissioners Courts instructions. The installation shall not damage any part of the highway and adequate provisions must be made to cause minimum inconvenience to traffic and adjacent owners. Special specifications for placing this line are as follows:

1. Barricades, warning signs and lights, and flagmen when necessary shall be provided by the contractor or owner. One half of the traveled portion of the road must be open at all times.
2. All lines, where practicable, shall be located to cross roadbed at approximately right angles thereto. No lines are to be installed under or within 50 feet of either end of any bridge. No lines shall be placed in any culvert or within 10 feet of the closest point of same.
3. Parallel lines will be installed as near the right-of-way lines as is possible and no parallel line will be installed in the roadbed or between the drainage ditch and the roadbed without special permission of the County Commissioners Court.
4. Overhead lines will have a minimum clearance of 18 feet above the road surface at the point of crossing.
5. Operations along roadways shall be performed in such a manner that all excavated material be kept off the surface at all times, as well as all

operating equipment and materials. No equipment, or installation procedures will be used which will damage any road surface or structures. The cost of any repairs to road surface, roadbed, structures or other right-of-way features as a direct result of this installation will be borne by the owner of this line.

6. All lines under roads carrying pressure in excess of 50 psi shall be enclosed in satisfactory casing extending from the right-of-way line to right-of-way line. Pipe used for casing may be of any type approved by the County Engineer or Commissioners Court and shall be capable of supporting load of roadbed and traffic and shall be so constructed that there will be no leakage of any matter through casing for its entire length. Inside diameter of casing shall be at least 2 inches greater than the largest diameter of carrier pipe, joints, or couplings.

7. All excavations within the right-of-way and not under surfacing shall be backfilled by tamping in 6 inch horizontal layers. All surplus material shall be removed from the right-of-way and the excavation finished flush with surrounding natural ground.

8. All ground lines are to be installed a minimum of 36 inches below the flow line of the adjacent drainage or borrow ditch.

(a) Any material placed in county right of way by permit will be of a nature or composition that said line can be located with the use of a standard locator devices used in locating buried cables or pipe.

9. Lines crossing under roads and under cross roads within the right-of-way shall be placed by boring. Boring shall extend from crown line to crown line. Gravity flow sewer lines under roadways shall be cast iron or equivalent pipe.

10. Where evidence is presented indicating the impracticability of boring or tunnelling, the Commissioners Court may grant permission to cut the surfacing no wider than 4 inches. In the event a cut is permitted the following conditions will govern:

- (a) Excavation areas are to be filled and packed with compatible material,
- (b) The surfacing will be replaced with equivalent quality surfacing.

11. Notice will be given to the precinct Commissioner 48 hours prior to starting construction of the line in that Commissioners' precinct.

12. Where in the opinion of the Upshur County Commissioners Court it may be considered necessary to protect losses incurred by damages to the roads, bridges, on right-of-way structures, they may by action of the Court require a surety bond in the amount sufficient to cover any damages.

13. Where, in the opinion of the Commissioners Court, an inspector is necessary, the party receiving permit will bear the cost of an inspector.

Approved: [Signature]
County Judge

Approved: County Commissioners

Precinct 1 [Signature]

Precinct 2 [Signature]

Precinct 3 [Signature]

Precinct 4 [Signature]

PERMIT APPLICATION FOR
USE OF UPSHUR COUNTY RIGHT OF WAY

Date. 9-13-76

TO: THE UPSHUR COUNTY COMMISSIONERS COURT
COUNTY OF UPSHUR
GILMER, TEXAS

Formal notice is hereby given that W B Floyd
whose principal address is _____
does propose to place a Water Line
within the ROW of County Road Old Emory Road
as follows:

The location and description of the proposed lines or appertenances
is more fully shown by three (3) copies of drawings attached to
this application.

All work will be as directed by the County Commissioner or his
designate in full accordance with Upshur County Road & Bridge
Department policies and specifications.

Proposed construction will begin, if approved, on or after
_____ day of _____ 19__

Firm: W B Floyd
Title: Owner
Address: R 2
Telephone 797-2061

Approved
9-20-76

FILED
J. B. HILL, JR.
CLERK UPSHUR COUNTY
1976 SEP 20 PM 4:09

APPROVAL OF PERMIT APPLICATION

Date 9-20-76

TO W.B. Floyd
Rt. 2
Gilmer, Texas 75644

The Upshur County Commissioners Court offers no objections to the location on the right-of-way of your proposed Water Line line as shown by accompanying drawings and notice dated 9-13-76 except as noted below:

It is expressly understood that the Upshur County Commissioners Court does not purport, hereby, to grant any right, claim, title, or easement in or upon this county road; it is further understood that in the future should for any reason Upshur County need to work, improve, relocate, widen, increase, add to, or in any manner change the structure of this right-of-way, this appurtenance, if affected, will be moved under the direction of the Upshur County Commissioners Court representative and shall be relocated at the complete expense of the owner within thirty (30) days upon receipt of notice from the Commissioners Court.

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3. Parallel lines will be installed as near the right-of-way lines as is possible and no parallel line will be installed in the roadbed or between the drainage ditch and the roadbed without special permission of the County Commissioners Court.
4. Overhead lines will have a minimum clearance of 18 feet above the road surface at the point of crossing.
5. Operations along roadways shall be performed in such a manner that all excavated material be kept off the surface at all times, as well as all

operating equipment and materials. No equipment, or installation procedures will be used which will damage any road surface or structures. The cost of any repairs to road surface, roadbed, structures or other right-of-way features as a direct result of this installation will be borne by the owner of this line.

6. All lines under roads carrying pressure in excess of 50 psi shall be enclosed in satisfactory casing extending from the right-of-way line to right-of-way line. Pipe used for casing may be of any type approved by the County Engineer or Commissioners Court and shall be capable of supporting load of roadbed and traffic and shall be so constructed that there will be no leakage of any matter through casing for its entire length. Inside diameter of casing shall be at least 2 inches greater than the largest diameter of carrier pipe, joints, or couplings.

7. All excavations within the right-of-way and not under surfacing shall be backfilled by tamping in 6 inch horizontal layers. All surplus material shall be removed from the right-of-way and the excavation finished flush with surrounding natural ground.

8. All ground lines are to be installed a minimum of 36 inches below the flow line of the adjacent drainage or borrow ditch.

(a) Any material placed in county right of way by permit will be of a nature or composition that said line can be located with the use of a standard locator devices used in locating buried cables or pipe.

9. Lines crossing under roads and under cross roads within the right-of-way shall be placed by boring. Boring shall extend from crown line to crown line. Gravity flow sewer lines under roadways shall be cast iron or equivalent pipe.

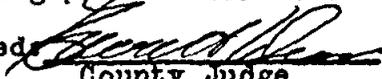
10. Where evidence is presented indicating the impracticability of boring or tunnelling, the Commissioners Court may grant permission to cut the surfacing no wider than 4 inches. In the event a cut is permitted the following conditions will govern:

- (a) Excavation areas are to be filled and packed with compatible material,
- (b) The surfacing will be replaced with equivalent quality surfacing.

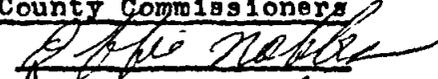
11. Notice will be given to the precinct Commissioner 48 hours prior to starting construction of the line in that Commissioners' precinct.

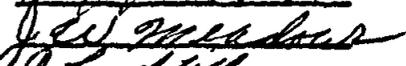
12. Where in the opinion of the Upshur County Commissioners Court it may be considered necessary to protect losses incurred by damages to the roads, bridges, on right-of-way structures, they may by action of the Court require a surety bond in the amount sufficient to cover any damages.

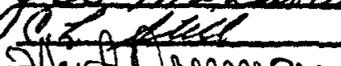
13. Where, in the opinion of the Commissioners Court, an inspector is necessary, the party receiving permit will bear the cost of an inspector.

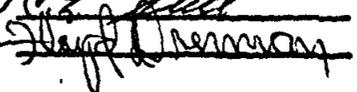
Approved: 
County Judge

Approved: County Commissioners

Precinct 1 

Precinct 2 

Precinct 3 

Precinct 4 

VOL. 17 PG. 514



STATE OF TEXAS
OFFICE OF THE SECRETARY OF STATE
AUSTIN, TEXAS 78711

MARK WHITE
SECRETARY OF STATE

SEP. 3, 1976

BETTIE VOLUNTEER FIRE DEPT.
ROUTE 2, BOX 272
GILMER, TEXAS 75644

RE: BETTIE VOLUNTEER FIRE DEPARTMENT, INC.
CHARTER NUMBER 387607-1

DEAR SIR:

IT HAS BEEN OUR PLEASURE TO APPROVE AND PLACE ON RECORD THE ARTICLES OF INCORPORATION THAT CREATED YOUR CORPORATION. WE EXTEND OUR BEST WISHES FOR SUCCESS IN YOUR NEW VENTURE.

AS A CORPORATION, YOU ARE SUBJECT TO THE FRANCHISE TAX LAWS. WE ARE INFORMED BY THE OFFICE OF THE COMPTROLLER OF PUBLIC ACCOUNTS THAT YOU WILL SOON BE CONTACTED BY THAT OFFICE CONCERNING THE PAYMENT OF AN INITIAL MINIMUM FRANCHISE TAX PAYMENT TO BE PAID WITHIN 45 TO 75 DAYS AFTER THE DATE OF YOUR CHARTER OR CERTIFICATE OF AUTHORITY.

UNDER THE FRANCHISE TAX LAWS, SOME NON-PROFIT CORPORATIONS ARE EXEMPT FROM THE PAYMENT OF FRANCHISE TAXES. IF YOU FEEL THAT UNDER THE LAW YOUR CORPORATION IS ENTITLED TO BE EXEMPT FROM PAYMENT OF FRANCHISE TAX YOU MUST APPLY TO THE COMPTROLLER OF PUBLIC ACCOUNTS FOR SUCH EXEMPTION. THE SECRETARY OF STATE CANNOT MAKE SUCH DETERMINATION FOR YOUR CORPORATION.

IF WE CAN BE OF FURTHER SERVICE AT ANY TIME, PLEASE LET US KNOW.

VERY TRULY YOURS,
MARK WHITE
SECRETARY OF STATE

BY: DILL KIMBROUGH
DIRECTOR, CORPORATION DIVISION



VOL. 17 PG. 575

The State of Texas
Secretary of State

CERTIFICATE OF INCORPORATION

OF

BETTIE VOLUNTEER FIRE DEPARTMENT, INC.
CHARTER NUMBER 387607

THE UNDERSIGNED, AS SECRETARY OF STATE OF THE STATE OF TEXAS,
HEREBY CERTIFIES THAT DUPLICATE ORIGINALS OF ARTICLES OF INCORPORATION
FOR THE ABOVE CORPORATION, DULY SIGNED AND VERIFIED, HAVE BEEN RECEIVED
IN THIS OFFICE AND ARE FOUND TO CONFORM TO LAW.

ACCORDINGLY THE UNDERSIGNED, AS SUCH SECRETARY OF STATE, AND BY
VIRTUE OF THE AUTHORITY VESTED IN HIM BY LAW, HEREBY ISSUES THIS
CERTIFICATE OF INCORPORATION AND ATTACHES HERETO A DUPLICATE ORIGINAL
OF THE ARTICLES OF INCORPORATION.

DATED AUG. 23, 1976



Mark H. White Jr.
Secretary of State

RLS

ARTICLES OF INCORPORATION
OF

FILLED
In the Office of the
Secretary of State of Texas

BETTIE VOLUNTEER FIRE DEPARTMENT, INC. AUG 23 1976

Bill Kimbrough

Director, Corporation Division

We, the undersigned natural persons of the age of eighteen (18) years or more, at least two of whom are citizens of the State of Texas, acting as incorporators of a corporation under the Texas Non-Profit Corporation Act, do hereby adopt the following Articles of Incorporation for such corporation:

ARTICLE ONE

The name of the corporation is BETTIE VOLUNTEER FIRE DEPARTMENT, INC.

ARTICLE TWO

The corporation is a non-profit corporation.

YES

ARTICLE THREE

The period of its duration is perpetual.

ARTICLE FOUR

The purposes for which the corporation is organized are:

1. To acquire, operate and maintain fire fighting, rescue and other emergency equipment necessary for the preservation of life and the protection of property from and during fire or other emergencies within the area of its operation in UPSHER County, Texas.
2. To teach, educate and train citizens of said area in the art of the prevention and fighting of fires.
3. To provide rescue and various other emergency services in the event of catastrophe, illness and accident.
4. To raise the funds essential to the successful operation thereof.

ARTICLE FIVE

The street address of the initial registered office of the corporation is RT. 2 BOX 272 GILMER, Texas, and the name of its initial registered agent at such address is JAMES LEWIS.

ARTICLE SIX

The number of directors constituting the initial board of directors of the corporation is three, and the names and addresses of the persons who are to serve as the initial directors are:

<u>Name</u>	<u>Address</u>
JAMES LEWIS	RT. 2 GILMER, TEXAS
A. D. VARNER	RT. 2 GILMER, TEXAS
SAMMY OVERSTREET	RT. 2 GILMER, TEXAS

ARTICLE SEVEN

The name and street address of each incorporator is:

<u>Name</u>	<u>Address</u>
JAMES LEWIS	RT. 2 GILMER, TEXAS
A. D. VARNER	RT. 2 GILMER, TEXAS
SAMMY OVERSTREET	RT. 2 GILMER, TEXAS

ARTICLE EIGHT

Upon the dissolution of the corporation, the board of directors shall, after paying or making provision for payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the stated purposes of the corporation that will insure continued fire protection and prevention in the area of this organization.

IN WITNESS WHEREOF, we have hereunto set our hands, this 22 day of APRIL, 1976.

A. D. Varner
A. D. Varner, Asst. Fire Chief

[Signature]
FIRE CHIEF

Sammy Overstreet
Sammy Overstreet, First Captain

RT. 2 GILMER, TEXAS

STATE OF TEXAS ()
COUNTY OF UPSHUR ()

I, Eloise Gavin a Notary Public, do hereby certify that on this 18th day of Aug., 1976, personally appeared before me, A. D. Varner, who by me first duly sworn, severally declared that he is the person who signed the foregoing document as incorporators, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 18th day of Aug., 1976.

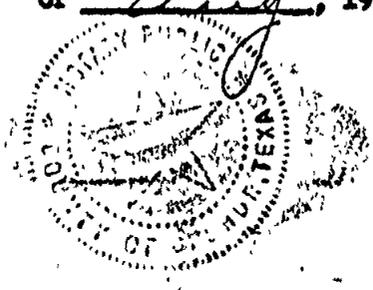


Eloise Gavin
Notary Public in and for Upshur County
State of Texas.
My commission expires June '77

STATE OF TEXAS ()
COUNTY OF UPSHUR ()

I, Eloise Gavin A Notary Public, do hereby certify that on this 18th day of Aug., 1976, personally appeared before me, Sammy Overstreet, who by me first duly sworn, severally declared that he is the person who signed the foregoing document as incorporators, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 18th day of Aug., 1976.



Eloise Gavin
Notary Public in and for Upshur County
State of Texas
My commission expires June '77

REPUBLIC TITLE CORPORATION	
808 W. 5TH 793-3134	
HOUSTON, TEXAS 78201	
204	
PAY TO THE ORDER OF <u>2.13 Oliver, G</u>	
<u>One Thousand Eighty and no/100</u>	
August 30 1976 81.75	
\$152 / 00 0.49	
DOLLARS	
FOR <u>Devin Hyde</u>	
STATE FIRST NATIONAL BANK	
HOUSTON, TEXAS 78201	
⑆08 4900 204 ⑆03 533 51⑆	