



VOL 40 PG 495

UPSHUR COUNTY COMMISSIONERS COURT

GILMER, TEXAS

4-12-93

Commissioners Court met in regular session with all members present.

Motion by Tommy Stanley seconded by Gaddis Lindsey to approve minutes of the previous meeting. Motion carried.

Motion by Gaddis Lindsey seconded by Tommy Eatherton to approve the permit application of Southwestern Bell Telephone to install a buried cable within ROW of Buie Road. Motion carried, copy attached.

Motion by Tommy Eatherton seconded by David Loyd to approve the filling of an abandoned well on the property of Wilson Barnett. Motion carried, copy attached.

Motion by David Loyd seconded by Tommy Eatherton to approve the permit application of J. D. Gaston to install a culvert within ROW of Holly Lane. Motion carried, copy attached.

Motion by Tommy Stanley seconded by Gaddis Lindsey to approve the permit application of Don Pilkington to install a culvert within ROW of Christi Lane. Motion carried, copy attached.

Motion by Gaddis Lindsey seconded by Tommy Stanley to approve the special road use agreement by Peoples Logging Co. to haul logs on Owl Road. Motion carried, copy attached.

Motion by Gaddis Lindsey seconded by Tommy Stanley to approve the special road use agreement by Tucker Brothers to haul logs on Martin and Nuthatcher Roads. Motion carried, copy attached.

Motion by Tommy Stanley seconded by Gaddis Lindsey to approve the special road use agreement by Cypress River Logging to haul logs on Snapdragon Road. Motion carried, copy attached.

Motion by Tommy Eatherton seconded by David Loyd to approve the special road use agreement by James Kizer to haul logs on Flying Squirrel Road. Motion carried, copy attached.

Lauren Parish met with the court to request that a portion of Pony Road be closed. She stated that this part of the road has not been used for at least 20 years and that all land owners on either side of her property have access and will not be land locked if the road is closed. Motion by Tommy Eatherton seconded by Gaddis Lindsey to close the road. Motion carried, copy attached.

Motion by David Loyd seconded by Gaddis Lindsey to approve the payroll changes of Darlene Barber, Shelia Harp, Ray Helpenstill, James Stoker and Anthony Betterton. Motion carried, copy attached.

Motion by David Loyd seconded by Tommy Eatherton to approve the payment of the bills now due. Motion carried.

Motion by Tommy Stanley seconded by Gaddis Lindsey to approve the treasurers monthly and quarterly reports. Motion carried, copy attached.

Motion by Tommy Stanley seconded by David Loyd to approve the appointment of the grievance committee for 1993. The members will be Ronald Slaughter, Norton Lovell, Linda Clay, Charles Medlin, James Hudspeth, Ralph Collins, Alvin McCool, Donald Bass and Miles King. Motion carried, copy attached.

Motion by Tommy Eatherton seconded by David Loyd to approve the chamber of commerce holding the Cherokee Rose Festival on the courthouse lawn again this year. This will be May 22 and 23, 1993. Motion carried, copy attached.

Motion by Tommy Stanley seconded by Tommy Eatherton to approve advertising for bids on health insurance for the county. Bids to be opened May 10, 1993. Motion carried.

Mike Smith, Tax Assessor, met with the court concerning a petition for an Optional Road System for the county. He stated that the petition did not meet specifications required in order to be valid. He stated that there were several things not meeting specifications but the main one was that there was not a date of signature on the petition and he declared it an invalid petition. Motion by Tommy Stanley seconded by Gaddis Lindsey to reject the petition. Motion carried, petition on file in County Clerk's Office.

Bids were opened for the purchase of a used reclaimer for the road and bridge department. Bids were from: Holman Bennett-no bid. Longhorn Equipment-\$44,000.00. Nichols Machinery Co.-\$105,000.00. It was stated that these were not the same machines and a motion was made by Tommy Stanley seconded by Tommy Eatherton to table the bids until April 26, 1993. Motion carried, copy attached.

Motion by Gaddis Lindsey seconded by David Loyd to approve the financial statement as presented. Motion carried, copy on file.

Motion by Tommy Stanley seconded by Gaddis Lindsey to adjourn. Motion carried.

COUNTY JUDGE, EVERETT DEAN

Gaddis Lindsey

COMMISSIONER PCT. # 1, GADDIS LINDSEY

Tommy Stanley

COMMISSIONER PCT. # 2, TOMMY STANLEY

David Loyd

COMMISSIONER PCT. # 3, DAVID LOYD

Tommy Eatherton

COMMISSIONER PCT. # 4, TOMMY EATHERTON

THE UPSHUR COUNTY COMMISSIONERS COURT
BOX 730
GILMER, TEXAS 75644

DATE March 29, 1993
ORDER NO. D509747

FORMAL NOTICE IS HEREBY GIVEN AND REQUEST MADE THAT SOUTHWESTERN BELL TELEPHONE COMPANY PROPOSES TO PLACE Buried Cable WITHIN THE RIGHT-OF-WAY OF COUNTY ROAD BUIE AS FOLLOWS:

Proposing to place cable starting pedestal 1355 on Buie Road and proceeding southward along the east side of Road for 2670ft. Cable to be place 7 to 8 ft off edge of pavement. see attached plate.

THE LOCATION AND DESCRIPTION OF THE PROPOSED CONSTRUCTION AND APPURTENANCES IS MORE FULLY SHOWN BY THE ATTACHED DRAWING AND PLAT. THE LINE WILL BE CONSTRUCTED AND MAINTAINED ON THE COUNTY RIGHT-OF-WAY AS DIRECTED BY THE COUNTY COMMISSIONERS COURT IN ACCORDANCE WITH CURRENT UPSHUR COUNTY SPECIFICATIONS.

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 MANNER CHANGE THE STRUCTURE OF THIS RIGHT-OF-WAY, THIS LINE, IF AFFECTED, WILL BE MOVED UNDER THE DIRECTION OF THE UPSHUR COUNTY COMMISSIONERS AND SHALL BE RELOCATED AT THE COMPLETE EXPENSE OF THE OWNER.

IT IS FURTHER UNDERSTOOD AND AGREED THAT UPSHUR COUNTY ASSUMES NO LIABILITY FOR DAMAGES TO ANY LINE, POLE, CONSTRUCTION, OR APPURTENANCES IN THE NORMAL MAINTENANCE OF THE COUNTY ROAD.

ALL WORK ON THE COUNTY RIGHT-OF-WAY SHALL BE PERFORMED IN ACCORDANCE WITH THE COUNTY COMMISSIONER'S 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.

WITH APPROVAL OF THE COMMISSIONERS COURT, CONSTRUCTION WILL BEGIN ON OR AFTER DAY OF 17 MAY 19 93.

FIRM SOUTHWESTERN BELL TELEPHONE CO.

BY James A. Pete

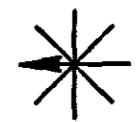
TITLE Manager ENGR (DESIGN)
ENGINEERING DEPT.

ADDRESS 301 MAMON DR.
LONGVIEW, TEXAS 75604

APPROVED:

[Signature]
[Signature] [Signature]
[Signature] [Signature]

(THIS FORM TO BE SUMITTED IN DUPLICATE FOR EACH PROPOSED INSTALLATION.)



NORTH ARROW

OPERATING RANGE OF JOB STEPS

LINE 1 TO 2

SPLICING 51 TO 54R

MFR. 45C

TRANSMISSION ZONE

RZ 15 C2 9

TAPER CODE 150102

CAUTION HIGH VOLTAGE
7.2 KV AERIAL
 BURIED

SPECIAL CIRCUITS INVOLVED
 YES NO
6203 FORWARDED
 YES NO

UPSHUR COUNTY PERMIT REQUIRED
 YES NO

POLE CONTACTS
(+) OR (-)
PWR. CO. REA

NOTES

SEE COMPLEMENT DIAGRAM FOR LOOP MAKE-UP

ORDER NO. 050974?

TOT. PLATS 2 PLAT NO. 1

C.O. LONGVIEW

EXCH. JUD 663

TAX DIST. UA-009 GEO. LOC. TV3663

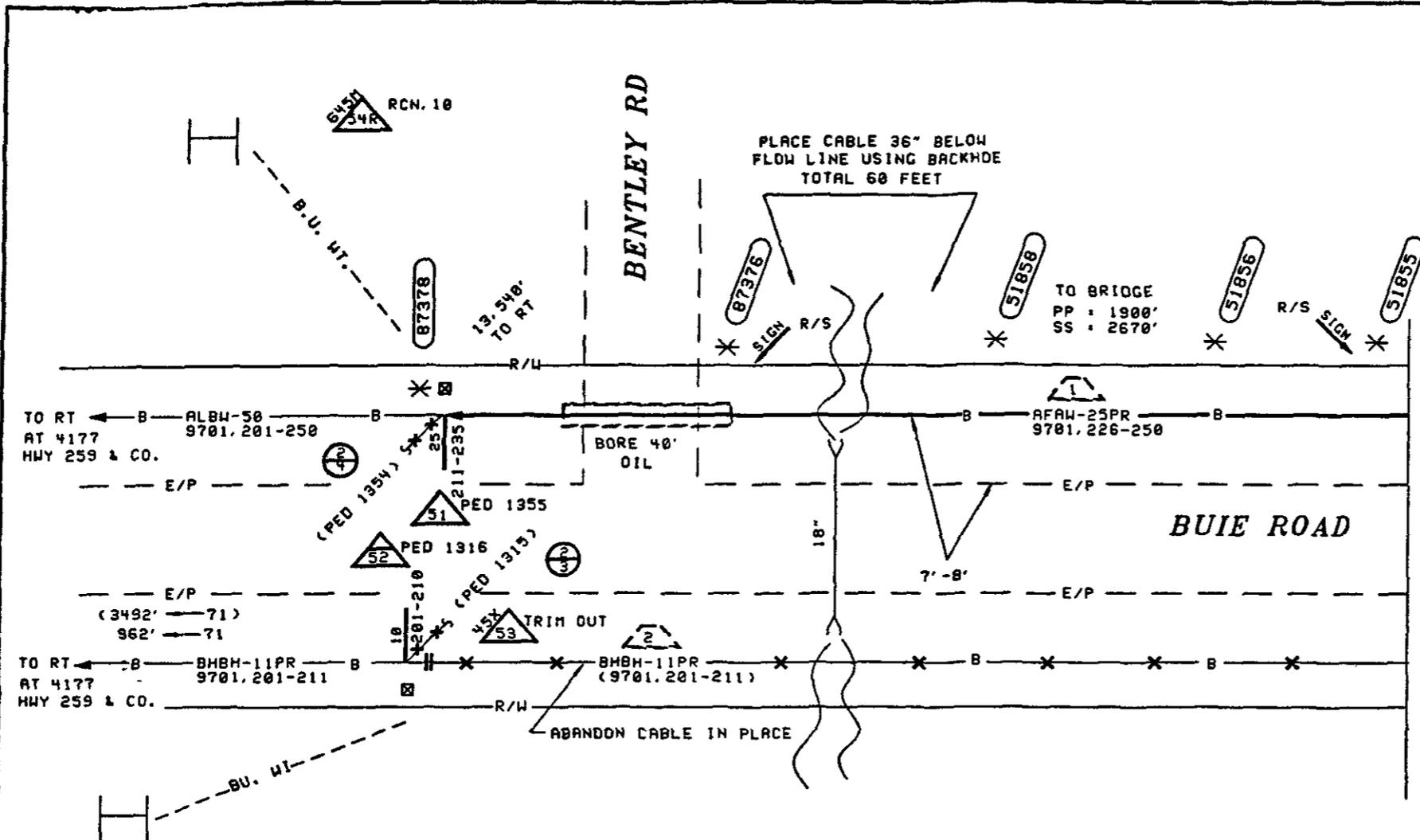
ENGR. JAP DRAWN DDH

PHONE 237-3497 MAPSCO

DCAD FILE NAME 0509747A

PEC PEF 330-615-77

JUDAS



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OPER	ACTION CODE	SUPPL. ACTION CODE	MAJOR MATERIAL DESCRIPTION	ACCT CODE	PL OR AMT	PL	BORE	REMOVALS	
								AMOUNT	MDRT DATE
1	PLAC		AFAW-25PR		2670	2680	40		
2	REMO		BMBH-11PR	45X				2530	71

CABLE READING	ASSIGNED PAIRS		
	P	R	DEF. PRS.
9701.201-225	16	16	4
9701.226-250	0	0	4

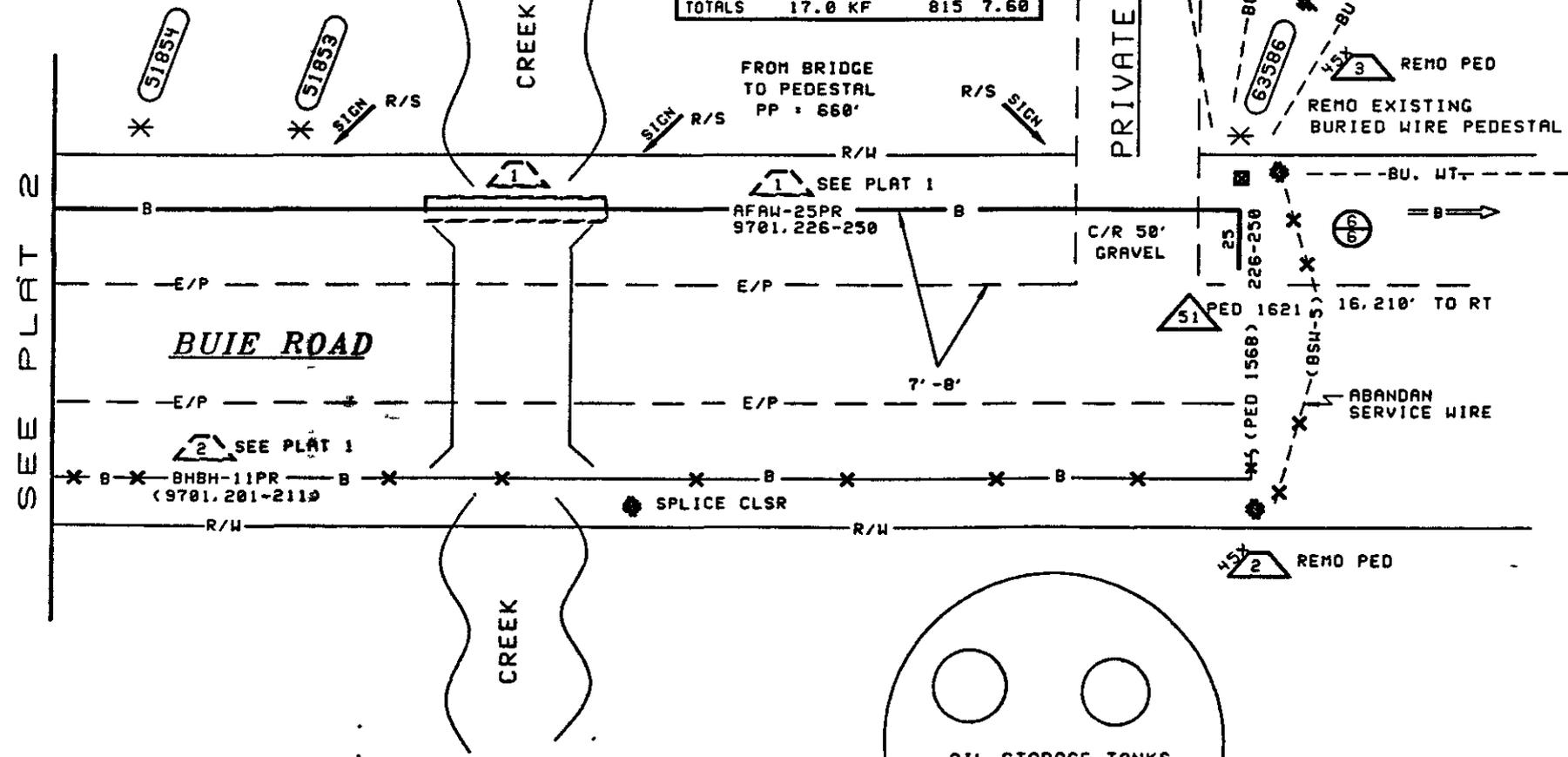
INSPCB PLAC INSPECT

PROPOSED LOOP 15000			
GAUGE/LOADS	LOOP LENGTH	OHMS	DB LOSS
26 GA	0.8 KF	0	0.00
24 GA	11.7 KF	607	5.12
22 GA	2.7 KF	89	0.92
19 GA	1.8 KF	29	0.43
LOADS	0.8	0	
TOTALS	16.2 KF	725	6.48
CA B.T.	2.8		

PLACE CABLE 36" BELOW FLOW LINE IN PIPE USING BACKHOE

TOTAL 70 FEET

ULTIMATE LOOP 15000			
GAUGE/LOADS	LOOP LENGTH	OHMS	DB LOSS
26 GA	0.8 KF	0	0.00
24 GA	13.5 KF	700	5.90
22 GA	3.5 KF	115	1.20
19 GA	0.8 KF	0	0.00
LOADS	0.8	0	
TOTALS	17.0 KF	815	7.60



OPER. ACTION CODE	SUPPL. ACTION CODE	MAJOR MATERIAL DESCRIPTION	ACCT. CODE	PL OR AMT	PL	BORE	REMOVALS	
							AMOUNT	PORT DATE
1	PLAC	PIPE-GALV-2	45C	111	70			



NORTH ARROW

OPERATING RANGE OF JOB STEPS
 LINE 1 TO 3
 SPlicing 51 TO -
 MFRC 45C

TRANSMISSION ZONE
 RZ 15 C2 9
 TAPER CODE 150102

CAUTION HIGH VOLTAGE
 7.2 KV AERIAL BURIED

SPECIAL CIRCUITS INVOLVED
 YES NO
 6203 FORWARDED
 YES NO

UPSHUR COUNTY PERMIT REQUIRED
 YES NO

POLE CONTACTS
 (+) - OR (-) -
 PWR CO. REA

NOTES

ORDER NO. 0509747

TOT. PLATS 2 PLAT NO. 2
 C.D. LONGVIEW
 EXCH. JUD 663
 TAX DIST. UA-009 GEO. LOC. TV3663
 ENGR. JAP DRAWN DDH
 PHONE 237-3497 MAPSCO
 DCAD FILE NAME 0509747B
 REC PEF 330-615-77

INE ACRES EXCH.

BUIE Road

LOCATION MAP
D 509747
TV 3663
JAP

HARLETON EXCH.

ETT EXCH.

ENWOOD

ETX
BELL
GTE

ETX
BELL

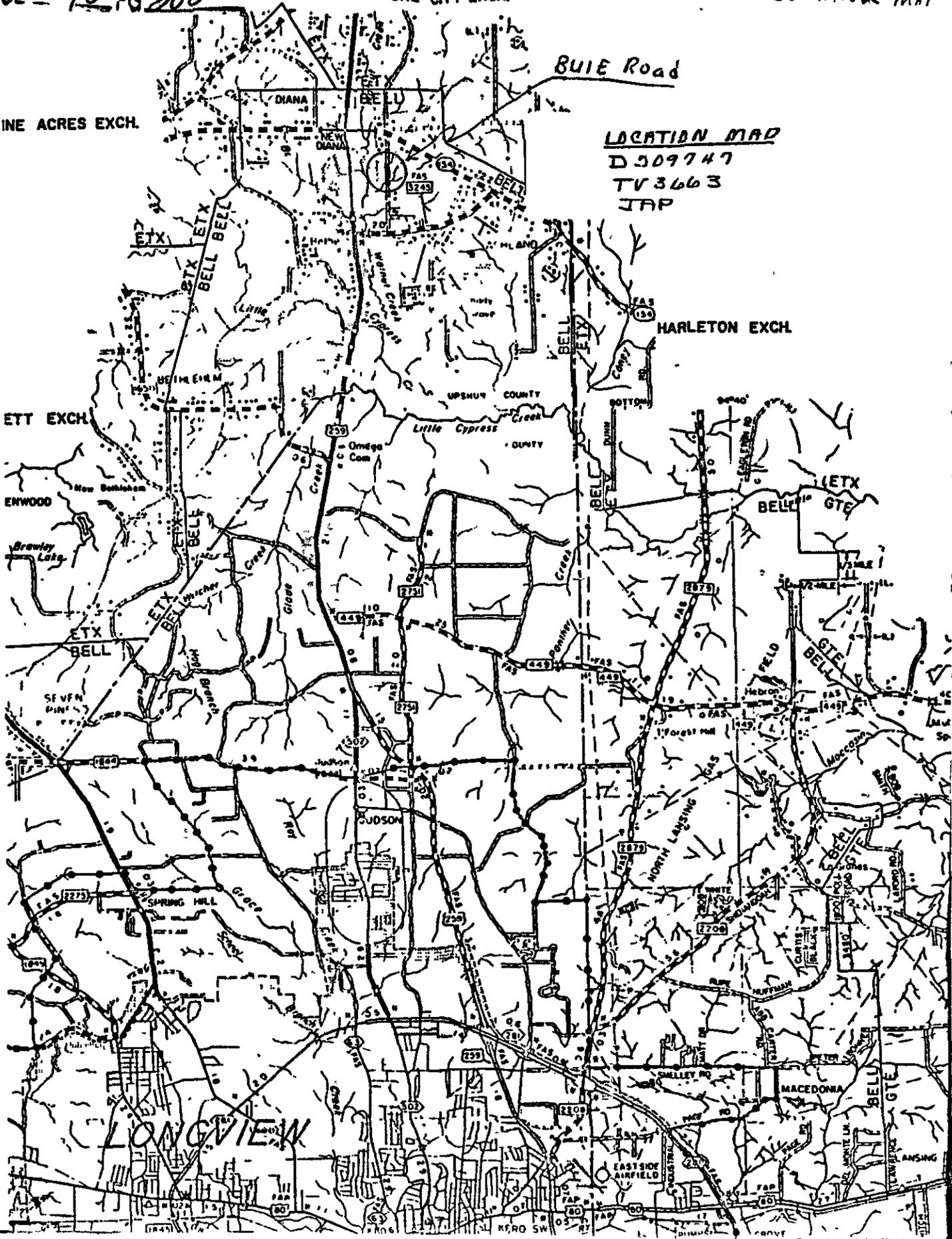
ETX
BELL

JUDSON

ETX
BELL

LONGVIEW

ETX
BELL



APPLICATION FOR FILLING ABANDONED WELL

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

RE: ABANDONED WELL OWNED BY Wilson Barnett
One mile on left 852. Old house place well in back
of old fallen down house.
Off 154 to 852 FM 852 ROAD.
Just past Machine Lane

GENTLEMEN:
DUE TO HEALTH AS WELL AS SAFETY HAZARDS, WE REQUEST THAT AN
ABANDONED WELL BE FILLED AS SOON AS POSSIBLE.

RESPECTFULLY YOURS,
Leah Danielson
Rt. 7 Box 962
Gilmer, Tx. 75644

797-2075

PRECINCT Four
DATE 3-30-93

APPROVED REJECTED

Everett Dean
EVERETT DEAN, COUNTY JUDGE
Gaddis Lindsey
GADDIS LINDSEY, COMMISSIONER 1
Tommy Stanley
TOMMY STANLEY, COMMISSIONER 2
David Loyd
DAVID LOYD, COMMISSIONER 3
Tommy Eatherton
TOMMY EATHERTON, COMMISSIONER 4

PERMIT APPLICATION FOR
USE OF UPSHUR COUNTY RIGHT OF WAY

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

PRECINCT 3
DATE 3-31-93

Formal notice is hereby given that J. D. Goston
whose principal address is Rt 3 Box 353, Gilmer
does propose to place a Culvert installation
within the ROW of County Road Holly Lane
as follows:

*725-5615 Culvert is at site - just east
of intersection of Ironwood.*

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____.

NAME *J. D. Goston*
TITLE _____
ADDRESS _____

[Handwritten signature]

PERMIT APPLICATION FOR
USE OF UPSHUR COUNTY RIGHT OF WAY

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

PRECINCT 2
DATE 4-5-93

Formal notice is hereby given that Don Pilkington
whose principal address is Rt 2 Box 8920 Allen, TX
does propose to place a culvert installation
within the ROW of County Road Christi Lane
as follows:

968-4272

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

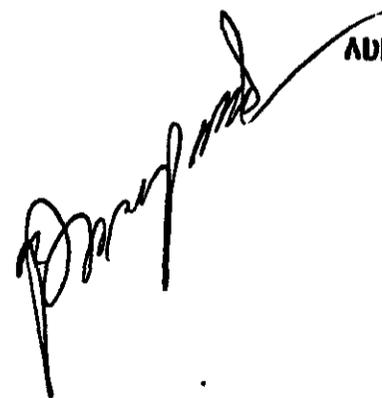
All work will be as directed by the County Commissioner or
his designate in full accordance with Upshur County Road &
Bridge Department policies and specifications.

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

NAME Carla Pilkington

TITLE _____

ADDRESS _____



101 40 PG 504

SPECIAL ROAD USE AGREEMENT CONTRACT

THE STATE OF TEXAS §
COUNTY OF UPSHUR §

KNOW ALL MEN BY THESE PRESENTS

The undersigned Peoples Logging Co., hereinafter referred to as First Party, enters into and makes an agreement with Upshur County Commissioner of Precinct No. 1, 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. 1, 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 exact route, direction and miles in tenths) OW1

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 Logs from its lands located in Precinct No. 1, 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 \$ _____ to Upshur County Commissioner's 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.

DD Peoples
First Party Signature

2301 Randoff St.
Street or Box

Marshall, Tx
City, State and Zip Code

903 - 938 - 4406
Telephone

Charlie Martin
Timber Tract

4/6/93
Date Signed

[Signature]
County Judge

[Signature]
Commissioner 1

[Signature]
Commissioner 2

[Signature]
Commissioner 3

[Signature]
Commissioner 4

Date Signed

Permit issued for a period not to exceed 90 days.

+

SPECIAL ROAD USE AGREEMENT CONTRACT

THE STATE OF TEXAS §
COUNTY OF UPSHUR §

KNOW ALL MEN BY THESE PRESENTS

The undersigned Tucker Brothers, hereinafter referred to as First Party, enters into and makes an agreement with Upshur County Commissioner of Precinct No. 1, 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. 1, 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 exact route, direction and miles in tenths) Martin and Nuthatcher

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 Logs from its lands located in Precinct No. 1, 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 \$ _____ to Upshur County Commissioner's 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.

Buddy Tucker
First Party Signature
P O BOX 1105
Street or Box
884-3104
City, State and Zip Code
OMAHA 75571
Telephone
MELTON
Timber Tract
4-6-93
Date Signed

[Signature]
County Judge
[Signature]
Commissioner 1
[Signature]
Commissioner 2
[Signature]
Commissioner 3
[Signature]
Commissioner 4

Date Signed

Permit issued for a period not to exceed 90 days.

+

SPECIAL ROAD USE AGREEMENT CONTRACT

THE STATE OF TEXAS §
COUNTY OF UPSHUR §

KNOW ALL MEN BY THESE PRESENTS

The undersigned Cypress Pine Logging, hereinafter referred to as First Party, enters into and makes an agreement with Upshur County Commissioner of Precinct No. 2, 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. 2, 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 exact route, direction and miles in tenths) _____

Snapp Logon

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 logs from its lands located in Precinct No. 2, 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 \$ _____ to Upshur County Commissioner's 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.

Rennie Hallford
First Party Signature

Rt 1 Box 2466
Street or Box

Jefferson TX 75657
City, State and Zip Code

903-665-8615
Telephone

Newsome
Timber Tract

4-5-93
Date Signed

Ernest D...
County Judge

Haddis Lindsey
Commissioner 1

Sony D. Stant
Commissioner 2

David D...
Commissioner 3

...
Commissioner 4

Date Signed

Permit issued for a period not to exceed 90 days.

+

SPECIAL ROAD USE AGREEMENT CONTRACT

THE STATE OF TEXAS . X
COUNTY OF UPSHUR X

KNOW ALL MEN BY THESE PRESENTS

The undersigned James Kizer, 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 exact route, direction and miles in tenths) Flying Squirrel

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 logs 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 or CASH BOND in the amount of \$_____ to Upshur County Commissioner's 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 6702-1, V.A.C.S., but the rights and authority granted the Commissioner by the terms of Article 6702-1, V.A.C.S., are expressly reserved by the Commissioner in the event First Party fails to abide by the conditions above set forth.

James Kizer By [Signature]
First Party Signature

Rt. 1 Box 25
Street or Box

Marietta, TX 75566
City, State and Zip Code

903-835-5541
Telephone

Roberts
Timber Tract

April 7, 1993
Date Signed

[Signature]
County Judge

[Signature]
Commissioner 1

[Signature]
Commissioner 2

[Signature]
Commissioner 3

[Signature]
Commissioner 4

Date Signed

Permit issued for a period not to exceed 90 days.

7

P E T I T I O N

TO : THE COMMISSIONERS OF UPSHUR COUNTY, TEXAS AND
HONORABLE EVERETT DEAN, COUNTY JUDGE

The undersigned individuals make this their Petition to the Upshur County Commissioners' Court and the Honorable County Judge, Everett Dean, requesting that the Commissioners Court formally abandon, vacate, discontinue and close the portion of Pony Road which runs along the Northern line of the 107.42 acre tract of land in Precinct Four owned by Lauren Parish. In support of this petition, the undersigned would show unto the Court the following:

I.

This portion of Pony Road has not been used by the public for a period of twenty (20) years or more. For the purposes of this petition, the portion in question is designated by the field notes attached as Exhibit "A".

II.

This portion of Pony Road has not been maintained or graded by the County for a period of twenty (20) years or more.

III.

This portion of Pony Road has been enclosed by gates and fences for a period of twenty (20) years or more.

IV.

This portion of Pony Road has been continuously under gates

and fences for a period of twenty (20) years or more. Further, for the time period immediately prior to the gates and fencing of this portion of Pony Road was not used by the public.

V.

This portion of Pony Road has been abandoned by the public for a period of twenty (20) years or more.

VI.

The adjoining landowner to the South of that portion of Pony Road is Lauren Parish. The adjoining landowners to the North of that portion of Pony Road are:

- 1) Betty Parish,
- 2) Todd Parish,
- 3) Blynnne Martine Parish Trust (Lauren Parish, Trustee),
and
- 4) Lauren Parish.

All landowners adjoining this portion of Pony Road are in agreement with this petition.

VII.

The discontinuance of this road is expedient. Other routes exist and are available to the public providing all access necessary to landowners or persons traversing across the precinct.

VIII.

The Commissioners' Court has the authority to formally

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abandon, vacate, discontinue and close this portion of Pony Road under Texas Revised Civil Statutes, Annotated, Article 6702-1, specifically § 2.002, § 2.003 and § 2.008. A copy of these articles is attached as Exhibit "B".

IX.

Petitioners request that this portion of Pony Road be formally abandoned, vacated, discontinued and closed by the County and that title to that portion of Pony Road, to the center line of the road, vest in the adjoining property owner to the South (Lauren Parish) and that the other half of that portion of Pony Road (from the center-line North) vest in the adjoining property owners to the North (Betty Parish, Todd Parish, Blynne Martine Parish Trust and Lauren Parish).

X.

Petitioners have given notice of this petition and their intent on the Courthouse door for twenty (20) days beginning today, March 16, 1993. Additionally, Petitioners have posted notice in two (2) other places in the vicinity of the route affected for twenty (20) days beginning today, March 16, 1993.

WHEREFORE, PREMISES CONSIDERED, Petitioners request that this matter be set for hearing on April 12, 1993, at 9:00 o'clock a.m. before the Honorable Commissioners and County Judge and that, after hearing, the Commissioners Court vote to abandon,

vacate, discontinue and close this portion of Pony Road and vest title from the center-line of that portion of Pony Road to the adjoining landowners to the North and South as described above.

Respectfully submitted,

1. Jaded L. Paul
2. Alice Blyngame
3. Lauren Parish
4. Lauren Parish (as trustee
(for Blynnie Martino Parish))
5. Betty Parish
6. Lucrece Floyd
7. Eugene Harrison
8. Aureth Allen Brannon
9. Andrea Gilbert
10. Doyle O'Neal
11. May Lee Sauls
12. Luille Leuker

MICHAEL L. TURNER
REGISTERED LAND SURVEYOR
P.O. BOX 687 106 BUFFALO STREET
GILMER, TEXAS 75644 (903) 843-2965

FIELD NOTES - 2.91 ACRES
H. S. WIGGINS SURVEY, A-515
J. R. CLUTE SURVEY, A-77
UPSHUR COUNTY, TEXAS
(Parish)

BEING all of that certain lot, tract or parcel of land situated in the H. S. Wiggins Survey, Abstract No. 515 and in the J. R. Clute Survey, Abstract No. 77, Upshur County, Texas and being a part of a called 107.42 acre tract of land described in a deed from W. C. Kennedy and wife Winnie Faye Kennedy to Lauren Parish, filed April 3, 1992, as shown of record in Volume 105, Page 246, Official Records, and a part of a called 3.8 acre tract of land described in a Quit Claim deed, dated April 3, 1992, as shown of record in Volume 105, Page 244, Official Records, Upshur County, Texas, said lot, tract or parcel of land being an area around an old abandoned road bed and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the Northeast corner of said 107.42 acre tract, same being the Northeast corner of a called 1.46 acre access easement described in a deed filed October 9, 1963 and recorded in Volume 278, Page 323, Deed Records, Upshur County, Texas, said Point of Beginning being on the North side of a public road called Pony road;

THENCE SOUTH (deed SOUTH) along the East line of said 107.42 acre tract, same being along the East line of said access easement, at 25.13 feet, passing through a 3/8 inch iron rod found at the Northwest corner of a called 24.739 acre tract of land described in a deed filed September 5, 1986 and recorded in Volume 479, Page 615, Deed Records, Upshur County, Texas, continuing along said East line in all, a total distance of 40.00 feet to a point for a corner, a cross tie fence corner post at the Southeast corner of said 107.42 acre tract bears SOUTH, a distance of 1409.94 feet;

THENCE N88deg52min10secW a distance of 1411.39 feet to a point for a corner;

THENCE N88deg59min20secW a distance of 1822.93 feet to a point for a corner in the West line of said 3.8 acre tract, a 5/8 inch iron rod found at a fence intersection in said West line bears S00deg39min39secW, a distance of 1095.14 feet, a 1/2 inch iron rod found at the Northwest corner of said 107.42 acre tract bears N70deg56min20secE, a distance of 23.95 feet;

THENCE N00deg39min39secE along said West line, same being along the East line of a called 50 acre tract described in a deed filed November 1, 1919 and recorded in Volume 42, Page 334, Deed Records, Upshur County, Texas, same being along a fence, a distance of 40.00 feet to a cross tie fence corner post at the Northwest corner of said 3.8 acre tract, same being in said Clute Survey;

THENCE S88deg00min52secE along the North line of said 3.8 acre tract and along a fence, a distance of 337.67 feet;

THENCE S89deg12min36secE continuing along said North line and said fence, a distance of 1484.85 feet to a 1/2 inch iron rod found in the North line of said 107.42 acre tract and at the East corner of said 3.8 acre tract, same being in the North line of said Wiggins Survey, same also being called the South line of said Clute Survey;

EXHIBIT

"A"

CONT. PG 2

THENCE S89deg02min12secE continuing along the North line of said 107.42 acre tract and said fence, a distance of 1267.43 feet to a fence corner post, a 1/2 inch iron rod set at the base of said post;

THENCE S87deg23min58secE continuing along said North line and said fence, a distance of 144.01 feet to the Point of Beginning and containing 2.91 acres of land of which approximately 0.55 acre lies in said Cate Survey and approximately 2.36 acre lies in said Wiggins Survey, said 2.91 acres being an area surrounding an old abandoned road bed, said road bed grown up with trees and not being used at this time.

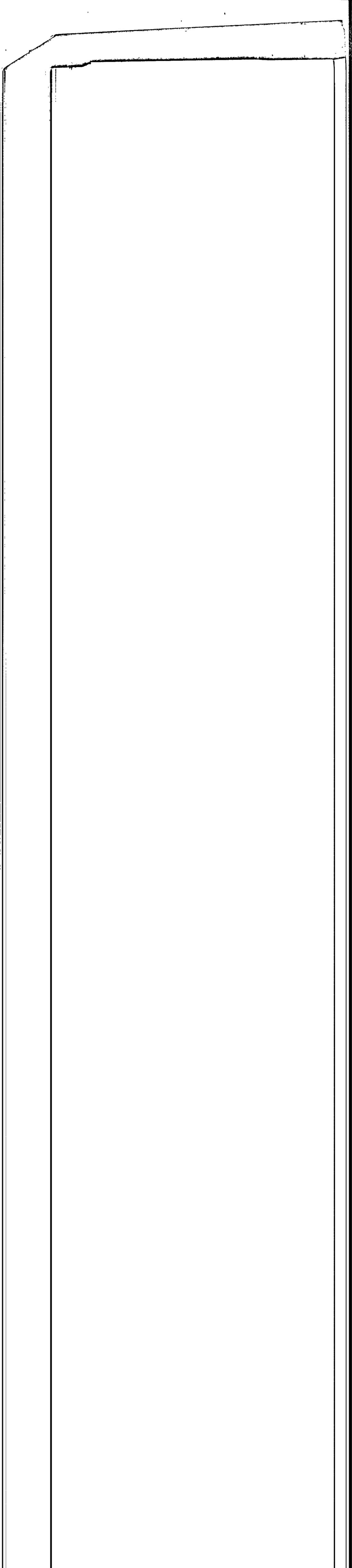
BEARING BASE is the East line of said 107.42 acre tract as monumented and shown on the plat of this survey. For further report see the plat of this survey.

I, MICHAEL L. TURNER, DO HEREBY CERTIFY THAT THESE FIELD NOTES WERE PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND BY ME IN MARCH 1992 AND UPDATED IN MARCH 1993.

Michael L. Turner 3-10-93
MICHAEL L. TURNER R.P.L.S. NO. 4606

UP-21-92

VII. STATUTES



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- (f) As used in this subchapter
- (1) "Discontinue" means to discontinue the maintenance of a public road.
- (2) "Abandon" means to relinquish the public's right of way in and use of a public road.
- (3) "Vacate" means to terminate the existence of a public road by direct action of the commissioners court of a county.

Applying For New Roads or Road Changes

Sec. 2.003. (a) Citizens may apply for a new road or a change in an existing road by presenting to the commissioners court a petition signed by:

- (1) eight landowners in the precinct if the request is for a new road or to discontinue an existing road, or
 - (2) one landowner in the precinct if the request is for a change in a road.
- (b) The petition must specify the beginning and termination points of a proposed new road or a road to be discontinued.
- (c) Before the commissioners court may grant an order based on an application described by Subsection (a) of this section, the applicants must first give notice of their intent to apply by a written advertisement of their intent posted on the courthouse door and at two other places in the vicinity of the route affected for at least 20 days.

Laying Out New Roads by Jury of View

Sec. 2.004 (a) New roads ordered by the commissioners court must be laid out by a jury of view, appointed by the court and consisting of five landowners. The court may order the cooperation of the county surveyor. The jury of view shall lay out, survey, and describe the road to the greatest advantage of the public and make a written report containing the field notes, survey or description of the road, and the jury's proceedings to the next term of the court.

(b) When juries of view are appointed, the clerk of the court shall make out and deliver to the sheriff duplicate copies of the appointing order not later than the 10th day after the day the appointment was made, endorsing on those copies the date of the order. The sheriff shall serve the order on each juror in person or by leaving one of the copies at the appointee's usual place of abode. The sheriff shall make the service not later than the 20th day after the day he receives the copies and shall make his return to the clerk on the duplicate copies, stating the date and manner of service or the cause of his failure to make the service. Any person summoned as a juror of view who fails or refuses to perform the service required of him by law as a juror forfeits and shall pay for each failure the sum of \$10, to be recovered by judgment on motion of the district or county attorney in the name of the county.

(c) The jurors shall first take the following oath "I, _____ do solemnly swear that I will lay out the road now directed to be laid out by the order to us directed from the commissioners court, according to law, without favor or affection, malice or hatred, to the best of my skill and knowledge. So help me God."

(d) The jury shall issue a written notice of the time when they will proceed to lay out the road or when they will assess the damages incidental to the opening of the road. The notice shall be served on each landowner, his agent, or attorney, through whose land the road may run, not later than the fifth day before the day set in the notice. If the owner is a nonresident of the county, the notice may be given by publication in a newspaper published in the county. The notice must be published once a week for four consecutive weeks, and the road may be established after four weeks' publication. The cost of publishing shall be paid as directed by the judgment of the court.

(e) At the time stated in the notice or previous to that time, the owner may present to the jury a written statement of the damages claimed by him, incidental to the opening of the road, and the jury shall proceed to assess the damages, returning its assessment and the claimant's statement with its report. If the commissioners court approves the report and orders the road to be opened, it shall consider the assessment and damages by the jury and the claimant's statement and allow to the owner just damages and adequate compensation for the land taken. When the damages and compensation are paid or secured by special deposit with the county treasurer to the credit of the owner and after

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Art. '6702-1

ROADS, BRIDGES, & FERRIES
Title 116

ROAD
Title

notice of the payment or deposit to the owner, and if no objection is made to the jury's report, the court may proceed to have the road opened, if it is considered to be of sufficient importance. The owner may appeal from the assessment as in cases of appeal from judgment of justice courts, but the appeal shall not prevent the road from being opened, but shall be only to fix the amount of damages.

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Roads Across Public Land

Sec. 2.005. A public road may not be opened across land owned and used or intended for actual use by the state, educational, eleemosynary, or other public state institutions for public purposes and not subject to sale under the general laws of the state, without the consent of the trustees of the institution and the approval of the governor. The roads opened before September 1, 1925, across the land may be closed by the authorities in charge of the land whenever they consider it necessary to protect the interests of the state, on repayment to the county where the land is situated, with eight percent interest, the amount actually paid out by the county for the condemnation of the land as shown by the records of the commissioners court.

Neighborhood Roads

Sec 2.006. (a) The commissioners court may declare as a public highway any line between different persons or landowners, any section line, or any practicable route (a practicable route being one convenient to landowners while at the same time avoiding hills, mountains, or streams through any and all enclosures), subject to the following conditions

(b) One or more persons, firms, or corporations, who are landowners into whose land there is no public road or public means of access and who desire an access road connecting their land with the county public road system, may make a sworn application to the commissioners court for an order establishing the road, designating the lines sought to be opened and the names and residences of the persons affected by the proposed access road, and stating the facts that show a necessity for the road

(c) After the application is filed, the county clerk shall issue a notice to the sheriff or constable commanding him to summon those landowners affected by the application. Those summoned must appear at the next regular term of the commissioners court if they desire to contest the application. The notice shall be served and returned as in the service of citations in civil actions in justice courts.

(d) At a regular term of the court after due service of the notice, the court may hear evidence as to the truth of the application, and if it appears that the applicants have no means of access to their land and premises, it may issue an order declaring the lines designated in the application or the lines as may be fixed by the commissioners court to be a public highway and may direct the public highway to be opened by the owners and left open for a space of not less than 15 feet or more than 30 feet on each side of a designated line, but the marked trees and other objects used to designate the lines and the corners of surveys may not be removed or defaced. Notice of the order shall be immediately served on the owners and return of the notice shall be made as previously provided in this section. A copy of the order shall be filed in the deed records in the office of the county clerk of the county

(e) The damages to the landowners shall be assessed by a jury of landowners, as for other public roads, and all costs attending the proceedings in opening the road shall be paid by the county. The commissioners court is not required to keep the road worked by the roadhands as in the case of other public roads but shall place the roads in the first instance in condition for use as access public roads

(f) Once the commissioners court has designated a public road under this section that involves an enclosure of 1280 acres or more, a person or owner who fails, neglects, or refuses for 12 months after legal notice to leave open his land free from all obstructions for 15 feet on his side of the designated line commits an offense and shall be fined not more than \$20 per month after the first 12 months

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ROADS, BRIDGES, & FERRIES
Title 116

If no objection is made to the jury's opening, if it is considered to be of the assessment as in cases of appeal shall not prevent the road from being opened.

Land

Land owned and used or intended by, or other public state institutions under the general laws of the state, without the approval of the governor. The roads may be closed by the authorities in order to protect the interests of the situated, with eight percent interest, and indemnification of the land as shown by

are as a public highway any line in line, or any practicable route (a while at the same time avoiding closures), subject to the following

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shall issue a notice to the sheriff or owners affected by the application. If the commissioners court if they are returned and returned as in the service

of the notice, the court may hear and if the applicants have no objection, the court may issue an order declaring the lines of the road to be opened by the owners and left open on each side of a designated line and the corners of the road shall be immediately served as previously provided in this section in the office of the county

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to road under this section that owner who fails, neglects, or is free from all obstructions and shall be fined not

ROADS, BRIDGES, & FERRIES
Title 116

Art. 6702-1

Classes of Roads

Sec. 2.007. (a) The commissioners court shall classify all public roads in their counties as follows:

(1) first-class roads shall be clear of all obstructions and not less than 40 feet nor more than 100 feet wide; all stumps over six inches in diameter shall be cut down to six inches of the surface and rounded off, all stumps six inches in diameter and under cut smooth with the ground, and all causeways made at least 16 feet wide;

(2) second-class roads shall conform to the requirements of first-class roads except that they may not be less than 40 feet wide;

(3) third-class roads may not be less than 20 feet wide and the causeway not less than 12 feet wide; otherwise they shall conform to the requirements of first-class roads.

(b) Any county in this state containing a population of less than 60,000 inhabitants according to the most recent federal census may by a majority vote of the commissioners court authorize the construction of cattle guards across any or all of the first-class, second-class, or third-class roads in said county, and the cattle guards may not be classed or considered as obstructions on the roads.

(c) A first-class or second-class road may not be reduced to a lower class.

(d) The commissioners court of any county coming under this section shall provide proper plans and specifications for a standard cattle guard to be used on the roads of the county. The plans and specifications shall be plainly written, supplemented by drawings as may be necessary, and shall be available to the inspection of the citizens of the county. After the commissioners court provides the proper plans and specifications for a standard cattle guard to be used on the roads of the county, any person constructing any cattle guard that is not in accordance with the approved plans and specifications prepared by the commissioners court is guilty of obstructing the roads of the county, and the person responsible for the improper construction of the cattle guards commits a misdemeanor and shall be fined not less than \$5 nor more than \$100.

(e) The commissioners court of any county coming under the provisions of this section may construct cattle guards on the first-class, second-class, and third-class roads of the county and may pay for the construction out of the road and bridge funds of the county when in its judgment it believes the construction of the cattle guards to be in the best interest of the citizens of the county.

(f) The owners of land across which a third-class or neighborhood road may run, when the right-of-way for the road has been acquired without cost to the county, may erect gates across the road when necessary, the gates to be not less than 10 feet wide and free of obstructions at the top.

(g) Any person placing a gate on or across any third-class road or on or across any road designated by Section 2.006 of this Act shall be required to keep the gate and the approaches to it in good order. The gate shall be not less than 10 feet wide and so constructed as to cause no unnecessary delay to the traveling public in opening and shutting the gate. The person shall provide a fastening to hold the gate open until the passengers go through; the person shall place a permanent hitching post and stile block on each side of and within 60 feet of the gate. Any person who places a gate on or across a third-class road or on or across any road designated by Section 2.006 and who shall wilfully or negligently fail to comply with any requirement of this section commits an offense and shall be fined not less than \$5 nor more than \$20 for each offense, and each week of failure is a separate offense. Whoever wilfully or negligently leaves open any gate on or across any third-class road or on or across any road so designated by Section 2.006 of this Act commits an offense and shall be fined as previously provided by this section.

Abandoned Roads

Sec. 2.008. (a) Whenever the use of a county road has become so infrequent that the adjoining landowner or landowners have enclosed the road with a fence and the road has been continuously under fence for a period of 20 years or more, the public has no further easement or right to use the road unless and until the road is reestablished in the same manner as required for the establishment of a new road.

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Art. 6702-1

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Title 116

(b) This section does not apply to roads to a cemetery or access roads reasonably necessary to reach adjoining land.

Commissioners as Road Supervisors

Sec. 2.009. (a) Except when road commissioners are employed, the county commissioners shall be supervisors of public roads in their respective counties, and each commissioner shall supervise the public roads within his commissioner's precinct once each month. He shall also make a sworn report to each regular term of the commissioners court held in his county during the year, showing:

- (1) the condition of all roads and parts of roads in his precinct;
- (2) the condition of all culverts and bridges;
- (3) the amount of money remaining in the hands of overseers subject to be expended on the roads within his precinct;
- (4) the number of mileposts and fingerboards defaced or torn down;
- (5) what, if any, new roads of any kind should be opened in his precinct and what, if any, bridges, culverts, or other improvements are necessary to place the roads in his precinct in good condition and the probable cost of the improvements; and
- (6) the name of every overseer who has failed to work on the roads or who in any way neglected to perform his duty.

(b) The report shall be spread on the minutes of the court to be considered in improving public roads and determining the amount of taxes levied for public roads

(c) The supervisor's report shall be submitted, together with all contracts made by the court since its last report for any work on any road, to the grand jury at the first term of the district court occurring after the report is made to the commissioners court.

County authority within city or town

Sec. 2.010. (a) The commissioners court of a county may expend county funds to finance the construction, improvement, maintenance, or repair of a street or alley located in the county within the limits of an incorporated city or town if the work on the street or alley is done with the consent and approval of the governing body of the city or town.

(b) The authority of the county to finance the construction, improvement, maintenance, or repair of the street or alley includes the authority to provide any necessary roadbed preparation or material, paving or other hard covering of the street or alley, curbing or guttering, or bridges or drainage facilities.

(c) The construction, improvement, maintenance, or repair may be done or financed:

(1) by the county through the use of county equipment, provided, however, that a county acting under this subsection may not expend bond funds for the construction of new roads within the incorporated limits of a city or town unless such construction is specifically authorized in the election approving the issuance of such bonds regardless of the source of the funds used to acquire that equipment;

(2) by an independent contractor with whom the county has contracted or by the county as an independent contractor with the city, or

(3) by the city or town, with the city or town to be reimbursed by the county

(d) A county acting under this section has, to the extent practicable, the same powers and duties regarding the levying of assessments for the construction, improvement, maintenance, or repair that the city or town would have if the city or town were to finance and undertake the construction, improvement, maintenance, or repair.

(e) The authority granted under this section is in addition to any authority granted to a county under the laws of this state or by a local road law and shall not limit the authority of that county granted under such laws

Road names and address numbers

Sec 2.011 (a) In this section, "road" means any public road, street, or highway that is entirely or partially located in an unincorporated area

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ROADS, BRIDGES, & FERRIES
Title 116
roads reasonably

(b) The commissioners court of a county may by order adopt uniform standards for naming roads and assigning address numbers to property located in unincorporated areas of the county. The standards are applicable to any new roads that may be established.

(c) The commissioners court of a county may by order adopt names for roads and assign address numbers to any property located in unincorporated areas of the county for which there is no established address system.

(d) If an order adopted under this section conflicts with a municipal ordinance, the municipal ordinance prevails within the geographical area in which the municipal ordinance is effective.

(e) The commissioners court may adopt an order under this chapter only after conducting a public hearing on the proposed order. The court shall provide at least two weeks' public notice of the hearing.

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Improvement of state highway system

Sec. 2.012. (a) The commissioners court of a county may contract with the State Department of Highways and Public Transportation for the improvement of a segment of the state highway system by the county.

(b) In this section, "improvement" means projects or activities:

- (1) appurtenant to a state highway and including drainage facilities, surveying, traffic counts, driveways, landscaping, signs, lights, or guardrails; or
- (2) involving maintenance of state highways and appurtenant facilities

SUBCHAPTER B. DRAINAGE ON PUBLIC ROADS

Public Roads

Sec. 2.101 For the purposes of this subchapter, roads and highways that have not been discontinued but have been laid out and established according to law, including all roads and highways that have been opened to and used by the public for 10 years prior to March 25, 1897, are declared to be public roads.

Court Authority

Sec. 2.102 (a) The commissioners court may order at any regular session after complying with the provisions of this subchapter the construction and maintenance of ditches, drains, and watercourses as provided by this subchapter. These ditches, drains, and watercourses, hereinafter called ditches, shall be placed on or within the exterior lines of all public roads within the county and shall have the capacity to carry off into natural waterways all surface water reasonably adjacent and liable to collect in the ditches from natural causes.

(b) In connection with this authority to construct and maintain ditches, the commissioners court may construct any side, lateral, spur, branch ditch, or watercourse necessary. However:

- (1) a ditch may not be constructed without an outlet to a natural waterway large enough to carry off all water that may collect in the ditch; and
- (2) a commissioners court or its employee may not change the natural course of any branch, creek, or stream; branches, creeks, or streams shall cross public roads at the water's natural crossing; culverts shall be of sufficient size to allow water to flow at high tide from its intersection with the road across its natural outflow at the opposite natural channel.

(c) The commissioners court shall:

- (1) make a drain on each side of a road and use the dirt from the drain excavation to build the road;
- (2) drain public roads when necessary and have ditches cut for that purpose, taking into account the natural waterflow and causing as little injury as possible to adjacent landowners; and

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IN THE COMMISSIONERS' COURT OF UPSHUR COUNTY, TEXAS

O R D E R

ON this the 12th day of April, 1993, came on to be heard Petitioner's petition requesting the Upshur County Commissioners' Court and the Honorable Everett Dean, County Judge, to formally abandon, vacate, discontinue, and close the portion of Pony Road as described below:

BEING all of that certain lot, tract or parcel of land situated in the H.S. Wiggins Survey, Abstract No. 515 and in the J.R. Clute Survey, Abstract No. 77, Upshur County, Texas and being a part of a called 107.42 acre tract of land described in a deed from W.C. Kennedy and wife Winnie Faye Kennedy to Lauren Parish, filed April 3, 1992, as shown of record in Volume 105, Page 246, Official Records, and a part of a called 3.8 acre tract of land described in a Quit Claim deed, dated April 3, 1992, as shown of record in Volume 105, Page 244, Official Records, Upshur County, Texas, said lot, tract or parcel of land being an area around an old abandoned road bed and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the Northeast corner of said 107.42 acre tract, same being the Northeast corner of a called 1.46 acre access easement described in a deed filed October 9, 1963 and recorded in Volume 278, Page 323, Deed Records, Upshur County, Texas, said Point of Beginning being on the North side of a public road called Pony Road;

THENCE SOUTH (deed South) along the East line of said 107.42 acre tract, same being along the East line of said access easement, at 25.13 feet, passing through a 3/8 inch iron rod found at the Northwest corner of a

called 24.739 acre tract of land described in a deed filed September 5, 1986 and recorded in Volume 479, Page 615, Deed Records, Upshur County, Texas, continuing along said East line in all, a total distance of 40.00 feet to a point for corner, a cross tie fence corner post at the Southeast corner of said 107.42 acre tract bears SOUTH, a distance of 1409.94 feet;

THENCE N88deg52min10secW a distance of 1411.39 feet to a point for a corner;

THENCE N88deg59min20secW a distance of 1822.93 feet to a point for a corner in the West line of said 3.8 acre tract, a 5/8 inch iron rod found at a fence intersection in said West line bears S00deg39min39secW, a distance of 1095.14 feet, a 1/2 inch iron rod found at the Northwest corner of said 107.42 acre tract bears N70deg56min20secE, a distance of 23.95 feet;

THENCE N00deg39min39secE along said West line, same being along the East line of a called 50 acre tract described in a deed filed November 1, 1919 and recorded in Volume 42, Page 334, Deed Records, Upshur County, Texas, same being along a fence, a distance of 40.00 feet to a cross tie fence corner post at the Northwest corner of said 3.8 acre tract, same being in said Clute Survey;

THENCE S88deg00min52secE along the North line of said 3.8 acre tract and along a fence, a distance of 337.67 feet;

THENCE S89deg12min36secE continuing along said North line and said fence, a distance of 1484.85 feet to a 1/2 inch iron rod found in the North line of said 107.42 acre tract and at the East corner of said 3.8 acre tract, same being in the North line of said Wiggins Survey, same also being called the South line of said Clute Survey;

THENCE S89deg02min12secE continuing along the North line of said 107.42 acre tract and said fence, a distance of 1267.43 feet to a fence corner post, a 1/2 inch iron rod set at the base of said post;

THENCE S87deg23min58secE continuing along said North line and said fence, a distance of 144.01 feet to the Point of Beginning and containing 2.91 acres of land of which approximately 0.55 acres lie in said Clute Survey and approximately 2.36 acres lie in said Wiggins Survey, said 2.91 acres being an area surrounding an old abandoned road bed, said road bed grown up with trees and not being used at this time.

BEARING BASE is the East line of said 107.42 acre tract as monumented and shown on the plat of this survey attached hereto and marked Exhibit "A".

After reviewing the petition and considering the evidence presented, it is hereby the ORDER of this Commissioners' Court and the County Judge that said portion of Pony Road as described above shall be formally abandoned, vacated, discontinued, and closed by the County and further that title to that portion of Pony Road described above shall, to the center of the road, vest in the adjoining property owner to the South (Lauren Parish) and that the other half of that portion of Pony Road (from the center-line North) vest in the adjoining property owners to the North (Betty Parish, Todd Parish, Blynne Martine Parish Trust, and Lauren Parish).

It is further ORDERED that this order of the Commissioners' Court be filed in the deed records of the county and shall act as the official instrument of conveyance from the county to the abutting property owners described above.

SIGNED this the 12th day of April, 1993.


EVERETT DEAN, COUNTY JUDGE

COMMISSIONERS:


GADDIS LINDSEY, PCT. ONE

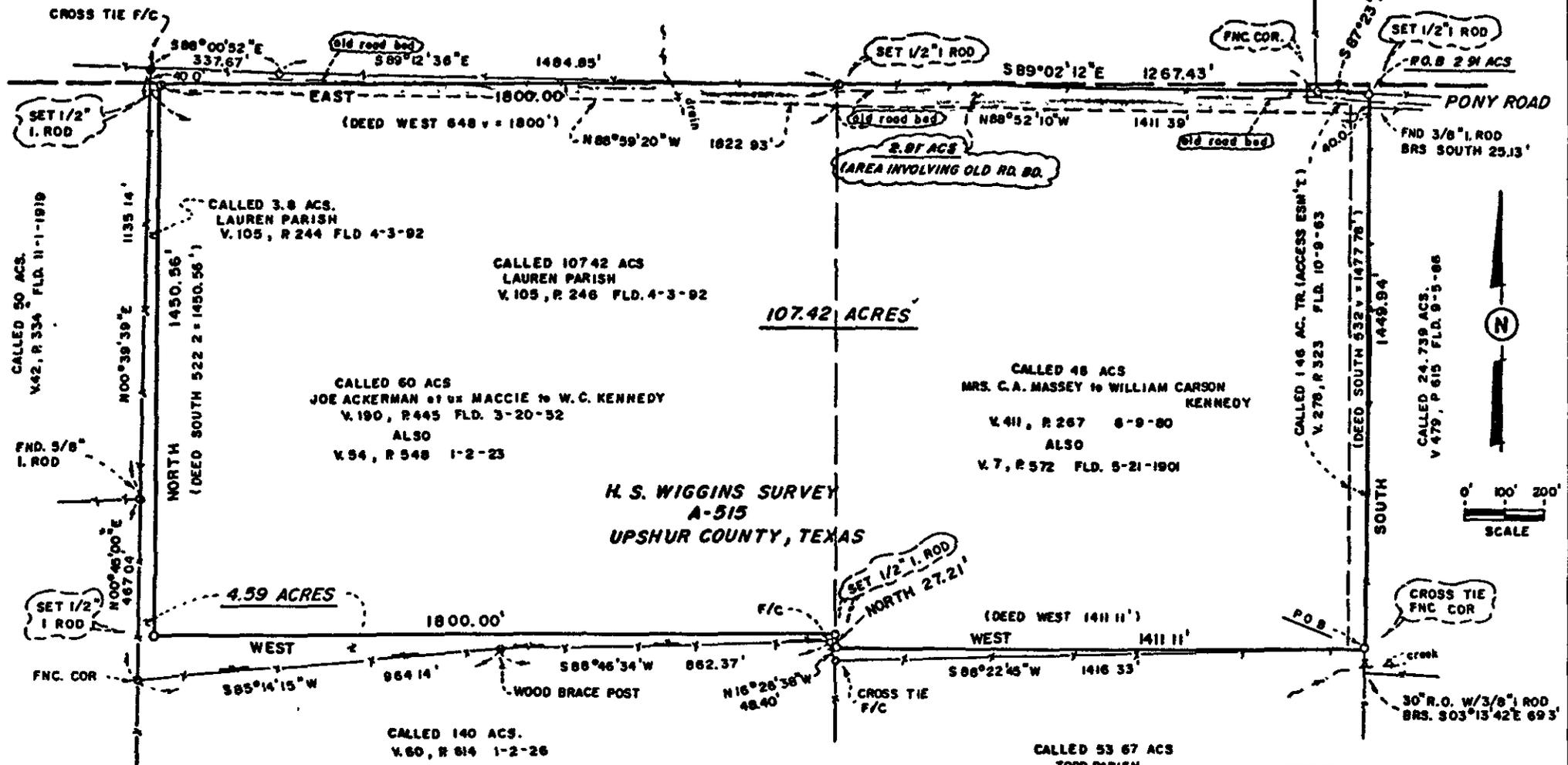

TOMMY STANLEY, PCT. TWO


DAVID LOYD, PCT. THREE


TOMMY BATHERTON, PCT. FOUR

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J. R. CLUTE SURVEY A-77



I, MICHAEL L. TURNER, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND BY ME IN MARCH 1992.

Michael L. Turner
MICHAEL L. TURNER R.P.L.S. NO. 4606

PLAT SHOWING SURVEY OF KENNEDY CALLED 48 AC. TR. & 60 AC. TR.

PLAT UPDATED TO SHOW 2.91 ACS 3-16-93

MICHAEL L. TURNER
Registered Professional Land Surveyor
GILMER, TEXAS (903) 843-2965

Client: LAUREN PARISH
Date: 3-25-92 Scale: NOTED Job: UP-21 92

EXHIBIT
"A"

TO: PAYROLL DEPARTMENT

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PLEASE ENTER THE FOLLOWING CHANGE(S) IN YOUR RECORDS TO TAKE

EFFECT 4-1-93
(DATE & TIME)

EMPLOYEE B. Darlene Barber

SOCIAL SECURITY NO _____ CLOCK NO. 329

THE CHANGE(S)

<input checked="" type="checkbox"/> CHECK ALL APPLICABLE BOXES	FROM	TO
<input type="checkbox"/> DEPARTMENT		
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REASON FOR THE CHANGE(S)

- HIRED
- RE-HIRED
- PROMOTION
- DEMOTION
- TRANSFER
- MERIT INCREASE
- UNION SCALE
- PROBATIONARY PERIOD COMPLETED
- LENGTH OF SERVICE INCREASE
- RE-EVALUATION OF EXISTING JOB
- RESIGNATION
- RETIREMENT
- LAYOFF
- DISCHARGE

LEAVE OF ABSENCE FROM _____ (DATE) UNTIL _____ (DATE)

OTHER (EXPLAIN) Longevity 6 years \$24/mo

CHANGE AUTHORIZED BY [Signature] DATE 04-07-93

CHANGE APPROVED BY _____ DATE _____

TO: PAYROLL DEPARTMENT
VOL 40 PG 528

PLEASE ENTER THE FOLLOWING CHANGE(S) IN YOUR RECORDS TO TAKE

EFFECT 4-1-93
(DATE & TIME)

EMPLOYEE Shelia Harper

SOCIAL SECURITY NO _____ CLOCK NO 437

THE CHANGE(S)

<input checked="" type="checkbox"/> CHECK ALL APPLICABLE BOXES	FROM	TO
<input type="checkbox"/> DEPARTMENT		
<input type="checkbox"/> JOB		
<input type="checkbox"/> SHIFT		
<input type="checkbox"/> RATE		
<input type="checkbox"/>		

REASON FOR THE CHANGE(S)

- HIRED
- RE-HIRED
- PROMOTION
- DEMOTION
- TRANSFER
- MERIT INCREASE
- UNION SCALE
- PROBATIONARY PERIOD COMPLETED
- LENGTH OF SERVICE INCREASE
- RE-EVALUATION OF EXISTING JOB
- RESIGNATION
- RETIREMENT
- LAYOFF
- DISCHARGE

LEAVE OF ABSENCE FROM _____ (DATE) UNTIL _____ (DATE)
 OTHER (EXPLAIN) Longevity 3 years \$12/mo.

CHANGE AUTHORIZED BY [Signature] DATE 04-07-93

CHANGE APPROVED BY _____ DATE _____

TO: PAYROLL DEPARTMENT

VOL 40 PG 529

PLEASE ENTER THE FOLLOWING CHANGE(S) TO YOUR RECORDS TAKING EFFECT ON		DATE & TIME <u>4-1-93</u>
EMPLOYEE NAME <u>Ray Helpenstill</u>		
SOCIAL SECURITY NO <u>11111111</u>	DEPARTMENT	CLOCK NO. <u>462</u>

THE CHANGE(S):

<input checked="" type="checkbox"/> All Applicable Boxes	FROM	TO
<input type="checkbox"/> DEPARTMENT		
<input type="checkbox"/> JOB		
<input type="checkbox"/> SHIFT		
<input type="checkbox"/> RATE		
<input type="checkbox"/> OTHER _____		
<input checked="" type="checkbox"/> OTHER _____		

THE REASON FOR THE CHANGE(S):

<input type="checkbox"/> HIRED	<input type="checkbox"/> PROBATIONARY PERIOD COMPLETED
<input type="checkbox"/> RE-HIRED	<input type="checkbox"/> LENGTH OF SERVICE INCREASE
<input type="checkbox"/> PROMOTION	<input type="checkbox"/> RE-EVALUATION OF EXISTING JOB
<input type="checkbox"/> DEMOTION	<input type="checkbox"/> RESIGNATION
<input type="checkbox"/> TRANSFER	<input type="checkbox"/> RETIREMENT
<input type="checkbox"/> MERIT INCREASE	<input type="checkbox"/> LAYOFF
<input type="checkbox"/> UNION SCALE	<input type="checkbox"/> DISCHARGE
<input type="checkbox"/> LEAVE OF ABSENCE FROM _____ (DATE) UNTIL _____ (DATE)	
<input checked="" type="checkbox"/> OTHER (Explain) <u>Longevity 2 years \$8/mo</u>	

AUTHORIZATION:

RECOMMENDED BY	DATE
AUTHORIZED BY <u>Greg Harris</u>	DATE <u>04-07-93</u>

TO: PAYROLL DEPARTMENT
VOL 40 PG 530

PLEASE ENTER THE FOLLOWING CHANGE(S) IN YOUR RECORDS TO TAKE

EFFECT 4-1-93
(DATE & TIME)

EMPLOYEE James Steber

SOCIAL SECURITY NO _____ CLOCK NO. 277

THE CHANGE(S)

<input type="checkbox"/> CHECK ALL APPLICABLE BOXES	FROM	TO
<input type="checkbox"/> DEPARTMENT		
<input type="checkbox"/> JOB		
<input type="checkbox"/> SHIFT		
<input type="checkbox"/> RATE		
<input type="checkbox"/>		

REASON FOR THE CHANGE(S)

- HIRED
- RE-HIRED
- PROMOTION
- DEMOTION
- TRANSFER
- MERIT INCREASE
- UNION SCALE
- PROBATIONARY PERIOD COMPLETED
- LENGTH OF SERVICE INCREASE
- RE EVALUATION OF EXISTING JOB
- RESIGNATION
- RETIREMENT
- LAYOFF
- DISCHARGE

LEAVE OF ABSENCE FROM _____ (DATE) UNTIL _____ (DATE)

OTHER (EXPLAIN) Longevity 8 years \$32/mo

CHANGE AUTHORIZED BY [Signature] DATE 4-07-93

CHANGE APPROVED BY _____ DATE _____

TO: PAYROLL DEPARTMENT

VOL 40 PG 537

PLEASE ENTER THE FOLLOWING CHANGE(S) IN YOUR RECORDS TO TAKE

EFFECT 4-1-93
(DATE & TIME)

EMPLOYEE Anthony Bettleton

SOCIAL SECURITY NO _____ CLOCK NO 109

THE CHANGE(S)

<input checked="" type="checkbox"/> CHECK ALL APPLICABLE BOXES	FROM	TO
<input type="checkbox"/> DEPARTMENT		
<input type="checkbox"/> JOB		
<input type="checkbox"/> SHIFT		
<input type="checkbox"/> RATE		
<input type="checkbox"/>		

REASON FOR THE CHANGE(S)

- HIRED
- RE-HIRED
- PROMOTION
- DEMOTION
- TRANSFER
- MERIT INCREASE
- UNION SCALE
- PROBATIONARY PERIOD COMPLETED
- LENGTH OF SERVICE INCREASE
- RE-EVALUATION OF EXISTING JOB
- RESIGNATION
- RETIREMENT
- LAYOFF
- DISCHARGE

LEAVE OF ABSENCE FROM _____ UNTIL _____
(DATE) (DATE)

OTHER (EXPLAIN) Seniority 10 years #40/mo

CHANGE AUTHORIZED BY Kyza Harris DATE 04-07-93

CHANGE APPROVED BY _____ DATE _____

UPSHUR COUNTY TREASURER'S MONTHLY REPORT
AND COMMISSIONERS COURT AFFIDAVIT

MARCH 1, 1993 THROUGH MARCH 31, 1993

	BEGINNING BALANCE	REVENUES	DISBURSEMENTS	ENDING BALANCE	DEMAND BALANCE	TIME DEPOSITS	TOTAL DEPOSITS
OPERATING ACCOUNT	5,029,849.30	428,314.58	482,337.44	4,975,826.44	110,109.32	4,865,717.12	4,975,826.44
INSURANCE ACCOUNT	771,341.89	41,112.45	80,529.81	731,924.53	26,424.53	705,500.00	731,924.53
PAYROLL CLEARING	50.00	1,690.22	1,690.22	50.00	50.00	0.00	50.00
TOTALS	5,801,241.19	471,117.25	564,557.47	5,707,800.97	136,583.85	5,571,217.12	5,707,800.97

INDEBTEDNESS

1977 CERTIFICATES OF OBLIGATION	154,000.00
1985-A CERTIFICATES OF OBLIGATION	200,000.00
1987 CERTIFICATES OF OBLIGATION	125,000.00
1991 CERTIFICATES OF OBLIGATION	1,945,000.00
OTHER INDEBTEDNESS	110,755.24

BONDS

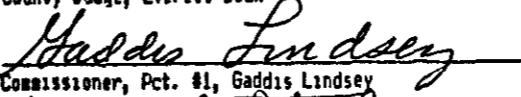
15 CENTRAL HEIGHTS I.S.D.	15,000.00
5 LEANDER I.S.D.	5,000.00

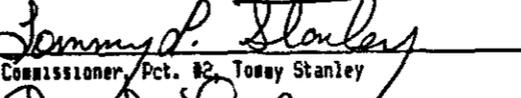
C.D.'S

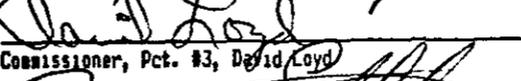
UPSHUR COUNTY OPERATING CD#22530	1,525,000.00
UPSHUR COUNTY OPERATING CD#22531	2,000,000.00
UPSHUR COUNTY OPERATING CD#22563	180,000.00
UPSHUR COUNTY PERMANENT SCHOOL CD#22535	968,859.56
UPSHUR COUNTY AVAILABLE SCHOOL CD#22536	191,857.56
UPSHUR COUNTY INSURANCE CD#22514	243,000.00
UPSHUR COUNTY INSURANCE CD#22558	462,500.00

AFFIDAVIT


County Judge, Everett Dean


Commissioner, Pct. #1, Gaddis Lindsey


Commissioner, Pct. #2, Tommy Stanley


Commissioner, Pct. #3, David Loyd


Commissioner, Pct. #4, Tommy Eatherton

VOL 40 PG 532

VOL 40 PG 533

TREASURER'S QUARTERLY REPORT
BY MYRA HARRIS, COUNTY TREASURER

FROM JANUARY 1 TO MARCH 31, 1993 INCLUSIVE

	BEGINNING BALANCE	REVENUES	DISBURSEMENTS	TRANSFERS IN	TRANSFERS OUT	ENDING BALANCE	DEMAND BALANCE	TIME DEPOSITS	TOTAL DEPOSITS
Upshur County Operating Fund	3,867,815.14	2,732,606.98	1,624,703.18	107.50	0.00	4,975,826.44	110,109.32	4,865,717.12	4,975,826.44
Upshur County Trust & Agency	20,000.00	107.50	0.00	0.00	107.50	20,000.00	0.00	20,000.00	20,000.00
Upshur County Insurance Account	491,679.21	399,222.60	158,977.28	0.00	0.00	731,924.53	26,424.53	705,500.00	731,924.53
Upshur County Payroll Clearing	50.00	5,070.66	5,070.66	0.00	0.00	50.00	50.00	0.00	50.00
TOTALS	4,379,544.35	3,137,007.74	1,788,751.12	107.50	107.50	5,727,800.97	136,583.85	5,591,217.12	5,727,800.97

LIST OF BONDS AND OTHER SECURITIES ON HAND

BONDS		C.D.'S	
15 Central Heights I.S.D.	15,000.00	Upshur County Operating Acct. CD#22530	1,525,000.00
5 Leander I.S.D.	5,000.00	Upshur County Operating Acct. CD#22531	2,000,000.00
TOTAL ALL BONDS	20,000.00	Upshur County Operating Acct. CD#22563	100,000.00
		Upshur County Permanent School CD#22535	968,859.56
		Upshur County Available School CD#22536	191,857.56
		Upshur County Insurance Acct. CD#22514	243,000.00
		Upshur County Insurance Acct. CD#22558	462,500.00
		TOTAL ALL C.D.'S	5,571,217.12
INDEBTEDNESS			
1977 CERTIFICATES OF OBLIGATION	224,000.00		
1985-A CERTIFICATES OF OBLIGATION	300,000.00		
1987 CERTIFICATES OF OBLIGATION	175,000.00		
1991 CERTIFICATES OF OBLIGATION	1,945,000.00		
OTHER INDEBTEDNESS	110,755.24		

UPSHUR COUNTY
TREASURER'S
QUARTERLY REPORT

Covering Period

From JANUARY 1, 1993

To MARCH 31, 1993 Inclusive

Date Filed APRIL 8, 1993

FILED
REX A. SHAW
COUNTY CLERK

93 APR 12 AM 9:59

UPSHUR COUNTY, TX.

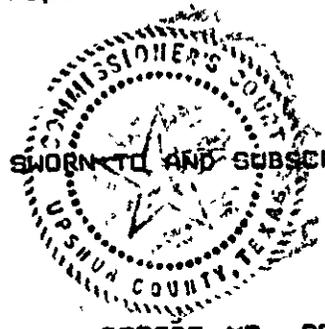
BY _____
DEPUTY

MYRA HARRIS
County Treasurer, Upshur County

THE STATE OF TEXAS)
COUNTY OF UPSHUR)

BEFORE ME, the undersigned authority, on this day personally appeared MYRA HARRIS, County Treasurer of Upshur County, who being by me duly sworn, upon oath, says that the within and foregoing report is true and correct.

Myra Harris, County Treasurer



SWORN TO AND SUBSCRIBED before me this 8th day of April, 1993.

Rex Shaw, Clerk
County Court, Upshur County, Texas

BEFORE ME REX SHAW, County Clerk, Upshur County, Texas, on this day personally appeared EVERETT DEAN, County Judge; GADDIS LINDSEY, Commissioner, Precinct No. 1; TOMMY STANLEY, Commissioner Precinct No. 2; DAVID LOYD, Commissioner No. 3; and TOMMY EATHERTON, Commissioner No. 4, who after being duly sworn by me under their oath, that they have examined the foregoing County Treasurer's Report, of Upshur County, Texas, and find the same to be correct to the best of their knowledge and belief.

Everett Dean
County Judge

David Loyd
Commissioner, Precinct No. 3

Gaddis Lindsey
Commissioner, Precinct No. 1

Tommy Eatherton
Commissioner, Precinct No. 4

Tommy Stanley
Commissioner, Precinct No. 2

SUBSCRIBED AND SWORN TO Before me, this 11th day of JANUARY, A.D. 1993.

Rex A. Shaw
County Clerk, Upshur County, Texas





REX A. SHAW, COUNTY CLERK
P. O. BOX 730
GILMER, TEXAS 75644

VOL 40 PG 535

The Commissioner's Court has selected you to serve on the Grievance Committee for the year 1993. The court would appreciate you notifying the County Clerk of your acceptance or refusal to serve by signing this letter and returning to the County Clerk's Office.

Rex A. Shaw

Rex A. Shaw
County Recorder for
Upshur County Court

FILED
REX A. SHAW
COUNTY CLERK
93 APR - 1 AM 9:41
UPSHER COUNTY, TX
BY _____
DEPUTY

Ronald J. Blawie
I agree to serve on the Grievance Committee Board for 1993

I decline to serve on the Grievance Committee Board for 1993.



REX A. SHAW, COUNTY CLERK
P. O. BOX 730
GILMER, TEXAS 75644

The Commissioner's Court has selected you to serve on the Grievance Committee for the year 1993. The court would appreciate you notifying the County Clerk of your acceptance or refusal to serve by signing this letter and returning to the County Clerk's Office.

Rex A. Shaw

Rex A. Shaw
County Recorder for
Upshur County Court

Norton Lull

I agree to serve on the Grievance Committee Board for 1993

I decline to serve on the Grievance Committee Board for 1993.

FILED
REX A. SHAW
COUNTY CLERK,
UPSHUR COUNTY, TX.
93 MAR 11 AM 9:33
BY _____
DEPUTY



VOL. 40 PG 537

REX A. SHAW, COUNTY CLERK
P. O. BOX 730
GILMER, TEXAS 75644

The Commissioner's Court has selected you to serve on the Grievance Committee for the year 1993. The court would appreciate you notifying the County Clerk of your acceptance or refusal to serve by signing this letter and returning to the County Clerk's Office.

Rex A. Shaw

Rex A. Shaw
County Recorder for
Upshur County Court

Linda Clay
I agree to serve on the Grievance Committee Board for 1993

I decline to serve on the Grievance Committee Board for 1993.

FILED
REX A. SHAW
COUNTY CLERK
93 MAR 11 AM 9:30
UPSHER COUNTY, TX
BY _____
DEPUTY



REX A. SHAW, COUNTY CLERK
P. O. BOX 730
GILMER, TEXAS 75644

843-3083

The Commissioner's Court has selected you to serve on the Grievance Committee for the year 1993. The court would appreciate you notifying the County Clerk of your acceptance or refusal to serve by signing this letter and returning to the County Clerk's Office.

Rex A. Shaw

Rex A. Shaw
County Recorder for
Upshur County Court

Charles O. Medlin

I agree to serve on the Grievance Committee Board for 1993

I decline to serve on the Grievance Committee Board for 1993.

FILED
REX A. SHAW
COUNTY CLERK
93 MAR 19 AM 9:39
UPS HUR COUNTY, TX
BY _____
DEPUTY



VOL. 40 PG. 539

REX A. SHAW, COUNTY CLERK
P. O. BOX 730
GILMER, TEXAS 75644

The Commissioner's Court has selected you to serve on the Grievance Committee for the year 1993. The court would appreciate you notifying the County Clerk of your acceptance or refusal to serve by signing this letter and returning to the County Clerk's Office.

Rex A. Shaw

Rex A. Shaw
County Recorder for
Upshur County Court

James T. Hudspeth

I agree to serve on the Grievance Committee Board for 1993 - ?

I decline to serve on the Grievance Committee Board for 1993.

FILED
REX A. SHAW
COUNTY CLERK
93 JAN 15 AM 9:55
UPSHER COUNTY, TX
BY _____
DEPUTY



REX A. SHAW, COUNTY CLERK
P. O. BOX 730
GILMER, TEXAS 75644

The Commissioner's Court has selected you to serve on the Grievance Committee for the year 1993. The court would appreciate you notifying the County Clerk of your acceptance or refusal to serve by signing this letter and returning to the County Clerk's Office.

Rex A. Shaw

Rex A. Shaw
County Recorder for
Upshur County Court

FILED
REX A. SHAW
COUNTY CLERK
93 JAN 14 AM 2:02
GILMER, TEXAS
BY _____

Ralph Collins

I agree to serve on the Grievance Committee Board for 1993.

I decline to serve on the Grievance Committee Board for 1993.



REX A. SHAW, COUNTY CLERK
P. O. BOX 730
GILMER, TEXAS 75644

The Commissioner's Court has selected you to serve on the Grievance Committee for the year 1993. The court would appreciate you notifying the County Clerk of your acceptance or refusal to serve by signing this letter and returning to the County Clerk's Office.

Rex A. Shaw

Rex A. Shaw
County Recorder for
Upshur County Court

FILED
REX A. SHAW
COUNTY CLERK
93 JAN 14 PM 9:13
UPSHUR COUNTY, TX
DEPUTY

Alvin D. McCool

I agree to serve on the Grievance Committee Board for ~~1992~~ 1993 .

I decline to serve on the Grievance Committee Board for ~~1992-1993~~



.. **REX A. SHAW, COUNTY CLERK**
P. O. BOX 730
GILMER, TEXAS 75644

The Commissioner's Court has selected you to serve on the Grievance Committee for the year 1993. The court would appreciate you notifying the County Clerk of your acceptance or refusal to serve by signing this letter and returning to the County Clerk's Office.

Rex A. Shaw

Rex A. Shaw
County Recorder for
Upshur County Court

FILED
REX A. SHAW
COUNTY CLERK
93 JAN 14 PM 9:11
GILMER, TEXAS
BY _____
DEPUTY

Donald W. Bass

I agree to serve on the Grievance Committee Board for 1993.

I decline to serve on the Grievance Committee Board for 1993.



REX A. SHAW, COUNTY CLERK
P. O. BOX 730
GILMER, TEXAS 75644

The Commissioner's Court has selected you to serve on the Grievance Committee for the year 1993. The court would appreciate you notifying the County Clerk of your acceptance or refusal to serve by signing this letter and returning to the County Clerk's Office.

Rex A. Shaw

Rex A. Shaw
County Recorder for
Upshur County Court

Mike D. King

I agree to serve on the Grievance Committee Board for 1993.

I decline to serve on the Grievance Committee Board for 1993.

FILED
REX A. SHAW
COUNTY CLERK
93 JAN 13 AM 9:17
UPSHUR COUNTY, TX.
BY _____
DEPUTY



REX A. SHAW, COUNTY CLERK
P. O. BOX 730
GILMER, TEXAS 75644

The Commissioner's Court has selected you to serve on the Grievance Committee for the year 1993. The court would appreciate you notifying the County Clerk of your acceptance or refusal to serve by signing this letter and returning to the County Clerk's Office.

Rex A. Shaw

Rex A. Shaw
County Recorder for
Upshur County Court

I agree to serve on the Grievance Committee Board for 1993.

Weldon Newman

I decline to serve on the Grievance Committee Board for 1993.

FILED
REX A. SHAW
COUNTY CLERK
93 JAN 13 AM 9:20
UPSHER COUNTY, TX
BY _____
DEPUTY



REX A. SHAW, COUNTY CLERK
P. O. BOX 730
GILMER, TEXAS 75644

The Commissioner's Court has selected you to serve on the Grievance Committee for the year 1993. The court would appreciate you notifying the County Clerk of your acceptance or refusal to serve by signing this letter and returning to the County Clerk's Office.

Rex A. Shaw
Rex A. Shaw
County Recorder for
Upshur County Court

FILED
REX A. SHAW
COUNTY CLERK
93 JAN 19 AM 9:40
UPSHER COUNTY, TX
RECEIVED

I agree to serve on the Grievance Committee Board for 1993.

Johnnie L Baird
I decline to serve on the Grievance Committee Board for 1993.

UPSHUR COUNTY Chamber of Commerce



HOME OF THE FAMOUS EAST TEXAS YAMBOREE

April 1, 1993

Judge Everett Dean
PO Box 790
Gilmer Tx 75644

Dear Judge Dean,

Our Cherokee Rose Festival dates are May 22 & 23, 1993.

We are asking for your permission to use the courthouse lawn again for our Arts & Crafts. The hours for the Arts & Crafts are 10 a.m. till 5 p.m. on Saturday and 1 p.m. till 5 p.m. on Sunday.

We appreciate the support that you give us during the all the events that we put on through the year.

Sincerely,

Phillip Bruns

Phillip Bruns, President
Upshur County Chamber of Commerce

UPSHUR COUNTY Chamber of Commerce



HOME OF THE FAMOUS EAST TEXAS YAMBOREE

April 1, 1993

Commissioners Court
% Courthouse
PO Box 730
Gilmer Tx 75644

Dear Sir,

The time is almost here for our 7th Annual Cherokee Rose Festival. Dates for this years festival are May 22 & 23rd.

The Arts & Crafts will be setting up around the Courthouse Lawn on Saturday morning and the Carnival will set up on Thursday, May 20th after 5 p.m.

We are asking for your help with the clean up of our County Roads especially along the Cherokee Trace. Please do not mow the Trace before the Cherokee Rose Festival, we want it to be as rustic as when Sam Houston rode horseback on this historic trace. However, we do hope you will have the debris & trash picked up for our Tour of the Cherokee Trace.

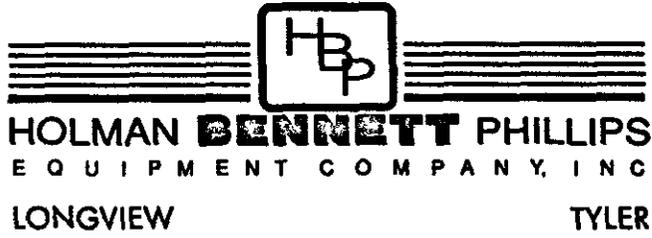
Any help you will provide will be appreciated.

Sincerely,

Phillip Bruns

Phillip Bruns, President
Upshur County Chamber of Commerce

VOL 40 PG 548



April 12, 1993

Upshur County
P. O. Box 730
Gilmer, Texas 75644

We are pleased to bid on the following equipment:

1 - Used SOIL RECLAIMER....."NO BID"

We have no product available at this time to meet these specifications. We thank you for the opportunity.

Yours, truly,

W. T. Tucker
Sales Manager

P.O. BOX 6295 TYLER, TEXAS 75711 (903) 593-0201 FAX # (903) 593-3007

LONGHORN EQUIPMENT Co.
SALES  LEASE

HEAVY EQUIPMENT
631 SSE LOOP 323
TYLER, TX 75701
903-582-0505
1-800-256-7505
FAX 593-5852

April 08, 1993

UPSHUR COUNTY COMMISSIONER'S COURT
Gilmer, Texas

We are pleased to submit the following for consideration.

BOMAG Model MPH 100, Serial # 85230, Soil Stabilizer.

Engine: 8 Cylinder water cooled, Diesel minimum of 350 HP.

Fuel Tank Capacity: 120 Gallons

Electrical System: 24 Volt

**Rotor: Hydraulic drive system, 48" Rotor diameter, 79 in.
cutting with, 14.5 in. cutting depth.
70 teeth.**

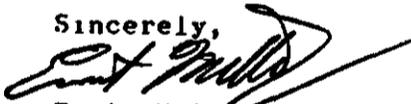
2 Speed gear box up to 135 R.P.M.

**Tire size: rear-28. x 26, 12 ply r-3
front- 11.25 x 24 8 ply**

**\$44,000.00 (Forty four thousand dollars)
FOB Gilmer, Texas**

We hope this equipment meets your needs.

Sincerely,



**Emmitt Miller
Equipment Manager**

dj/

QUOTATION

CONLEY · LOTT



MACHINERY COMPANY

To: Upshur County
 P. O. Box 790
 Gilmer, Texas 75644

Date April 4, 1993

Attn: County Judge & Commissioners

1511 WEST MARSHALL LONGVIEW, TEXAS 75604 (214) 758-5547

Quantity	DESCRIPTION	Unit Price	Total
ONE	<p>We are pleased to furnish the following quotation for your consideration:</p> <p>Used Bomag Model MPH -100R-W Recycler with 8V-71 Detroit Diesel Engine, R.O.P.S. Canopy, Water System, Recycler Drum (with 167 Bullet Teeth) and All Standard Equipment. S/N 85659 F.O.B. Gimer, Texas</p> <p>WARRENTY: 3 Months on all Major Components</p> <p>TERMS: Net Cash or 5 Year Municipal Lease @ \$ 2026.50 Per Month Quote valid for 30 days Subject to all applicable taxes Delivery from stock subject to prior sale.</p>		\$105,000.00

FORM D-27-

Conley-Lott-Nichols Machinery Company

By *Eddy [Signature]*

OFFICES IN AMARILLO CORPUS CHRISTI, DALLAS, HOUSTON LONGVIEW LUBBOCK, ODESSA, SAN ANTONIO

8013

JACK M. FINLEY, INC.
DBA PROFESSIONAL LAND TITLE SERVICES
OPERATING ACCOUNT
811A GILMER RD. PH 903-297-7721
LONGVIEW, TEXAS 75604

4-12-93 19 93

88-1376/1119

FIRST STATE BANK
P.O. BOX 1432 GLADEWATER, TX 75647

PAY TO THE ORDER OF

Upshur Co. Clerk

\$ 1157.¹⁰

One Thousand One Hundred Fifty Seven ¹⁰/₁₀₀ DOLLARS

PROFESSIONAL LAND TITLE SERVICES
OPERATING ACCOUNT

<u>Plant upkeep</u>	<u>Rec</u>		
<u>Copies</u>	<u>7/27</u>		
<u>Cell. Copies</u>	<u>J.B.</u>		

Merna Crawford

⑆008013⑆ ⑆111913798⑆ ⑆9013423⑆

FILED
REX A. SHAW
COUNTY CLERK
93 APR 13 AM 10:04
UPSHUR COUNTY, TX
BY _____
DEPUTY

