



## UPSHUR COUNTY COMMISSIONERS COURT

GILMER, TEXAS

December 5, 1977

Commissioners Court met in Special Session with all members of the Court present.

Judge Dean read the minutes of the November 28, 1977 meeting. Charles Still made a motion, seconded by Floyd Drennon, for the minutes to stand approved as read. Motion carried.

Mr. Valton Ray, with the Texas Alcoholic Control Board, met with the Court asking for the Court to approve payment of a radio crystal to be placed in his radio so he could be able to communicate with the other officers. Motion was made by Floyd Drennon, seconded by Charles Still, for this to be done. Motion carried.

Motion was made by Floyd Drennon, seconded by J. W. Meadows to approve a Special Road Use Agreement with the Texas Oil & Gas Corp. on Mimosa Road and Arrowwood Road. Motion carried. Copy attached.

Motion was made by Charles Still, seconded by Floyd Drennon to approve a permit application from Paul Valdetero, to place a driveway culvert on Row of Almond Road. Motion carried. Copy attached.

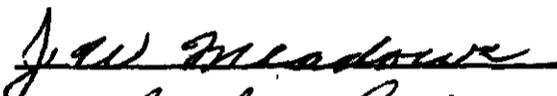
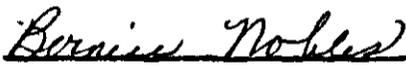
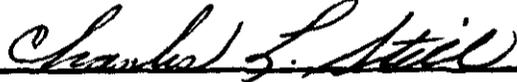
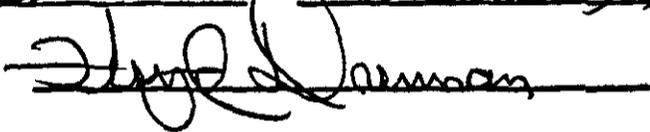
Charles Still made a motion, seconded by Floyd Drennon, to approve a permit application from Teledyne Exploration Co., to place a Seismograph Cable on ROW of County Road, Palm Road, only after Commissioner Still had talked with workers. Motion carried. Copy attached.

Judge Dean read a report from the Texas Justice of the Peace Training Center, San Marcos, Texas, stating that Justice of Peace, Cyril Bennett, Gorman Coston, Elmer S. Simpson and Hub Taff, successfully completed a twenty hour course in the responsibilities of the Justice of Peace. Judge Dean asked that a motion be made to place this letter in the Court Minutes. Charles Still made a motion, seconded by Bernice Nobles, for it to be done. Motion carried.

County Auditor, Keith Barber talked with the Court. He proposed that the County's fiscal year run from Oct. 1 - Sept. 30, instead of the present Jan. 1 - Dec. 30. He stated this would prevent money collected for the next fiscal year from being spent before January 1st.

Motion was made by J. W. Meadows, seconded by Floyd Drennon to approve the unpaid bills, Motion carried.

Bernice Nobles made a motion, seconded by J. W. Meadows to adjourn.

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

Texas Oil & Gas Corp.  
P. O. Drawer 669  
Gilmer, Texas 75644  
DUGGER, Well No. 1

1977 DEC 15 AM 11:18

SPECIAL ROAD USE AGREEMENT CONTRACT

THE STATE OF TEXAS |  
COUNTY OF UPSHUR | KNOW ALL MEN BY THESE PRESENTS

The undersigned, TEXAS OIL & GAS CORP., hereinafter referred to as First Party, enters into and makes an agreement with Upshur County Commissioner of Precinct No. 4, Upshur County, Texas, and in order to get material to market it is necessary to use a portion of Upshur County roads located in Precinct No. 4, over which Commissioner has jurisdiction and obligation to maintain in good repair and both parties being aware of possible damage to said roads as a result of hauling on and over same enter into the following agreement.

1.

First Party agrees to use only that section of (describe road) (South of Rosewood) 1/4 mi of Mimosa Rd. off Texas Hwy 154 and 1/2 mi of Arrowwood Rd, E. from Mimosa Rd.

2.

First Party agrees to use its vehicles in such a manner as not to block or interfere with other traffic on said road so that said road will be open to travel by the public at all times.

3.

First Party agrees to grade, maintain and otherwise repair said road using its own equipment, labor and materials, if any needed, during the duration of time that First Party is removing Oilfield Equipment from its lands located in Precinct No. 4, Upshur County.

4.

First Party agrees to put said road back into the same condition as it was prior to the commencement of hauling operations on the part of First Party.

5.

First Party agrees to post surety bond in the amount of None to Upshur County Commissioners Court to insure performance of agreement.

6.

Nothing herein shall be construed as a waiver by the Commissioner of the authority granted him by Article 6716, V.A.C.S., but the rights and authority granted the Commissioner by the terms of Article 6716, V.A.C.S. are expressly reserved by the Commissioner in the event First Party fails to abide by the conditions above set forth.

WITNESS our hands this the 28 day of November, A.D. 1977.

Bill H. Thompson  
FIRST PARTY: TEXAS OIL & GAS CORP.  
By: Bill H. Thompson

Ernest H. ...  
COUNTY JUDGE

Bernice Nobles  
COMMISSIONER #1

J. W. ...  
COMMISSIONER #2

Charles E. ...  
COMMISSIONER #3

David D. ...  
COMMISSIONER #4

VOL. 18 PG. 12

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

PERMIT APPLICATION FOR USE OF UPSHUR COUNTY RIGHT OF WAY

Date Dec. 5, 1977

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

Formal notice is hereby given that Paul Valdetero  
whose principal address is Rt. 2 Box 108, Big Sandy, Texas  
does propose to place a driveway culvert  
within the ROW of County Road Almond 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: Paul Valdetero

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

*12-5-77*  
*[Signature]*

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

PERMIT APPLICATION FOR USE OF UPSHUR COUNTY RIGHT OF WAY

Date 12-2-77

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

Formal notice is hereby given that Jellicome Exploration Co.  
whose principal address is P.O. Box 68 Mt Pleasant Tx  
does propose to place a Seismic Cable  
within the ROW of County Road Palm 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: E.P. Trakey

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

*Approved*  
*12-5-77*  
*[Signature]*

*Southwest Texas State University*  
*Texas Justice of the Peace Training Center*  
*San Marcos, Texas 78666*

(512) 245-2349

November 22, 1977

Hon. Everett Dean  
Upshur County  
Courthouse  
Gilmer, Texas 75644

Dear Judge Dean:

During the week of November 15-18, 1977, Judges Cyril Bennett, Gorman Coston, Elmer S. Simpson and Hub Taff successfully completed a twenty hour course in the responsibilities of the office of Justice of the Peace. Article 5972 of the Texas Revised Civil Statutes requires each newly elected/appointed Justice of the Peace to complete a forty hour course in the responsibilities of the J.P. office and additionally to complete a twenty hour course each year thereafter. This article encompasses all justices who took office since August 30, 1963 and are not licensed attorneys. The funding of this program, which provides free room and board for the judges at the seminar, is made possible through a grant from the Governor's Office, Criminal Justice Division.

We at the Training Center realize how important it is to you and the people you serve to insure that your county Justices of the Peace are properly trained and equipped to carry out the duties and obligations of the office. As ninety to ninety-five percent of our citizenry have their one and only contact with a lower court judge, it is imperative that this contact be as judicious as possible.

You may wish to enter this letter in the minutes of your next commissioners court meeting in order that it may become a permanent record. If we at the Training Center can ever be of assistance, please do not hesitate to call.

Sincerely,



Judge Ronald D. Champion  
Executive Director

RDC/bjm

NOTICE OF SPECIAL ELECTION

THE STATE OF TEXAS

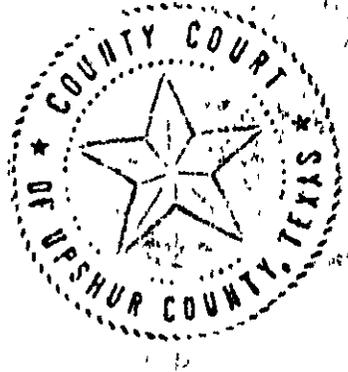
X

COUNTY OF UPSHUR

X

TO THE RESIDENT QUALIFIED VOTERS OF THE PROPOSED TOWN OF EAST MOUNTAIN, UPSHUR COUNTY, TEXAS:

Take notice that an election will be held on the 20th day of December, 1977, from 7:00 a.m. to 7:00 p.m., at the East Mountain Volunteer Fire Department Building, in the East Mountain Community across from the old school house, Upshur County, Texas, in the manner and on the proposition set forth in the attached copy of an order for Special election duly entered by the county Judge of Upshur County, Texas, on the 9th day of December, 1977. Said attached order for Special election is made a part of this notice for all intent and purposes.



*J. B. Hill, Jr.*  
\_\_\_\_\_  
J. B. HILL, JR. CLERK, COUNTY COURT,  
UPSHUR COUNTY, TEXAS

DEC 21 1977

CLERK OF COUNTY COURT  
UPSHUR COUNTY, TEXAS

ORDER FOR SPECIAL ELECTION

STATE OF TEXAS

X

COUNTY OF UPSHUR

X

ON THIS 9<sup>th</sup> day of December, 1977, came on to be considered the petition herein filed by twenty (20) resident citizens of the proposed Town of East Mountain, wherein the persons signing such petition pray the County Judge to execute an Order based upon such petition directing that an election be held to determine whether or not East Mountain, Upshur County, Texas, should be incorporated, all pursuant to Chapters 11 and 12 of Title 28, V. A. C. S., and the Court after examining such petition and the sworn testimony offered in support thereof, finds as follows:

(1) That the application filed herein in the office of the County Judge is properly prepared and contains the requisite number of qualified voters residing within the territory proposed to be incorporated.

(2) That accompanying such petition is a plat stating the boundary of the proposed town prepared by a registered public surveyor; that the name by which the town is to be known, if incorporated, is that of "East Mountain", and that the plat accompanying such petition and the description of the boundaries set out in the petition, include therein no territory except that which is intended to be used for strictly town purposes, and that all prerequisites of the law governing the calling of an election for the purpose of determining whether or not the proposed area should be incorporated have been complied with whether expressly set out in this order or not, and that this Court should issue its order directing that an election be called as provided by law for the purpose of determining whether or not such area as set out in the plat accompanying such petition and the description of such area as set out in such petition should be incorporated.

THEREFORE, BE IT ORDERED by the County Judge of Upshur County, Texas, that an election be held on the 20<sup>th</sup> day of December, 1977, which time is not less than ten (10) days from the date of this order, at which election in accordance with said petition and the laws of the State of Texas, the following proposition shall be submitted to the resident qualified voters of said proposed Town of East Mountain for their action thereon:

## PROPOSITION

"CORPORATION"

"NO CORPORATION"

Said election shall be held at East Mountain Volunteer Fire Department Building, East Mountain, Upshur County, Texas, and the following persons are hereby appointed to conduct such election:

CARL W. MATRIS shall be Presiding Officer of the election and he will select two Judges and two Clerks to help hold the election.

The ballots of said election shall have written or printed thereon the following:

"INCORPORATION"

"NO INCORPORATION"

Each voter shall mark out one of the above expressions relative to being "for" or "against" incorporation, thus leaving the other as indicating his vote.

The manner of holding this election shall be governed, as near as it may be, by the General Election Laws of the State of Texas, except as modified by the provisions of Chapter 12, Title 28, Vernons Revised Civil Statutes of the State of Texas, revision of 1925, as amended, and none but resident qualified voters who have resided within the limits of the proposed town for six (6) months next preceeding the date of this election and is a qualified elector under the laws of this State shall be entitled to vote in the election.

NOV 21 1977  
CLERK OF COURT  
UPSHUR COUNTY, TEXAS

The Court finds that no newspaper is published within the proposed town and that accordingly the notice of such election shall be given by posting notices of same at three public places situated within the proposed town.

The County Clerk is hereby authorized and directed to cause said notices to be posted as hereinabove directed and further orders are reserved until the returns of said election are made by the duly authorized election officials and received by this Court.

SIGNED this the 9<sup>th</sup> day of December, 1977.

  
EVERETT DEAN, JUDGE  
COUNTY COURT  
UPSHUR COUNTY, TEXAS

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

IN RE:	X	IN THE COUNTY COURT
EAST MOUNTAIN,	X	IN AND FOR
A TOWN	X	UPSHUR COUNTY, TEXAS

APPLICATION FOR INCORPORATION

TO THE HONORABLE JUDGE OF SAID COURT:

Now come the undersigned, qualified voters under the provisions of Chapter 11, Title 28, of the Revised Civil Statutes of Texas, 1925, and all amendments thereto, and files this their Application in the office of the County Judge of Upshur County for the incorporation of a town:

I.

The name of the town shall be: East Mountain.

II.

The boundaries of East Mountain are those set forth in Exhibit A, an instrument in four pages titled "Corporate Limits of the City of East Mountain, Texas", attached hereto and made a part hereof for all purposes.

III.

The boundaries of East Mountain are designated and set forth in the plat of said town which is Exhibit B, attached hereto and made a part hereof for all purposes. The territory included contains no territory except that which is intended to be used for strictly town purposes.

IV.

The town contains more than two hundred and less than ten thousand inhabitants as required by Article 1133, Chapter 11, Title 28, of the Revised Civil Statutes of Texas, 1925, as amended.

V.

All those whose signatures appear below are residents of the territory to be included within the town.

WHEREFORE, PREMISES CONSIDERED, Applicants pray that a hearing be set and that at such hearing the County Judge shall make an Order for holding an election on a day therein stated and at a place designated within the town for the purpose of submitting the question to a vote of the people, that the County Judge shall appoint an Officer to preside at the election and shall have posted notice for ten days at three public places in the town, the fact that such election is to be held.

<u>Agilla A. Mathews</u> 10630	<u>Robert D. Blacklock</u> 12092
<u>Robert Bernard Collins</u> 10571	<u>Kenneth Earl Eddy</u> 13115
<u>Fred Oliver Gray</u> 10633	<u>Virginia L. Cude</u> 10585
<u>Fabe C. Pace</u> 10737	<u>Onie Holtz</u> 10673
<u>Marvin E. Davis</u> 10595	<u>J.W. Coffey</u> 10729
<u>Gene L. Wilson</u> 10815	<u>Landis E. Mullin</u> 10724
<u>Alice Satter</u> 10780	<u>Frederick Randolph Lockett</u> 10756 4947
<u>W.C. Mathis</u> 10706	<u>Aubrey Miller Johnson</u> 13044
<u>L. Aubrey Sate</u> 12053	<u>William Morris Dorley</u>
<u>Robert Chadwick Ingley</u> 10570	<u>C. Pitman</u> 5011
<u>Florence Edward Collins</u>	

# Exhibit A

CORPORATE LIMITS  
OF  
THE CITY  
OF  
EAST MOUNTAIN, TEXAS

BEGINNING at a stake at the SEC of a 53 acre tract of land in the name of A O Salter, same being the NEC of a 19 acre tract once owned by Carl Mathis, and said corner being in the WBL of the land once owned by C H Landers, and being in the William King HR Survey, Abs. No. 264, Upshur County, Texas, and better described as follows:

THENCE South with the WBL of the WBL of the former Landers land to a point in said line 200 feet from the SWC of said tract, and being 200 feet North from the SBL of the William King Survey;

THENCE East and parallel to the SBL of said King Survey and the SBL of the Marshall Mann Survey to a corner 200 feet North of the the SBL of said Mann Survey and at a point 300 feet from the center line of State Highway No. 300;

THENCE in a Northerly direction with a line 300 feet from and parallel to the center line of said Highway No. 300 to a stake 200 feet North of the NBL of the right of way of State F M Road No. 726;

THENCE in a Northeasterly direction 600 feet with a line parallel to the NBL of said F M Road No. 726 to a stake being 300 feet East of the State Highway No. 300;

THENCE in a Southeasterly direction with a line 300 feet distant and parallel to the center line of Highway No. 300 to where said line intersects the Upshur and Gregg County Line;

THENCE S 68 deg W approximately 3100 feet with said County Line to a point 100 feet West of a public road;

THENCE North with and along the West side of said road and 100 feet from same to a point 100 from said road and 300 feet South of the center of State F M Road No. 1844;

THENCE in a Westerly direction with a line 300 feet from the center line of said State F M Road No. 1844 to a point in said line where same intersects the EBL of an original 17 acre tract once owned by John L Snider;

THENCE South 500 feet with said line to a point for corner;

THENCE West 409 feet to a point in the WBL of said 17 acre tract;

THENCE North 500 feet with said line to a point in said line 300 feet from the center line of State F M Road No. 1844;

THENCE in a Westerly direction with a line 300 feet distant from the center line of State F M Road No. 1844 to a point in said line where same intersects a line 300 feet distant from the center line of State F M Road No. 1845;

THENCE in a Southeasterly direction with a line 300 feet distant from the center line of said Highway No. 1845 to the point where said line intersects the Upshur-Gregg County Line;

THENCE S 68 deg W 647.2 feet to a point in said County Line 300 feet in a Westerly direction from the Center line of said State F M Road No. 1845;

THENCE in a Northwesterly direction with a line 300 feet distant from the center line of said State F M Road No. 1844 to a point in said line 300 feet from the center line of State F M Road No. 1844;

THENCE West with a line 300 feet from the Center Line of said State F M Road No. 1844 to a point 250 feet East from the center of a county road running from East Mountain to White Oak;

THENCE in a Southerly direction with a line 250 feet from the center of said County road, and 250 feet from the center of Woodchuck Road 250 feet East from said road to a point 250 feet South of Yellowthroat Road;

THENCE in a Westerly direction with a line 250 feet South and parallel to the center of said Yellowthroat Road to a point where said line intersects a point 250 feet East from the center of Warbler Road;

THENCE in a Southerly direction with a line 250 feet from the center of said road to the point where said road intersects the Upshur-Gregg County Line;

THENCE S 63 deg E 499.9 feet with said County Line to a point in said line 250 feet West from the center of said Warbler Road;

THENCE in a North and Northeasterly direction with a line 250 feet from the center of said County road to a point 300 feet from and South of the center line of State F M Road No. 1844;

THENCE in a Westerly direction with a line 300 feet South from the center line of said State F M Road No. 1844 to a point 200 feet West from a point South of the SEC of the original Joe Miller 100 acre tract;

THENCE North 600 feet to a stake for corner at a point 300 feet North from the center of State F M Road No. 1844;

THENCE in a line Easterly and 300 feet from the center of said State F M Road No. 1844 to a point in said line due South of the SWC of the Primitive Baptist Church;

THENCE in a Northerly direction with and along the WBL of said church lot and the property owned by The First Baptist Church to a point 250 feet South of the center of the County Road running from East Mountain to West Mountain;

THENCE in a Northwesterly direction with a line 250 feet from the center line of said road to a point due West of the Southern SWC of the Tommy Plankenship land bought from the O'Byrne Heirs;

THENCE East 210 feet with a line to a point in the WBL of the right of way of said County Road;

THENCE in a Northwesterly direction with and along the SBL of said County Road to the point where said road intersects the EBL of the original E A Tullos 285 acre tract in the Wm. King Survey;

THENCE South 800 feet with the EBL of said tract to a stake for corner in said line;

THENCE West 1230 feet to a stake for corner in the WBL of the Bay Meadows tract of land;

THENCE North with the WFL of same, and to a point in the NBL of the right of way of the County Road;

THENCE in a Southeasterly direction with and along the NBL of said County road to the point where said County Road intersects the SBL of the Tommy Plankenship tract of land;

THENCE East 210 feet with the SBL of said tract to a point in said line and 250 feet East from the center of said East Mountain-West Mountain County Road;

THENCE in a Southeasterly direction with a line 250 feet from the center of said County Road to the point where said road intersects the NBL of a small tract owned by the Ramey Estate;

THENCE East with said line to a point in said line 300 feet West from the center of Peacock Road;

THENCE in a Northerly direction, with and along a line 300 feet from the center of said road to a stake 300 feet North from the Center Line of State F M Road No. 726;

THENCE in a line and 300 feet North from the center of State F M Road No. 726 in a Northeasterly direction to the point where said line intersects the EBL of the Carl Pittman home tract;

THENCE in a Southeasterly direction 600 feet to a stake at a point 300 feet South from the center of said State F M 726;

THENCE in a line 300 feet from the center line of said highway in a Southwesterly direction to the point where said line intersects a point 300 feet East from the center line of a County Road called Peacock Road;

THENCE with a line 300 feet from the center of said road in a Southerly direction to a point in said line 300 feet from the center line of the East Mountain and West Mountain County Road;

THENCE in a Southeasterly direction with a line 300 feet from the center of said road to where same intersects the SBL of the M O Salter 53 acre tract;

THENCE East with the SPL of said Salter tract to the place of beginning, and containing 1237 acres.

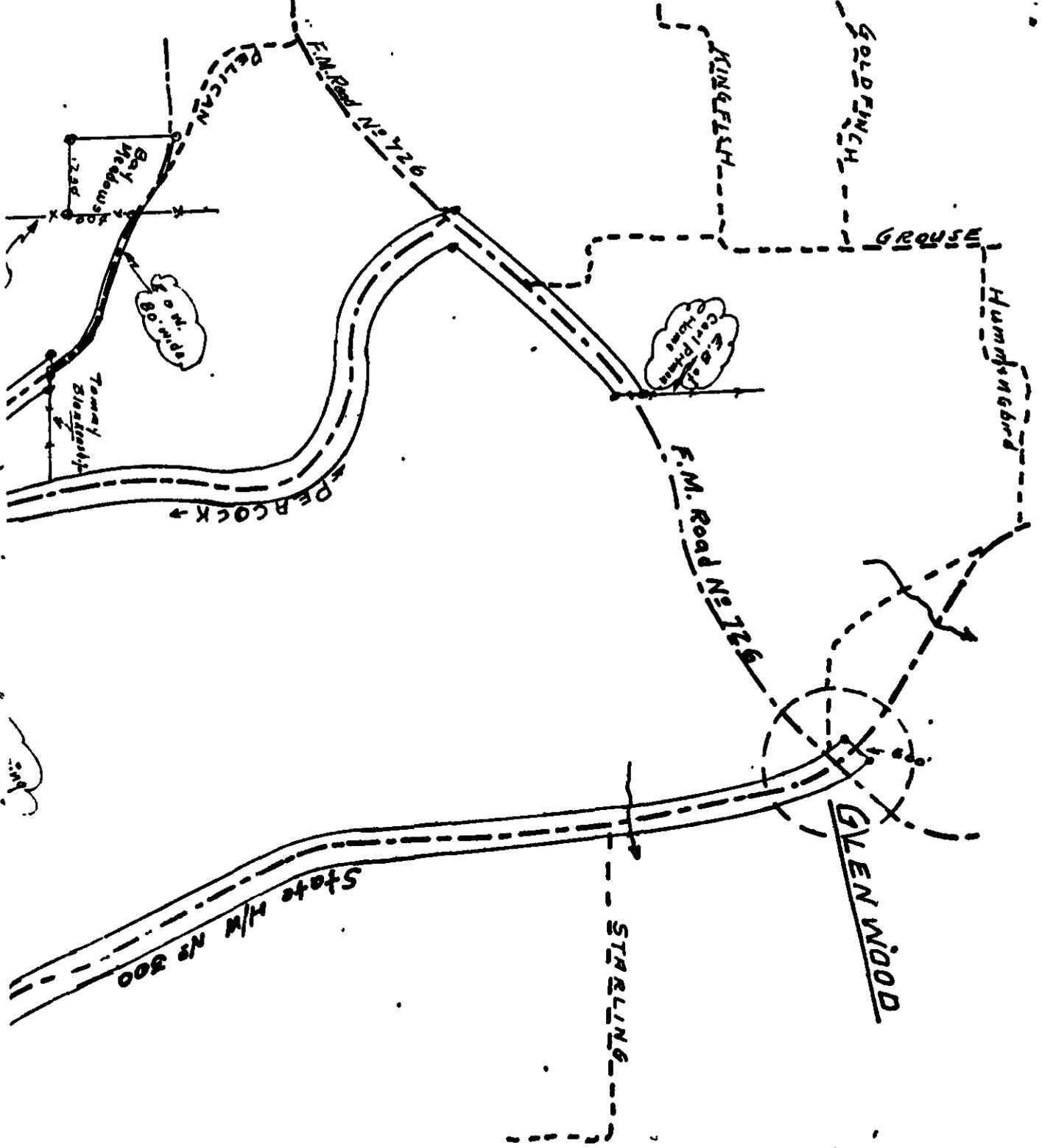
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Field Notes, Dec. 6th, 1977,

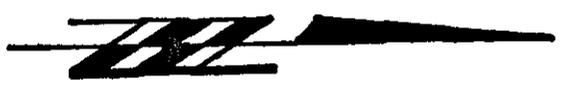
By, *R.E. McClelland*  
R.E. McClelland, Registered  
Public Surveyor (Reg # 943)



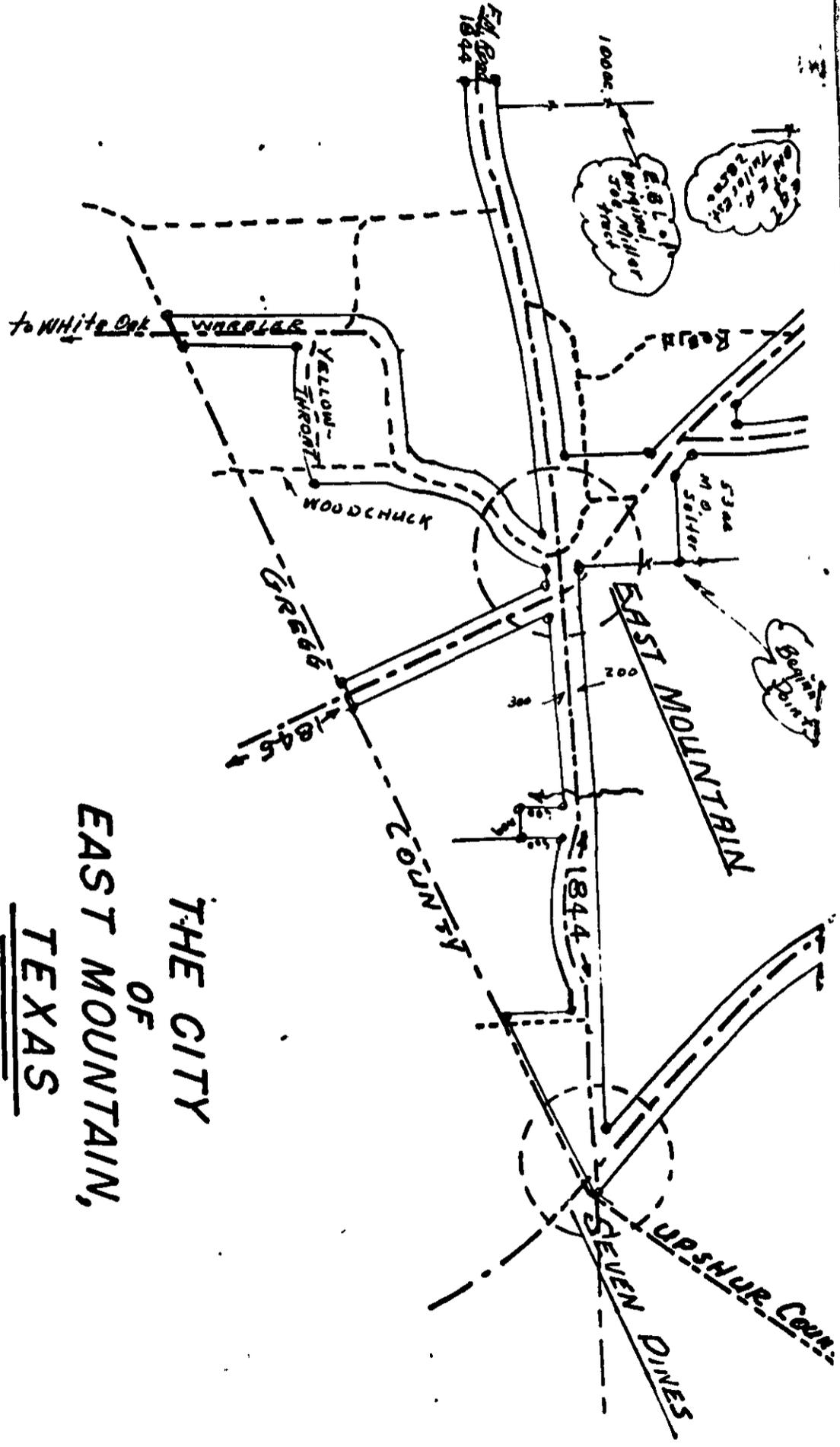
FILED  
DEC 11 1977  
PUBLIC SURVEYOR



SCALE  
 1 inch = 2000 ft.  
 (Approximate)



N



THE CITY  
OF  
EAST MOUNTAIN,  
TEXAS  
UPSHUR COUNTY, TEXAS

Exhibit B

12-6-77  
Plot by  
R. M. Belland  
Registered Surveyor  
Reg. No. 943



