



## UPSHUR COUNTY COMMISSIONERS COURT

GILMER, TEXAS

March 6, 1978

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

Judge Dean read the minutes of Feb. 27, 1978. Motion was made by J. W. Meadows, seconded by Bernice Nobles for the minutes to stand as read. Motion carried.

Butch Ragland met with the Court asking the commissioners to mow the Gilmer Airport at least four times a year. No action was taken on this.

Motion was made by Charles Still, seconded by Floyd Drennon, to approve 2 permits for driveway culverts from L. E. Rosenbalm. One to be placed on Locust Road and one on Mulberry Road. Motion carried. Copys attached.

Motion was made by Charles Still, seconded by Floyd Drennon to approve a permit application from James Tucker, Jr, to place a driveway culvert on ROW of County Road, old Big Sandy Hwy. Motion carried. Copy attached.

J. W. Meadows made a motion, seconded by Bernice Nobles to approve the deputation of Carol Jansen, Deputy County Clerk. Motion carried.

Floyd Drennon made a motion, seconded by Charles Still for approval of District Clerk & County Clerk to attend a annual Seminar at Texas A. & M. Motion carried.

J. W. Meadows made a motion, seconded by Bernice Nobles to approve the County Hollidays for 1978. Motion carried. (A list of the days attached.)

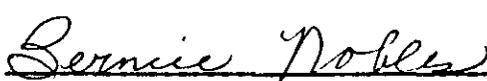
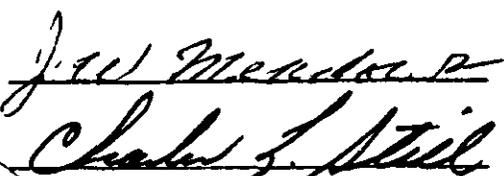
Motion was made by Judge Dean, seconded by Charles Still, for Ramah Hudson to attend a workshop in Tyler, April 14-15, 1978. Motion carried.

Charles Still made a motion, seconded by Bernice Nobles pertaining to order relating to exchange of claims and accounts for certificates of obligation. Motion carried. (Copy Attached.)

Motion was made by J. W. Meadows, seconded by Floyd Drennon, authorizing County Judge to give notice to bidders of Upshur Countys intention to purchase materials and provide for certain work to be done and to deliver certain certificates of obligation, as shown in notice as Lot 1, Lot 2, and Lot 3, for bids to be made. This motion carried. (Copy attached.)

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

Floyd Drennon made a motion, seconded by Charles Still to adjourn.


2. That all the said notices were posted by him on the 28 day of Feb, 1978, which was not less than ten full days prior to the date for said election.

He further certifies that the election order thereto attached and made a part of said Notice is a true and correct copy of an ORDER OF THE COUNTY JUDGE OF UPSHUR COUNTY, TEXAS, on the 28 day of Feb, 1978.

WITNESS my hand this the 28 day of Feb, 1978.

Ray Johnson  
Sheriff, Upshur County, Texas

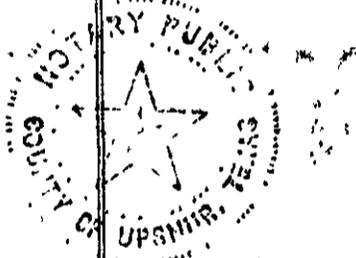
By Richard Bullard  
Deputy

SWORN TO AND SUBSCRIBED BEFORE ME by Richard Bullard  
of Upshur County, Texas, This the

28 day of Feb, 1978.

ELMER S. SIMPSON  
JUSTICE OF THE PEACE, PRECINCT 1  
UPSHUR COUNTY  
GILMER, TEXAS

Elmer S. Simpson  
Notary Public, Upshur County,  
Texas





VOL. 18 PG. 242

PERMIT APPLICATION FOR  
USE OF UPSHUR COUNTY RIGHT OF WAY

Date Feb. 28, 1978

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

Formal notice is hereby given that L. E. Rosenbalm  
whose principal address is Rt. 3 Box 305E, Gilmer, Texas 75644  
does propose to place a driveway culvert  
within the ROW of County Road Mulberry 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: LE Rosenbalm

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

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

*Approved*  
*3-6-78*

PERMIT APPLICATION FOR  
USE OF UPSHUR COUNTY RIGHT OF WAY

Date Feb. 28, 1978

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

Formal notice is hereby given that James Tucker, Jr.  
whose principal address is Rt. 2 Box 68, Big Sandy, Texas 7575  
does propose to place a driveway culvert  
within the ROW of County Road Old Big Sandy Highway  
as follows: White Oak Road

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: James Tucker Jr

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

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

*Approved*  
*3-6-78*

VOL. 18 PG. 244

### DEPUTATION

THE STATE OF TEXAS

COUNTY OF Upshur } I, J. B. Hill, Jr.

.....of the County of Upshur .....and State of Texas, having full confidence in..... Carol Jansen..... of said County and State, do hereby with the consent of the Commissioners' Court of Upshur County, Texas, duly entered herein, nominate and appoint the said Carol Jansen my true and lawful deputy, in my name, place and stead, to do and perform any and all acts and things pertaining to the office of said County Clerk ..... of said County and State, hereby ratifying and confirming any and all such acts and things lawfully done in the premises by virtue hereof

WITNESS my hand, this 6 day of March 1978 ..  
J. B. Hill, Jr.  
of Upshur County, Texas.

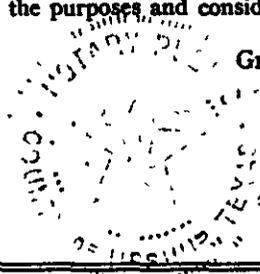
THE STATE OF TEXAS

COUNTY OF Upshur } BEFORE ME, A Notary Public

.....in and for Upshur County, Texas,  
on this day personally appeared J. B. Hill, Jr.

..... known to me to be the person whose name is subscribed to the foregoing deputation, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN under my hand and seal of office at Gilmer, Texas,  
this 6 day of March 1978.



J. B. Hill, Jr.  
A. B. Pittman

### OATH OF OFFICE

"I, Carol Jansen

do solemnly swear (or affirm) that I will faithfully execute the duties of the office of Deputy Clerk ..... and for Upshur County of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward to secure my appointment or the confirmation thereof. So help me God.

Signed Carol Jansen

Sworn to and subscribed before me, this 6 day of March A. D. 1978

J. B. Hill, Jr.

J. B. Hill, Jr.



VOL. 18 PG. 245

**EVERETT DEAN**  
COUNTY JUDGE, UPSHUR COUNTY  
GILMER, TEXAS 75644

Good Friday	March 24,	Friday
Memorial Day	May 29	Monday
July 4	July 4	Tuesday
Labor Day	Sept. 4	Monday
Yamboree	Oct. 19 & 20	Thursday & Friday
Thanksgiving	Nov. 23 & 24	Thursday & Friday
Christmas	Dec. 25 & 26	Monday & Tuesday
New Years Day	Jan. 1, 1979	Monday

ORDER OF ELECTION FOR MAYOR, MARSHALL,  
AND FIVE ALDERMEN IN THE TOWN OF  
EAST MOUNTAIN, TEXAS

THE STATE OF TEXAS X  
COUNTY OF UPSHUR X

WHEREAS, on the 29th day of December, 1977, an Order was duly entered by me declaring the Town of East Mountain to be incorporated within the boundaries therein contained, a copy of which is duly filed of record in the Deed Records of Upshur County, Texas.

WHEREAS, in accordance with Article 1141, under Chapter 11, Title 28 of the Revised Civil Statutes of 1925 of the State of Texas, and amendments thereto, I am required to immediately order an election for a Mayor, a Marshall and five Aldermen, all of whom shall not be eligible to any of said offices unless he possesses the requisites provided by Chapter 11, Title 28 of the Revised Civil Statutes of 1925 of the State of Texas, and amendments thereto for persons qualified to vote thereunder.

NOW, THEREFORE, I EVERETT DEAN, in my official capacity as County Judge of Upshur County, Texas, do hereby order that an election be held on the 1st day of April, 1978, at East Mountain, Texas, at the Community Center, located within the boundaries of East Mountain, Texas, which is within Upshur County, Texas, to elect a Mayor, a Marshall and five Aldermen, all of whom shall possess the requisites provided by Chapter 11, Title 28 of the Revised Civil Statutes of 1925 of the State of Texas, and amendments thereto for persons qualified to vote thereunder. Mr. Carl Mathis is hereby appointed presiding officer of the election and he will name two (2) judges and two (2) clerks to help hold the election and he shall within the (10) days after said election has been held, make due return thereof to the County Judge of this County as is required by law holding such election.

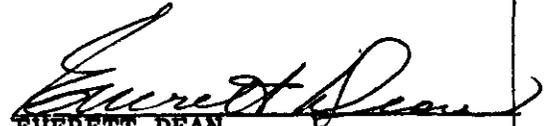
All persons who have attained the age of eighteen (18) years and who are legally qualified voters of this State and who have resided within the town of East Mountain for the time prescribed by law, next preceding said election shall be entitled to vote at said election for the candidates.

IT IS FURTHER ORDERED that anyone who desires to have his name placed on said ballot shall make written application and file same with me no later than the 10th day of March, 1978.

IT IS FURTHER ORDERED that the polls at such election be open from 7:00 A.M. to 7:00 P.M.

The Sheriff of this County shall post notice of said election by posting three (3) notices thereof in three (3) public places within the boundaries of said town prior to the date fixed for said election.

DATED this the 27 day of February, 1978.

  
EVERETT DEAN  
County Judge, Upshur County,  
Texas.

FILED  
J.E. HILL, JR.  
CLERK UPSHUR COUNTY  
1978 MAR 10 PM 4:01

THE STATE OF TEXAS X  
COUNTY OF UPSHUR X

TO: THE HONORABLE EVERETT DEAN, COUNTY JUDGE, UPSHUR COUNTY, TEXAS

We, the undersigned, request our names be placed upon the ballot for Aldermen for the election to be held in the Town of East Mountain on the 1st day of April, 1978.

Signed this 28 day of ~~March~~, 1978

Fabe C. Pace

Signed this 1 day of March, 1978

J.C. Medler

Signed this 1 day of March, 1978

G.M. Johnson

Signed this 3 day of March, 1978

Gus L. Wilcox

Signed this 9 day of March, 1978

Leon B. Gregory

Signed this 10th day of March, 1978

Mary Anne J. Crocker

Signed this 10 day of March, 1978

Charles H. Medlin

Signed this \_\_\_\_\_ day of March, 1978

Signed this \_\_\_\_\_ day of March, 1978

Signed this \_\_\_\_\_ day of March, 1978

I, Everett Dean, Judge, County Court, Upshur County, Texas, hereby certify that the above named persons have requested that their names be placed on the ballot for Aldermen for the election to be held in the Town of East Mountain on the 1st day of April, 1978.

Everett Dean

Everett Dean, Judge  
County Court, Upshur County,  
Texas

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

THE STATE OF TEXAS

X

1978 MAR 10 PM 4:01

COUNTY OF UPSHUR

X

TO: THE HONORABLE EVERETT DEAN, COUNTY JUDGE, UPSHUR COUNTY, TEXAS

We, the undersigned, request our names be placed upon the ballot for Mayor for the election to be held in the Town of East Mountain on the 1st day of April, 1978.

Signed this 28 day  
of ~~March~~, 1978

Ralph B. Collins

Signed this ~~10~~ day  
of March, 1978

Charles Donald Walker, C.M.

Signed this 10 day  
of March, 1978

Betty Lou Miller

Signed this \_\_\_\_\_ day  
of March, 1978

\_\_\_\_\_

Signed this \_\_\_\_\_ day  
of March, 1978

\_\_\_\_\_

I, Everett Dean, Judge, County Court, Upshur County, Texas, hereby certify that the above named persons have requested that their names be placed on the ballot for Mayor for the election to be held in the Town of East Mountain on the 1st day of April, 1978

Everett Dean  
Everett Dean, Judge  
County Court, Upshur County, Texas

FILED  
J.B. HILL, JR.  
CLERK UPSHUR COUNTY  
1978 MAR 10 PM 4: 01

THE STATE OF TEXAS X  
COUNTY OF UPSHUR X

TO: THE HONORABLE EVERETT DEAN, COUNTY JUDGE, UPSHUR COUNTY, TEXAS

We, the undersigned, request our names be placed upon the ballot for Marshall for the election to be held in the Town of East Mountain on the 1st day of April, 1978.

Signed this 6 day  
of March, 1978

*Edward Harold Kirshke*

Signed this 10 day  
of March, 1978

*David J. Higgins*

Signed this 10 day  
of March, 1978

*Chris Hall Jr*

Signed this \_\_\_\_\_ day  
of March, 1978

\_\_\_\_\_

Signed this \_\_\_\_\_ day  
of March, 1978

\_\_\_\_\_

I, Everett Dean, Judge, County Court, Upshur County, Texas hereby certify that the above named persons have requested that their names be placed on the ballot for Marshall for the election to be held in the Town of East Mountain on the 1st day of April, 1978.

*Everett Dean*  
Everett Dean, Judge  
County Court, Upshur County,  
Texas

MINUTES PERTAINING TO ORDER RELATING TO EXCHANGE  
OF CLAIMS AND ACCOUNTS FOR CERTIFICATES OF OBLIGATION

THE STATE OF TEXAS       §  
                                          §  
COUNTY OF UPSHUR       §

ON THIS, the 6 day of March, 1978, 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 having been given as prescribed by Article 6252-17, Section 3A, V.A.T.C.S. with the following members of said Court being present and in attendance, to wit:

EVERETT DEAN	COUNTY JUDGE
MRS. OFFIE NOBLES	COMMISSIONER, Precinct No. 1
J.W. MEADOWS	COMMISSIONER, Precinct No. 2
CHARLES STILL	COMMISSIONER, Precinct No. 3
FLOYD DRENNAN	COMMISSIONER, Precinct No. 4

and with the following absent: \_\_\_\_\_  
constituting a quorum; and among other business considered at said meeting, an order was submitted to the Commissioners' Court for passage and adoption, such order being entitled as follows:

"AN ORDER by the Commissioners' Court of Upshur County, Texas, relating to the exchange of claims and accounts for certificates of obligation; making provision for the exchange; and making certain findings in connection therewith."

The order was read in full. Thereupon, Commissioner Charles Still made a motion that the order be passed finally. The motion was seconded by Commissioner Bernice Nobles and carried by the following vote:

AYES:       County Judge Dean and Commissioners Nobles,  
                  Meadows, Still and Drennan

NOES:       None

The Presiding Officer then announced that the order had been finally passed and adopted.

MINUTES APPROVED, this the 6 day of March, 1978.

  
County Judge, Upshur County, Texas

ATTEST:

  
County Clerk and Ex-officio Clerk  
of the Commissioners' Court of  
Upshur County, Texas

(Com. Crt. Seal)

AN ORDER by the Commissioners' Court of Upshur County, Texas, relating to the exchange of claims and accounts for certificates of obligation; making provision for the exchange; and making certain findings in connection therewith.

WHEREAS, by order duly passed and adopted on the 11th day of July, 1977, this Commissioners' Court authorized the issuance of certificates of obligation in the amount of \$750,000 for the purpose of paying all or a part of the contractual obligations to be incurred for the construction of public works (the construction and reconstruction of county roads and bridges) and for the purchase of materials, supplies, equipment and machinery and for the acquisition of land and rights of way for county roads; and

WHEREAS, in such order it was provided that claims and accounts representing an undivided interest in the certificates of obligation could be incurred and exchanged for the certificates of obligation; and

WHEREAS, on the 1st day of September, 1977 and on the 8th day of September, 1977, notice of intention to receive bids for the receipt of certain materials for road improvements (road oil) was published and bids were received on the 19th day of September, 1977, and contracts were duly and legally entered into by and between Upshur County and the following contractors:

Wilson-Riley, Inc.  
 American Petrofina Company of Texas  
 Quitman Construction Company, Inc.

WHEREAS, pursuant to such contracts certain oil has been supplied to the County and claims and accounts have been incurred and certain cash payments made as follows:

<u>Name of Contractor</u>	<u>Amount of Claim</u>	<u>Cash Paid</u>	<u>No. of Barrels of Oil</u>	<u>Total Price Paid</u>
Wilson-Riley, Inc.	\$60,000	\$75	4568.5	\$60,075
Quitman Construction Company, Inc.	11,000	531	1441-3/8	11,531
American Petrofina Company of Texas	12,000	0	1000	12,000
American Petrofina Company of Texas	3,500	100	300	3,600
American Petrofina Company of Texas	1,500	0	125	1,500
Wilson-Riley, Inc.	17,000	358	1320	17,358

WHEREAS, the following claims have been issued:

<u>Claim Number</u>	<u>Date of Claim</u>	<u>To Whom Paid</u>	<u>Purpose of Claim</u>	<u>Amount of Claim</u>
No. 1	10-10-77	Wilson-Riley Inc.	road oil	\$60,000
No. 2	10-10-77	Quitman Construction Company, Inc.	road oil	11,000
No. 3	10-10-77	American Petrofina	road oil	12,000
No. 4	11-14-77	American Petrofina	road oil	3,500
No. 5	11-14-77	American Petrofina	road oil	1,500
No. 6	11-14-77	Wilson-Riley Inc.	road oil	17,000

WHEREAS, all of such claims and accounts have been assigned to and are now held by the Farmers and Merchants National Bank, Gilmer, Texas, pursuant to a contract by and between this County and said bank; now, therefore,

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

SECTION 1: That all of the recitals contained in the preamble hereof are now found to be true and adopted as the judgment and findings of this Commissioners' Court.

SECTION 2: It is hereby found and determined that all of the claims and accounts listed in the preamble hereof have been incurred as contractual obligations by the County of Upshur, Texas; that claims numbered 1 through 6 were for the purchase of road oil for the reconstruction and improvement of county roads.

SECTION 3: That the certificates of the County of Upshur, Texas, known as "UPSHUR COUNTY, TEXAS, CERTIFICATES OF OBLIGATION, SERIES 1977" dated August 1, 1977 (being those certificates authorized to be issued by an order of the Commissioners' Court of said County passed and adopted on the 11th day of July, 1977, and of record in the Minutes of said County), being those certificates numbered 1 through 105 in the denomination of \$1,000 each, aggregating \$105,000 due on February 1 in each of the years as follows: \$10,000 - 1978; \$15,000 - 1979; \$25,000 - 1980; \$30,000 - 1981; and \$25,000 - 1982, bearing interest at the rate of six per cent (6%) per annum, to be completed as to their execution and be issued under the Constitution and laws of the State of Texas for the purpose of paying, cancelling and funding an equal amount of the existing indebtedness of the County represented by claims and accounts duly and legally incurred for the purpose specified in the preamble of this order. It is specifically found and determined that all of the claims and accounts which are to be funded by such certificates have been duly audited, approved and allowed by this County prior to the issuance of the original indebtedness and that such original indebtedness is to be surrendered to the County Judge, County Clerk and County Treasurer and by those officers to be cancelled by the issuance and delivery to the aforesaid holders of the \$105,000 in certificates.

**SECTION 4:** As provided in the order of this County authorizing the issuance of the said certificates of obligation (which order was adopted on July 11, 1977), the County Judge, County Clerk and County Treasurer shall have joint control of said \$105,000 certificates and the said officials are authorized and directed to make actual delivery of the certificates to the Farmers and Merchants National Bank, Gilmer, Texas, and to simultaneously deliver a receipt for the original claims and accounts to be surrendered in exchange for the indebtedness to be funded. The holder of such claims and accounts should be required to give the aforesaid officials of the County a receipt for the certificates which are being issued and paid in lieu of the original indebtedness.

**SECTION 5:** That when executed and delivered in accordance herewith the aforesaid certificates are hereby declared to be valid, subsisting and enforceable obligations of the County of Upshur, Texas, the said County having heretofore received full value and consideration for each claim and account mentioned in the preamble hereof, which claims and accounts evidence indebtedness of the County of Upshur heretofore incurred, that all things required by law in the issuance and delivery of said certificates and the underlying claims and accounts have happened and have been performed in due time, form and manner, as required by law; that each of the claims and accounts hereinabove listed were issued in payment of an obligation incurred in connection with the contractual obligations as described in the preamble of this order, this judicial ascertainment being expressly made for the use and benefit of the prospective owners and holders of the said certificates, the Attorney General of Texas and any other attorneys who shall pass upon the legality and validity of the said certificates and same shall be binding upon the County of Upshur, Texas, the Commissioners' Court of said County and the successors in office of the County, Judge and other members of said Commissioners' Court.

PASSED AND APPROVED this the 6 day of March,

1978.

*Ernest Dean*

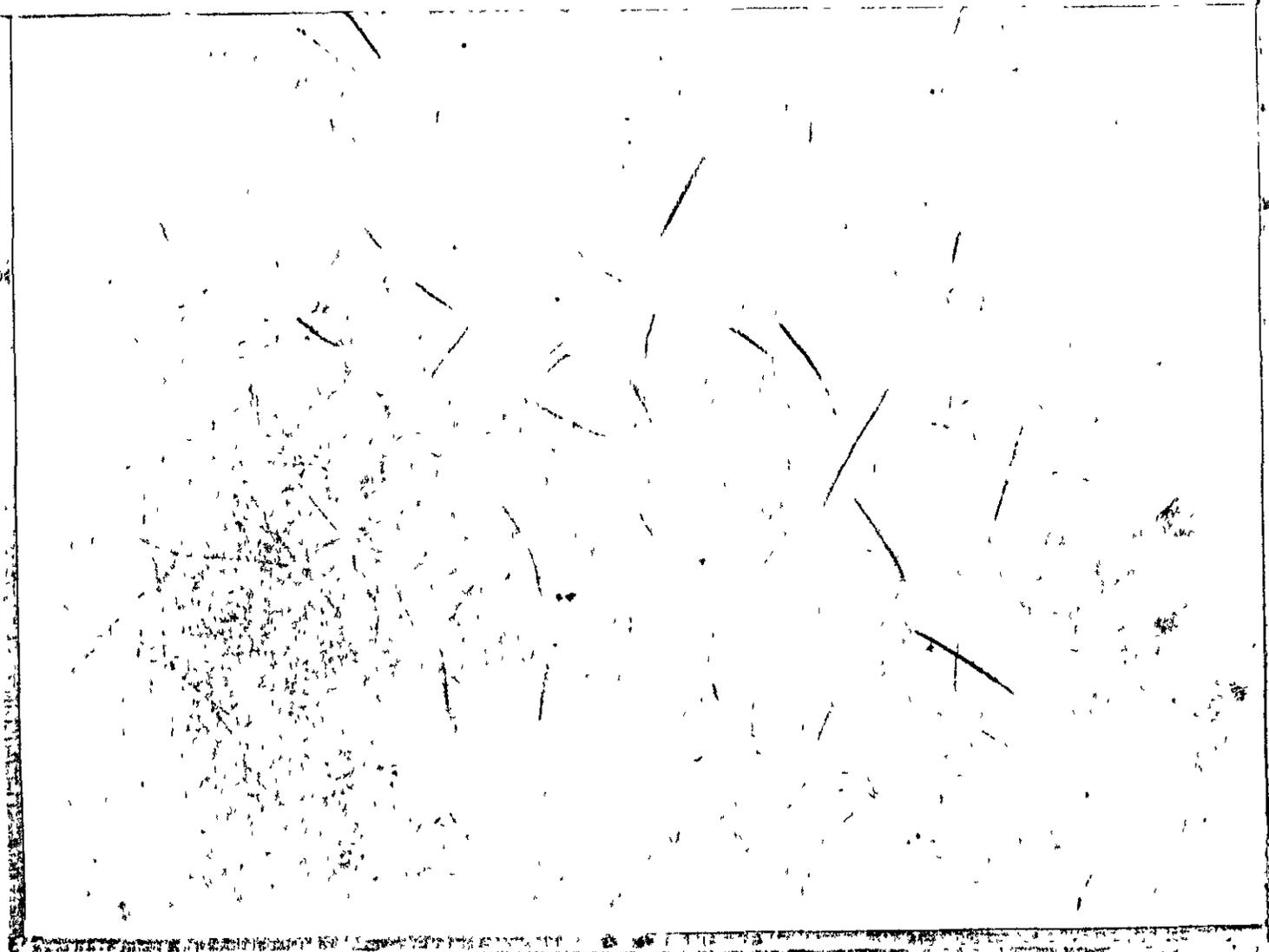
County Judge  
Upshur County, Texas

ATTEST:

*W. H. Lee*

County Clerk and Ex-officio Clerk  
of the Commissioners' Court of  
Upshur County, Texas

(Com. Crt. Seal)



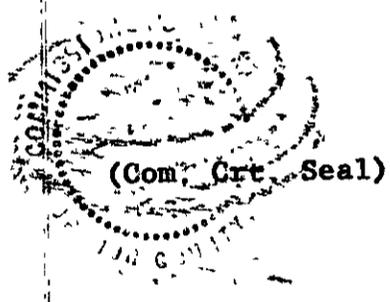
CERTIFICATE OF COUNTY CLERK

THE STATE OF TEXAS       §  
                                          §  
COUNTY OF UPSHUR       §

I, the undersigned, County Clerk and Ex-officio Clerk of the Commissioners' Court of Upshur County, Texas, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of an order relating to the exchange of claims and accounts for certificates of obligation (and Minutes pertaining to its adoption) passed and adopted by the Commissioners' Court of said County on the 6 day of March, 1978, the original of which order is of record in the Minutes of said Court.

I DO FURTHER CERTIFY that the said order was passed at a meeting open to the public and notice of said meeting was given in advance thereof in such manner as to be in compliance with the provisions of Article 6252-17, Section 3A, V.A.T.C.S.

WITNESS MY HAND AND THE SEAL OF THE COMMISSIONERS' COURT OF UPSHUR COUNTY, TEXAS, this the 6 day of March, 1978.



*[Signature]*  
County Clerk and Ex-officio Clerk  
of the Commissioners' Court of  
Upshur County, Texas

ORDER AUTHORIZING COUNTY JUDGE TO GIVE NOTICE TO BIDDERS OF UPSHUR COUNTY'S INTENTION TO PURCHASE MATERIALS AND PROVIDE FOR CERTAIN WORK TO BE DONE AND TO DELIVER CERTAIN CERTIFICATES OF OBLIGATION (OR CLAIMS AND ACCOUNTS REPRESENTING AN UNDIVIDED INTEREST THEREIN) IN PAYMENT OF ALL OR A PORTION OF THE COST THEREOF

THE STATE OF TEXAS §  
 COUNTY OF UPSHUR §

ON THIS, the 6 day of March, 1978, 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 having been given as prescribed by Article 6252-17, Section 3A, V.A.T.C.S. with the following members of said Court being present and in attendance, to wit:

EVERETT DEAN	COUNTY JUDGE
MRS. OFFIE NOBLES	COMMISSIONER, Precinct No. 1
J.W. MEADOWS	COMMISSIONER, Precinct No. 2
CHARLES STILL	COMMISSIONER, Precinct No. 3
FLOYD DRENNAN	COMMISSIONER, Precinct No. 4

and with the following absent: \_\_\_\_\_ constituting a quorum; and among other business considered at said meeting, an order was submitted to the Commissioners' Court for passage, such order being as follows:

WHEREAS, by its order passed on the 11th day of July, 1977, this Court has duly authorized the issuance of \$750,000 certificates of obligation for the purpose of paying all or part of the contractual obligations of the County to be incurred for the construction of public works (the construction and reconstruction of county roads and bridges) and for the purchase of materials, supplies, machinery and equipment and for the acquisition of rights of way for county roads; and

WHEREAS, it is now found necessary and proper to receive bids for certain materials and labor which are necessary for the reconstruction and improvement of the county roads; therefore,

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

SECTION 1: That the County Judge be and he is hereby authorized and directed to cause to be published in the time and manner prescribed by law, notice that the Commissioners' Court of Upshur County will receive bids for certain materials to be purchased and for certain work to be done in the reconstruction and improvement of county roads.

SECTION 2: The form and content of said notice shall be as follows, to wit:

**NOTICE TO BIDDERS OF UPSHUR COUNTY'S INTENTION TO PURCHASE MATERIALS AND CONTRACT FOR THE PERFORMANCE OF CERTAIN WORK IN CONNECTION WITH THE RECONSTRUCTION AND IMPROVEMENT OF COUNTY ROADS AND TO DELIVER CERTIFICATES OF OBLIGATION (OR CLAIMS AND ACCOUNTS REPRESENTING AN UNDIVIDED INTEREST THEREIN) IN PAYMENT OF ALL OR A PORTION OF THE COST THEREOF**

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SEALED PROPOSALS, addressed to the Commissioners' Court of Upshur County, Texas, will be received at the office of the County Judge, Courthouse, Gilmer, Texas, until 9 o'clock A. M., on the 10 day of April, 1978, for the furnishing of certain materials and the performance of certain work in connection with the reconstruction and improvement of county roads of said County, and at such time and place all such proposals will be publicly opened and read.

The materials to be purchased by the County consist of the following lots:

Lot 1 - up to 50,000 barrels of road oil (either crude oil or refined oil)

Lot 2 - up to 11 number of used railroad tank cars capable of being utilized as culverts (Being at least 32 feet in length; 9 being approx. 6 feet in diameter and 2 being approx. 8 feet in diameter.

Lot 3 - the following corrugated pipe; with the gauge conforming to Texas Highway specifications.

In the following diameters: ( in inches)  
12, 18, 24, 36, 48, 60, 72, 84, 96.

THE BIDDER may specify whether the oil will be delivered in bulk at facilities owned by the bidder or delivered in bulk to the County at the places to be designated by the Court or whether delivery will be made to the job site (in transports equipped to supply oil with spoon, or other devise) for direct application to the roads by the driver of the transport.

BIDS WILL also be received for the transport of such oil from a point within 15 miles of the City of Gilmer, Texas, for delivery in bulk to the County at the places to be designated by the Court or for delivery to the job site (in transports equipped to supply oil with spoon, or other devise) for direct application to the roads by the driver of the transport.

THE corrugated pipe and used railroad tank cars shall be delivered to the County at the places to be designated by the Court.

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A CERTIFIED OR CASHIER'S CHECK or an acceptable bid bond in an amount not less than five per cent (5%) of the total bid shall accompany each bid as a guaranty that, if awarded the contract, the bidder will promptly enter into contract with the County, and bids without a check or bid bond will not be considered.

BIDDERS may submit proposals on one or more items. All unit prices must be stated in both script and figures. In case of ambiguity or lack of clearness in stating price in the bids, the County reserves the right to consider the most advantageous contraction thereof or to reject the bid.

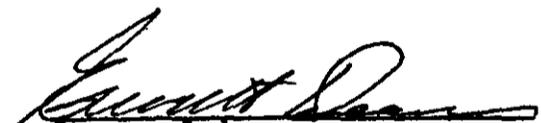
ALL BIDS must be submitted on the forms provided and must specify the delivery time required on all items included therein.

THE SUCCESSFUL BIDDER will be required to furnish a performance bond and a payment bond each in the full amount of the contract, written by a responsible surety company authorized to do business in the State of Texas and satisfactory to the Commissioners' Court as required by Article 5160, V.A.T.C.S. Attention is directed that Article 5159a, V.A.T.C.S. requires that not less than the general prevailing rates of per diem wages for work of a similar character in the locality where the work is performed shall be paid all laborers, workmen and mechanics employed in the construction of public works. Where delivery of oil is at the facilities owned by the bidder, only a performance bond (in the full amount of the contract) will be required.

NOTICE is hereby further given that the County proposes to pay all or part of the contractual obligations to be incurred through the issuance and delivery of not more than \$645,000 of the \$750,000 "Upshur County, Texas, Certificates of Obligation Series 1977" (as authorized by an order passed and adopted on the 11th day of July, 1977) as shall be required. Such certificates mature in the years 1982/88 and 1990/95; bear interest at the rate of 6% per annum; are payable from taxation; and reference is made to the aforesaid authorizing order for a full and complete description of the terms of such certificates. Claims and accounts (representing an undivided interest in such certificates) may be delivered to the contractor.

THE COUNTY has made arrangements for the successful bidder to assign any certificates of obligation or claims and accounts to a financial institution at the price of par flat (no accrued interest) or the successful bidder may elect to retain the certificates or claims and accounts. Claims and accounts, if retained, must be surrendered in exchange for certificates of obligation within five (5) business days of a request that such action be taken.

THE COUNTY reserves the right to reject any and all bids and to award the contract to the bidder or bidders who, in the opinion of the Commissioners' Court, offer the proposal or proposals to the best interest of the County, and to waive formalities.

  
County Judge  
Upshur County, Texas

SECTION 3: That all information, directions and recitals contained in the foregoing notice be and the same are hereby expressly adopted and made a part of this order and to the same extent and with like effect as if here now separately stated.

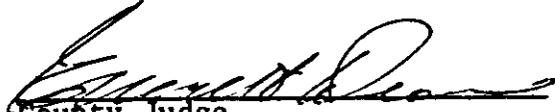
SECTION 4: Further orders are reserved by this Court until sealed proposals or bids are received and publicly opened and read.

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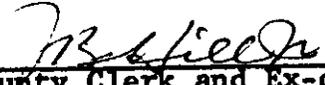
The above order having been read in full, it was moved by Commissioner J. W. Meadows and seconded by Commissioner Floyd Drennan that the same be passed and adopted. Thereupon, the question being called for, the County Judge put the motion to a vote of the members of the Commissioners' Court and the motion carried by the following vote: County Judge Dean and Commissioners Nobles, Meadows, Still and Drennan voting "AYE"; and none voting "NO".

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

PASSED AND ADOPTED this the 6 day of March, 1978.

  
County Judge  
Upshur County, Texas

ATTEST:

  
County Clerk and Ex-officio  
Clerk of the Commissioners' Court  
of Upshur County, Texas

