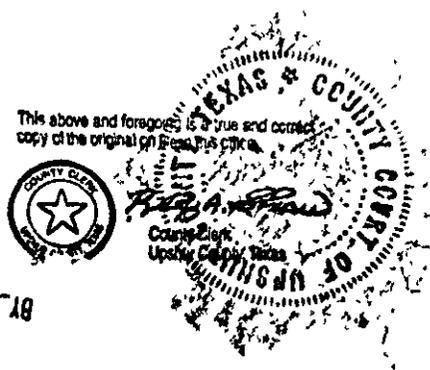


NOTICE OF MEETING  
COMMISSIONERS COURT OF UPSHUR COUNTY, TEXAS  
MONDAY, JUNE 14, 1999, 7:00 PM, REGULAR SESSION  
UPSHUR COUNTY COURTHOUSE, THIRD FLOOR

AGENDA

1. Approve the minutes of previous meetings.
2. Consider any budget amendments and take action.
3. Consider approval of any payroll changes and take action.
4. Consider approval of accounts payable and take action.
5. Consider any bids on property struck off for taxes.
6. Accept for recording a report from the Tax/Assessor Collector.
7. Consider accepting the Treasurers report.
8. Consider accepting the Financial Statement.
9. Open bids on used equipment for Pct. 4 and take action.
10. Consider a request for the Sheriff and Ray Roeder to destroy old junk in storage building.
11. Consider proposed sale from TxDOT for a ROW purchase.
12. Consider having an asbestos survey done in the Rock Building.
13. Hear Gaylon Childress from TxDOT concerning ROW.
14. Accept for recording a letter from Lamarr McDonald concerning the jail roof.
15. Consider accepting a plat of Seven Pines West Mobile Home Park for recording purposes only.
16. Consider proposal from Alltel Communication for long distance service for the County.
17. Approve applications for use of Upshur County roads and right of way.

*Charles L. Still*  
**Charles L. Still**  
 County Judge



This above and foregoing is a true and correct copy of the original on file in this office.

FILED  
 REX A. SHAW  
 COUNTY CLERK  
 99 JUN 11 AM 8:58  
 UPSHUR COUNTY, TX.  
 DEPUTY

UPSHUR COUNTY COMMISSIONERS COURT

6-14-1999

COMMISSIONERS COURT MET IN REGULAR SESSION. ALL MEMBERS PRESENT.

1. MOTION BY TOMMY STANLEY SECONDED BY RUSSELL GREEN TO APPROVE MINUTES OF PREVIOUS MEETING DATED 5-28-1999. MOTION CARRIED.

2. MOTION BY RUSSELL GREEN SECONDED BY GADDIS LINDSEY TO APPROVE BUDGET AMENDMENTS AS PRESENTED BY COUNTY AUDITOR. MOTION CARRIED. BUDGET AMENDMENTS ATTACHED.

3. MOTION BY GADDIS LINDSEY SECONDED BY RICK JACKSON TO APPROVE THE FOLLOWING PAYROLL CHANGES:  
PHYLLIS BEAVERS-DUE TO PROMOTION IN TAX OFFICE  
BARBARA MCCAULEY PRICE-DUE TO INTRODUCTORY PERIOD ENDED AND MERIT INCREASE IN TAX OFFICE  
BOBBY JOE HUBBARD-DUE TO NEW EMPLOYMENT IN PRECINCT #4.

MOTION CARRIED ON ALL THE ABOVE. COPIES OF ALL PAYROLL CHANGES ATTACHED.

4. MOTION BY GADDIS LINDSEY SECONDED BY TOMMY STANLEY TO APPROVE PAYMENT OF ACCOUNTS PAYABLE NOW DUE. MOTION CARRIED.

PRINT OUT OF BILLS PREVIOUSLY APPROVED ON MEETING OF MAY 28, 1999 ATTACHED.

5. MOTION BY GADDIS LINDSEY SECONDED BY RICK JACKSON TO ACCEPT BID SUBMITTED FOR PROPERTY STRUCK OFF FOR TAXES. AMOUNT OF BID IS \$200.00 SUBMITTED FOR PROPERTY DESCRIBED AS BLOCK PH M-6 LOT 938, TRACT 9. MOTION CARRIED. RESOLUTION ATTACHED.

6. MOTION BY TOMMY STANLEY SECONDED RICK JACKSON TO ACCEPT FOR RECORDING, A REPORT FROM THE TAX/ASSESSOR COLLECTOR FOR MONTH OF APRIL AND MAY. MOTION CARRIED. COPIES ATTACHED.

7. MOTION BY RUSSELL GREEN SECONDED BY TOMMY STANLEY TO ACCEPT TREASURER'S MONTHLY REPORT (MAY). MOTION CARRIED. MONTHLY REPORT ATTACHED.

8. MOTION BY TOMMY STANLEY SECONDED BY RUSSELL GREEN TO ACCEPT FINANCIAL STATEMENTS SUBMITTED BY COUNTY AUDITOR.

MOTION CARRIED. FINANCIAL STATEMENTS FOR THE MONTH ENDED MAY 31, 1999 ON FILE IN OFFICE OF COUNTY CLERK.

9. MOTION BY RUSSELL GREEN SECONDED BY GADDIS LINDSEY TO ACCEPT ONLY BID SUBMITTED FOR WINCH (BELONGING TO PRECINCT 4). BID IN AMOUNT OF \$651.00 SUBMITTED BY JACKIE DODD ATTACHED.

10. MOTION BY RUSSELL GREEN SECONDED BY GADDIS LINDSEY TO APPROVE REQUEST FOR SHERIFF AND RAY ROEDER TO DESTROY OLD JUNK IN STORAGE BUILDING (PORTER BUILDING.) MOTION CARRIED.

12. MOTION BY RUSSELL GREEN SECONDED BY TOMMY STANLEY TO APPROVE ACCEPTING PROPOSAL SUBMITTED BY ERI CONSULTING ENGINEERS, INC. FOR AN ASBESTOS INSPECTION OF COUNTY OWNED ROCK BUILDING. AMOUNT OF PROPOSAL IS \$1,049.00. INCLUDED IN THIS MOTION IS TO AUTHORIZE JUDGE STILL TO SIGN ACCEPTANCE STATEMENT TO BE RETURNED TO ERI CONSULTING ENGINEERS. MOTION CARRIED. COPY OF PROPOSAL ATTACHED.

13. GAYLON CHILDRESS, FROM TXDOT, STATED IN CONVERSATION TO COUNTY JUDGE, " STATE HIGHWAY DEPARTMENT HAS GIVEN \$75,000.00 TO UPSHUR COUNTY ON SURPLUS ROAD MATERIAL. THERE WILL BE NO MORE UNTIL AFTER SEPTEMBER 1." JUDGE STILL STATED THIS WAS FOR COURTS' INFORMATION ONLY.

14. MOTION BY RICK JACKSON SECONDED BY RUSSELL GREEN TO ACCEPT FOR RECORDING, A LETTER FROM LAMARR MCDONALD CONCERNING JAIL ROOF. MOTION CARRIED. LETTER ATTACHED.

15. MOTION BY GADDIS LINDSEY SECONDED BY RUSSELL GREEN TO RETURN PLAT OF SEVEN PINES WEST MOBILE HOME PARK BECAUSE IT IS THE WRONG SIZE. MOTION CARRIED.

16. MOTION BY RUSSELL GREEN SECONDED BY GADDIS LINDSEY TO ACCEPT PROPOSAL SUBMITTED BY ALLTEL COMMUNICATION FOR LONG DISTANCE SERVICE FOR THE COUNTY. THIS MOTION TO INCLUDE GIVING VALULINE A 30 DAY NOTICE AND FOR THE SHERIFFS OFFICE TO BE GIVEN TWO 800 LINES. MOTION CARRIED. COPY ATTACHED.

11. MOTION BY GADDIS LINDSEY SECONDED BY TOMMY STANLEY TO ACCEPT OFFER FROM TEXAS DEPARTMENT OF TRANSPORTATION CONCERNING PURCHASING ROW IN FRONT OF COUNTY OWNED ROCK BUILDING. MOTION CARRIED. COPY ATTACHED.

17. MOTION BY RUSSELL GREEN SECONDED BY TOMMY STANLEY TO APPROVE THE FOLLOWING SPECIAL ROAD USE AGREEMENTS AND PERMIT APPLICATIONS:

SPECIAL ROAD USE AGREEMENT SUBMITTED BY DEAN LUMBER TO HAUL LOGS ON HAWK ROAD.

SPECIAL ROAD USE AGREEMENT SUBMITTED BY WARD TIMBER COMPANY TO HAUL LOGS ON MINK AND MULEDEER ROADS.

PERMIT APPLICATION SUBMITTED BY ETEX TELEPHONE TO PLACE A TELEPHONE CABLE WITHIN ROW OF NASTURTIUM, VERBENIA, SNAPDRAGON, IRIS, SEGO LILLY, PETUNIA, PERIWINKLE AND SWEET WILLIAM.

SPECIAL ROAD USE AGREEMENT SUBMITTED BY DEAN LUMBER TO HAUL LOGS ON WHITE FIR.

PERMIT APPLICATION SUBMITTED BY ETEX TELEPHONE TO PLACE A TELEPHONE CABLE IN ROW OF CREPE MYRTLE AND CRABAPPLE ROADS.

PERMIT APPLICATION SUBMITTED BY MIKE WRAGG TO PLACE A CULVERT IN ROW OF PAW PAW ROAD.

PERMIT APPLICATION SUBMITTED BY ETEX TELEPHONE CORPORATION TO PLACE A CULVERT IN ROW OF HOLLY LANE AND ASPEN.

SPECIAL ROAD USE AGREEMENT SUBMITTED BY ALWIN ALBRIGHT TO HAUL LOGS ON HOLLY AND ASPEN.

SPECIAL ROAD USE AGREEMENT SUBMITTED BY E & S TIMBER TO HAUL LOG ON PERSIMMON.

MOTION CARRIED ON ALL THE ABOVE. COPIES OF ALL THE ABOVE ATTACHED.

MOTION BY TOMMY STANLEY SECONDED BY RUSSELL GREEN TO ADJOURN. MOTION CARRIED.

ATTENDANCE SHEET PLACED INTO MINUTES FOR RECORDING PURPOSES.

Charles Still  
JUDGE CHARLES STILL

Gaddis Lindsey  
COMMISSIONER PCT. #1 GADDIS LINDSEY

Tommy Stanley  
COMMISSIONER PCT. #2 TOMMY STANLEY

COMMISSIONER PCT. #3 RICK JACKSON

Russell Green Jr.  
COMMISSIONER PCT. #4 RUSSELL GREEN JR.

UPSHUR COUNTY  
BUDGET AMENDMENTS

The following budget amendments were approved on this the 14<sup>th</sup> day of June, 1999.

Charles Still  
Charles Still, County Judge

Gaddis Lindsey  
Gaddis Lindsey, Comm. Pct. 1

Tommy Stanley  
Tommy Stanley, Comm. Pct. 2

Rick Jackson  
Rick Jackson, Comm. Pct. 3

Russell Green  
Russell Green, Comm. Pct. 4

FILED  
REX A. SHAW  
COUNTY CLERK  
99 JUN 15 AM 8:07  
UPSHUR COUNTY, TX.  
BY \_\_\_\_\_  
DEPUTY

We hereby amend the Upshur County budget for the fiscal year 1999 as set forth above according to the procedures outlined under Vernons Texas Codes Annotated Local Government Code, Chapter 111, Subchapter A Section 111.010.

The 1999 Upshur County budget is hereby so amended and we find and declare that a grave emergency and public necessity exists to meet unusual and unforeseen conditions which could not, by reasonably diligent thought and attention, have been included in the original 1999 budget as adopted.

A copy of this Order is to be filed with the County Clerk and attached to the budget originally adopted for 1999.

Signed on this 14<sup>th</sup> day of June, 1999.

Charles L. Still  
County Judge

Maddox Lindsey  
Commissioner Precinct #1

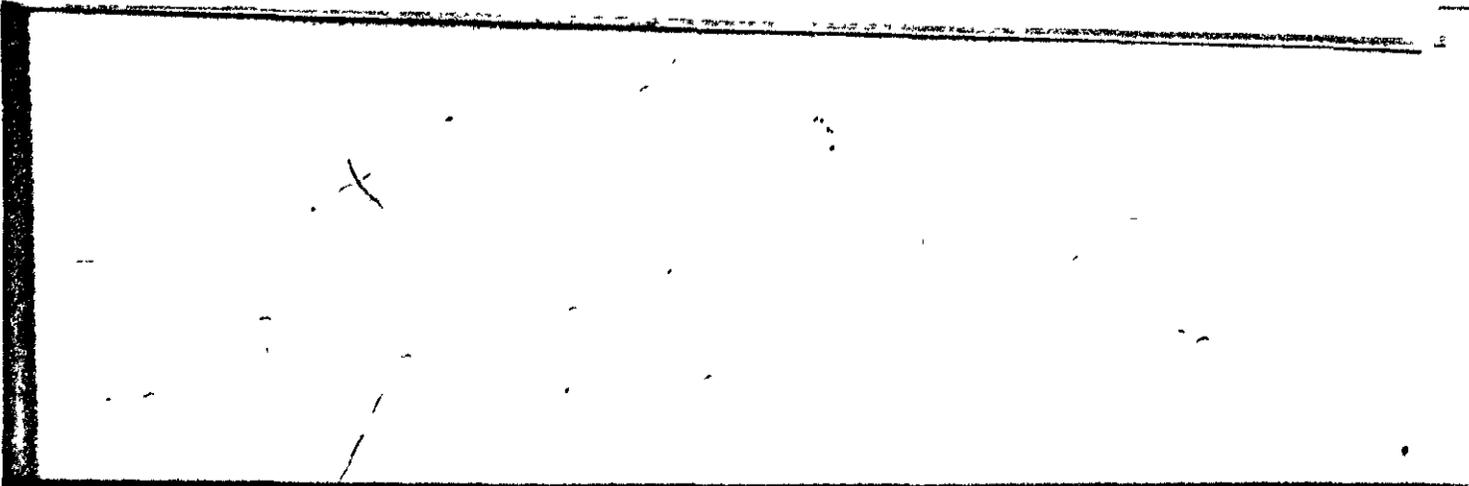
Tony Stanley  
Commissioner Precinct #2

[Signature]  
Commissioner Precinct #3

[Signature]  
Commissioner Precinct #4

Passed and approved by the Commissioners Court of Upshur County on the \_\_\_\_\_ day of \_\_\_\_\_, 1999 as the same appears on file in the office of the County Clerk of Upshur County.

\_\_\_\_\_  
County Clerk



Budget Amendments

6-14-99

FROM

TO

Commissioners Court  
 10-401-4230 Bonds \$ 152.00  
 public notices regarding jail phones, bank depository, sale of equipment

*Frank L. Hill*  
 10-401-4490 Legal Ads & Notices \$ 152.00

Constable #2  
 10-552-4230 Bonds \$ 109.00  
 \$ 109.00

*Willie A. Rogers*  
 10-552-3010 General Office \$ 79.00  
 10-552-3110 Uniforms & Access. \$ 30.00  
 \$ 109.00

to purchase necessary forms for traffic violations & uniform shirts

Justice of the Peace #1  
 10-451-4010 Petit Jury \$ 56.00  
 10-451-4175 Autopsy \$ 229.00  
 \$ 285.00

*Arnold Grimes*  
 10-451-4015 Sub. Court Reporter \$ 180.00  
 10-451-4502 Education Expense \$ 105.00  
 \$ 285.00

to pay substitute court reporter

District Attorney  
 10-476-3420 Vehicle Repair & Maint \$ 10.00  
 10-476-3200 Gasoline \$ 15.00  
 10-476-5500 Vehicles \$ 65.00  
 \$ 90.00

*JL*  
 10-476-4495 Contracted Services \$ 90.00  
 \$ 90.00

to install modem in computer

Pct #3  
 17-613-5350 Other Comm. Equipt \$ 37.00  
 \$ 37.00

*APL*  
 17-613-3230 Batteries \$ 4.00  
 17-613-4330 Local Telephone Serv \$ 33.00  
 \$ 37.00

Pct #4  
 Reserves \$ 13,615.57  
 18-614-3430 Repair & Maint Equipt \$ 11,000.00  
 \$ 24,615.57

*Russell*  
 18-614-1300 Part-Time Employee \$ 12,648.00  
 18-614-2150 S.S Match \$ 967.57  
 18-614-5600 Road Equipment \$ 11,000.00  
 \$ 24,615.57

to hire seasonal employees and purchase equipment

BUDGET AMENDMENT

LINE ITEM TRANSFER

Date: 6-14-99

TO: Honorable Commissioners Court of Upshur County

Submitted for your consideration are the following line-item transfers.

FROM:	FUND	DEPT	ACCOUNT	AMOUNT
	<u>Reserves</u>			<u>89,180.50</u>
TO:	<u>16</u>	<u>612</u>	<u>5600</u>	<u>89,180.50</u> <sup>1,549 tol</sup>

REASON: Purchase new Seaman Travel Mixer

Tommy Stanley  
Dept. Head R+B #2

Attest: County Clerk

VOL 53 PG 984

# INVOICE



**CALLENS Company, Incorporated**

NEW & USED PARTS & EQUIPMENT

P.O. Box 5377  
(903) 592-7640

Tyler, Texas 75712  
FAX (903) 592-1593  
(800) 944-1090



INVOICE NUMBER:

0118

INVOICE DATE:

May 21, 1999

PAGE:

1

**SOLD TO:**

**SHIP TO:**

UPSHUR COUNTY PCT. #2  
C/O COUNTY AUDITOR'S OFFICE  
P.O. BOX 730  
GILMER, TX 75644  
USA

Phone# 903-843-4016

CUSTOMER ID	CUSTOMER PO	PAYMENT TERMS	
UPS2	TOMMY STANLEY	Net 10 Days	
SALES REP ID	SHIPPING METHOD	SHIP DATE	DUE DATE
JIM W. CALLENS	MOTOR FREIGHT PPD	5/21/99	5/31/99

QUANTITY	ITEM NUMBER	DESCRIPTION	UNIT PRICE	EXTENSION
1.00	SEAMAX	NEW MODEL T0730H-K SEAMAN TRAVEL MIXER, S/N 9733  FULL FACTORY WARRANTY, 6 MONTHS ON PARTS & LABOR  SEALED BID ACCEPTED ON 01/25/99	89,180.50	89,180.50

*Tommy Stanley*

RECEIVED  
MAY 26 1999  
AUDITOR'S OFFICE

Check No:	Subtotal	89,180.50
All bills due and payable in Tyler, Smith County, Texas. All past due invoices subject to Late Charges @ 1 1/2% per month.	Sales Tax	
	Total Invoice Amount	89,180.50
SIGNATURE <i>B. White</i>	Payment Received	0.00
	TOTAL	89,180.50

FROM

TO

Right-of-way  
Reserves \$ 16,000.00  
To pay Amoco for the relocation of utilities

Charles D. Still  
70-625-6050 Purchase of R-O-W \$ 16,000.00

FILED  
REX A. SHAW  
COUNTY CLERK  
99 JUN 15 AM 9:57  
UPSHUR COUNTY, TX.  
BY \_\_\_\_\_  
DEPUTY

# UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date JUNE 1ST, 1999 Dept. 499

Employee PHYLLIS BEAVERS

Social Security No 460-13-0012 Emp. ID# 855

VOL 53 PG 986

X	CHANGES(S)	FROM	TO
<input checked="" type="checkbox"/>	Grade Step	8.20	10.25
	Rate	1525.00	1725.00
	Department	AUTO	
	Position	CHIEF DEPUTY	

## REASON(S) FOR THE CHANGE(S)

<input type="checkbox"/>	Hired	<input type="checkbox"/>	Re-Hired
<input checked="" type="checkbox"/>	Introductory Period Ended	<input type="checkbox"/>	Mert Increase
<input checked="" type="checkbox"/>	Promotion	<input type="checkbox"/>	Transfer
<input type="checkbox"/>	Longevity Increase	<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Re-evaluation of Job	<input type="checkbox"/>	Retirement
<input type="checkbox"/>	Layoff	<input type="checkbox"/>	Discharged
<input type="checkbox"/>	Leave-of-Absence	<input type="checkbox"/>	Other

FILED  
 REK A SHAW  
 COUNTY CLERK  
 99 JUN 15 AM 8:08  
 UPSHUR COUNTY

Comments ADVANCED TO FILL POSITION OF LAVADA BEAVIS

Authorized by Michael J Smith Date 5/28/99

# UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date ~~XXXX~~ JUNE 1ST, 1999 <sup>Sept</sup> TAX 499

Employee **BARBARA MCCAULEY PRICE**

Social Security No 464-53-2009 Emp ID# 956

NOV 23 1997

X	CHANGES(S)	FROM	TO
	Grade Step	8.16	8.20
	Rate	1425.00	1525.00
	Department	TAX	
	Position	DEPUTY	

## REASON(S) FOR THE CHANGE(S)

<input type="checkbox"/>	Hired	<input type="checkbox"/>	Re-Hired
<input checked="" type="checkbox"/>	Introductory Period Ended	<input checked="" type="checkbox"/>	Ment Increase
<input type="checkbox"/>	Promotion	<input type="checkbox"/>	Transfer
<input type="checkbox"/>	Longevity Increase	<input type="checkbox"/>	Demotion
<input type="checkbox"/>	Re-evaluation of Job	<input type="checkbox"/>	Retirement
<input type="checkbox"/>	Layoff	<input type="checkbox"/>	Discharged
<input type="checkbox"/>	Leave-of-Absence	<input type="checkbox"/>	Other

Comments. **EXCELLENT PERFORMANCE**  
**END OF TRAINING PERIOD**

FILED  
 REX A. SHAW  
 COUNTY CLERK  
 99 JUN 15 AM 8:08  
 UPSHUR COUNTY, TX

Authorized by: *Michael D. Smith* 5/25/99  
 Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

**UPSHUR COUNTY STATUS/PAYROLL CHANGE REPORT**

PLEASE NOTE THE FOLLOWING CHANGE(S):

Effective Date 6-7-99 Dept. 614/Pct# 4  
 Employee Bobby Ope Hubbard  
 Social Security No \_\_\_\_\_ Emp ID# \_\_\_\_\_

X	CHANGES(S)	FROM	TO
	Grade Step	4 8	
	Rate	\$6.20/Hr	
	Department		
	Position		

**REASON(S) FOR THE CHANGE(S)**

<input checked="" type="checkbox"/>	Hired		Re-Hired
	Introductory Period Ended		Mert Increase
	Promotion		Transfer
	Longevity Increase		Demotion
	Re-evaluation of Job		Retirement
	Layoff		Discharged
	Leave-of-Absence		Other

FILED  
 REX A. SHAW  
 COUNTY CLERK  
 99 JUN 15 AM 8:08  
 UPSHUR COUNTY, TX

Comments Part-time employee - summer help

Authorized by [Signature] Date 6-3-99

VOL 53 PG 988

UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

14 JUN 1999

Approved Disbursements  
ALL Checking Accounts

THE SOFTWARE GROUP, INC

Disbursements Made from 05/28/99 thru 06/11/99

PAGE 1

Check #	HC Date	Vendor	Check Amount	Invoice Amt	Invoice Description
87048-APCA	05/28/99	UPSHUR COUNTY INSURANCE ACCO	\$3,198 95	\$3,198 95	ADP/CLAIMS/EMP INS COSTS
87049-APCA	05/28/99	DIVERSIFIED COLLECTION SERVI	\$102 00	\$102 00	ALICE MATHIS HOPKINS/SS#454-06-0192
87050-APCA	05/28/99	PEBSER PAYROLL PROCESSING	\$4,214 44	\$4,214 44	ENTITY#52039 PAYROLL DEDUCTIONS
87053-APCA	05/28/99	UPSHUR COUNTY IRC/125	\$1,593 33	\$1,593 33	UNREIMBURSED MEDICAL PAYROLL DEDUCTION
87054-APCA	05/28/99	UPSHUR COUNTY IRC/125	\$200 00	\$200 00	125 CHILD CARE EXPENSES
87055-APCA	05/28/99	UPSHUR COUNTY IRC/125	\$500 10	\$500 10	125/NATIONAL FAMILY CARE PAYROLL DEDUCTION
87056-APCA	05/28/99	UPSHUR COUNTY IRC/125	\$359 33	\$359 33	125/AMERICAN HERITAGE PAYROLL DEDUCTION
87057-APCA	05/28/99	UPSHUR COUNTY IRC/125	\$203 15	\$203 15	125/TRANSPORT LIFE PAYROLL DEDUCTION
87058-APCA	05/28/99	UPSHUR COUNTY IRC/125	\$1,082 66	\$1,082 66	125/CENTRAL UNITED PAYROLL DEDUCTION
87060-APCA	05/28/99	INTERNAL REVENUE SERVICE	\$1 93	\$1 93	LAGR 0 03/295620572(1040A)(LEVY)
87061-APCA	05/28/99	ATTORNEY GENERAL OF TEXAS	\$545 00	\$545 00	MULTIPLE PAYORS 05/28/99
87062-APCA	05/28/99	AUSTIN BANK OILMER	\$100 00	\$100 00	ABG/PAYROLL SAVINGS PLAN
87063-APCA	05/28/99	EAST TEXAS PROFESSIONAL	\$3,170 00	\$3,170 00	ETPCU/PAYROLL SAVINGS PLAN
87064-APCA	05/28/99	FIRST NATIONAL BANK	\$935 00	\$935 00	FNB/PAYROLL SAVINGS PLAN
87065-APCA	05/28/99	OILMER NATIONAL BANK	\$355 00	\$355 00	ONB/PAYROLL SAVINGS PLAN
87066-APCA	05/28/99	OILMER SAVINGS BANK	\$50 00	\$50 00	OSB/PAYROLL SAVINGS PLAN
87068-APCA	05/28/99	RHONDA GAIL YOUNG	\$250 00	\$250 00	#281-93/JOEY YOUNG#460253977
87069-APCA	05/28/99	RUBY COOPER, DISTRICT CLERK	\$235 00	\$235 00	#0008922658/CAUSE#98302DR/HARRY CROCKETT
87070-APCA	05/28/99	RUBY COOPER, DISTRICT CLERK	\$215 00	\$215 00	EARNEST BECK; CAUSE#97-2125-R
87071-APCA	05/28/99	TEXAS COUNTY & DISTRICT RETI	\$60,591 83	\$60,591 83	UNIT#329 MONTHLY REPORT
87075-APCA	05/28/99	ALLTEL	\$167 24	\$156 26 \$10 98	SUP&CCP #GM00318/MAY 10'99 BILLING TELE. COMM-#GM265GN/MAY 10'99 BILLING(J COX)
87076-APCA	05/28/99	ARKLA GAS	\$11 45	\$11 45	PCT#3 #0921334261002/FINAL BILLING 5/18/99
87077-APCA	05/28/99	ARNOLD GRIMES	\$210 00	\$210 00	JUNE '99 JP#1 BLDG LEASE
87078-APCA	05/28/99	AT & T INFORMATION SYSTEMS	\$13 52	\$13 52	TELE COMM-#7303179690001/MAY 12'99 BILLING
87079-APCA	05/28/99	BENNIE FLUELLEN	\$235 00	\$235 00	PCT#2 (51)LOADS GRAVELS#5 COOPER LOAD

POSTED PG 989



UPSHUR COUNTY

ACCOUNTS PAYABLE SYSTEM

14 JUN 1999

Approved Disbursements  
ALL Checking Accounts

THE SOFTWARE GROUP, INC

Disbursements Made from 05/28/99 thru 06/11/99

PAGE 3

Check #	HC Date	Vendor	Check Amount	Invoice Amt	Invoice Description
87100-APCA	05/28/99	LISA PHILLIPS	\$200 00	\$200 00	JUV. PROB-ASSESSMENT ON J D
87101-APCA	05/28/99	MIKE PAPPAS, DALLAS CO CONST	\$45 00	\$45 00	NON DEPT-CAUSE#430-96 VISE VS WHITAKER
87102-APCA	05/28/99	HIRANDA WELCH	\$144 00	\$144 00	JP#3-REIMBURSE/LODGING&MEALS(JP SCHOOL&CORPUS CHRISTI, TX)
87103-APCA	05/28/99	PAN EDGE	\$303.90	\$303.90	JP#2-REIMBURSE/987MIE 3198; LODGING&MEALS(JP SCHOOL&CORPUS CHRISTI, TX)
87104-APCA	05/28/99	PAMELA LONG	\$300 00	\$300 00	CO AUD-REIMBURSE/800MIE 3198; MEALS&LODGING(A UDITOR INSTITUE)
87105-APCA	05/28/99	PITNEY BOWES	\$210 00	\$210 00	NON DEPT-#738232001/INITIAL MAINT AGREEMENT&LATE FEE(J CTR)
87106-APCA	05/28/99	PIZZA HUT	\$39.83	\$39.83	D CT-PIZZA FOR JURORS 5/14/99
87107-APCA	05/28/99	RED OAK TIMBER COMPANY	\$216 00	\$216 00	PCT#2-(36)LAODS GARVEL#6 OOPER LAOD
87108-APCA	05/28/99	SABINE VALLEY REGIONAL MHR	\$2,850 00	\$2,850 00	SABINE VALLEY-3RD BUDGET ALLOCATION 1998-99
87109-APCA	05/28/99	SAH'S CLUB/GEOR	\$211.31	\$169.99 \$41.32	PCT#1-ALUMINUM TRUCK CHEST PCT#1&4-#4909566370847/FIN CHR&LATE FEE
87110-APCA	05/28/99	SOLUTIONS 2000, INC	\$170 00	\$170 00	SUP-TRAINING/JOHN SPIVEY MAY 5&7 '99
87111-APCA	05/28/99	SOUTHWESTERN ELECTRIC POWER	\$5,543.10	\$274.83 \$3,833.13 \$583.92 \$53.44 \$4.78 \$39.04 \$592.67 \$131.27 \$10.00	911 BLDG-#254136955/MAY 14'99 BILLING J-CTR-#716860/MAY 14'99 BILLING CO TAX-#254106958/MAY 19'99 BILLING PORTER BLDG-#556852/MAY 14'99 BILLING STORAGE BLDG-#133876993/MAY 17'99 BILLING ROCK BLDG-#406819/MAY 18'99 BILLING CO LIB-#666859/MAY 18'99 BILLING CO LIB-#4036693/MAY 18'99 BILLING ROCK. BLDG-#3596699/MAY 18'99 BILLING
87112-APCA	05/28/99	T.A.S.C.I	\$200 00	\$200 00	SUP-REGISTRATION/CHRIST OGDEN 8/18-18/99
87113-APCA	05/28/99	TEXAS COMMISSION ON ALCOHOL	\$40 00	\$40 00	SUP-(100)AODD CERTIFICATES&DRIN
87114-APCA	05/28/99	TEXAS DEPT OF TRANSPORTATION	\$2,700 00	\$2,700 00	PCT#4-1986 ROSCO ASPHALT MAINTENANCE UNIT 86837
87115-APCA	05/28/99	THE SOFTWARE GROUP, INC.	\$479 60	\$479 60	COMPUTER-(1)MULTITECH MT28348A MODEM
87116-APCA	05/28/99	TRACY SMITH	\$26.78	\$26.78	SUP-REIMBURSE/85MIE 3198 4/99
87117-APCA	05/28/99	TYLER MORNING TELEGRAPH	\$21 07	\$21 07	COMM. CT-NOTICE OF SALE/EQUIPMENT
87118-APCA	05/28/99	UNDERWOOD INSURANCE AGENCY.	\$100 00	\$100 00	CCP-#060101675674/FIDELITY BOND RENEWAL

VOL 53 PG 991



14 JUN 1999

UPSHUR COUNTY PAYABLE SYSTEM

Approved Disbursements  
ALL Checking Accounts

Disbursements Made From 03/28/99 thru 06/17/99

PAGE 7

Check #..... HC Date..... Vendor..... Check Amount Invoice Amt Invoice Descriptions

969-FNB INS HC 05/28/99 UPSHUR COUNTY INSURANCE CLEA \$30,979 94 \$29,841 74 052699-UP PAYMENT REGISTER

970-FNB INS HC 06/11/99 MANAGED PHARMACY BENEFITS, 1 \$5,086 95 \$5,086 95 052699-OPUS PAYMENT REGISTER

Total for FNB INS - INSURANCE \$36,066.89

Grand Total \$899,750.16

104 records listed.

FILED  
REX A SHAW  
COUNTY CLERK  
99 JUN 15 AM 8:10  
UPSHUR COUNTY, TX  
BY \_\_\_\_\_  
INPUT

VOL 53 PG 995

*Charles Still*  
COUNTY JUDGE, CHARLES STILL

*Abdell Fyden*  
COMMISSIONER PCT#1, GADSDEN LINDSEY

*Tom Stanley*  
COMMISSIONER PCT#2, TOMMY STANLEY

*[Signature]*  
COMMISSIONER PCT#3, RICK JACKSON

*[Signature]*  
COMMISSIONER PCT#4, RUSSELL GREEN, JR.

VOL. 53 PG. 996

**UPSHUR COUNTY TAX OFFICE**

215 N. TITUS  
GILMER, TX 75644  
903-843-3085  
FAX: 903-843-3083

MICHEAL L. SMITH  
TAX ASSESSOR-COLLECTOR  
UPSHUR COUNTY TAX OFFICE  
215 N. TITUS  
GILMER, TX 75644

June 1, 1999

HONORABLE JUDGE CHARLES STILL  
COMMISSIONERS COURT  
P O. BOX 730  
GILMER, TEXAS 75644

**RE: WRITTEN BID ON PROPERTY FORECLOSED FOR DELINQUENT TAXES**

Dear Sirs.

Please find enclosed, a resolution for a written bid on property foreclosed on for delinquent taxes. All taxing entities must approve the sale of this property and the proceeds from this sale are distributed according to the Property Tax Code of the State of Texas.

For property held in trust for GILMER ISD, Bidder #1 bids \$200.00 for property described as TRACT 9 PHASE M-6, LOT 938 GLENWOOD ACRES

I have enclosed a map, fact sheet, and a tax statement for your convenience. If you need further information, please feel free to contact our office. We will be glad to help you.

Sincerely,

*Paula Gentry*  
PAULA GENTRY  
DEPUTY TO MICHEAL L. SMITH

PAG  
Enclosures

FILED  
REX A. SHAW  
COUNTY CLERK  
99 JUN 15 AM 8:11  
UPSHUR COUNTY, TX  
BY \_\_\_\_\_  
CF/PTJ

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

WHEREAS, Commissioners Court of UPSHUR COUNTY, TEXAS has become the owner of certain real property (see attached) by virtue of the fact that a sufficient bid was not received at a sale conducted by the Sheriff pursuant to an order of the District Court in Cause No. 96-2014 Lot 938

County of UPSHUR, Vs TEXAS OPERATING CORP.

WHEREAS, a potential buyer of the property has come forward and

WHEREAS, all taxing entities involved in the above referenced cause must consent to the sale of the hereinabove described real property and

WHEREAS, it is to the benefit of all the taxing entities involved that the property be returned to their respective tax rolls,

NOW THEREFORE BE IT RESOLVED BY THE

Commissioners court of the County of UPSHUR, Texas That the County Judge be and is hereby directed and authorized to execute the deed and any and all document necessary to convey the hereinabove described real property to:

BENNIE L. CONLEY SR.  
939 COTTONWOOD TRAIL  
GILMER, TX 75644

For and in consideration of the cash sum of \$ 200 00, said \$ 200.00 To be distributed pursuant to Chapter 34 of the Texas Property Tax Code

Resolved this the \_\_\_\_\_ day of \_\_\_\_\_,

Charles F. Miller  
COUNTY JUDGE

ATTEST: SECRETARY

Walter Finley  
Commissioner Pct. 1

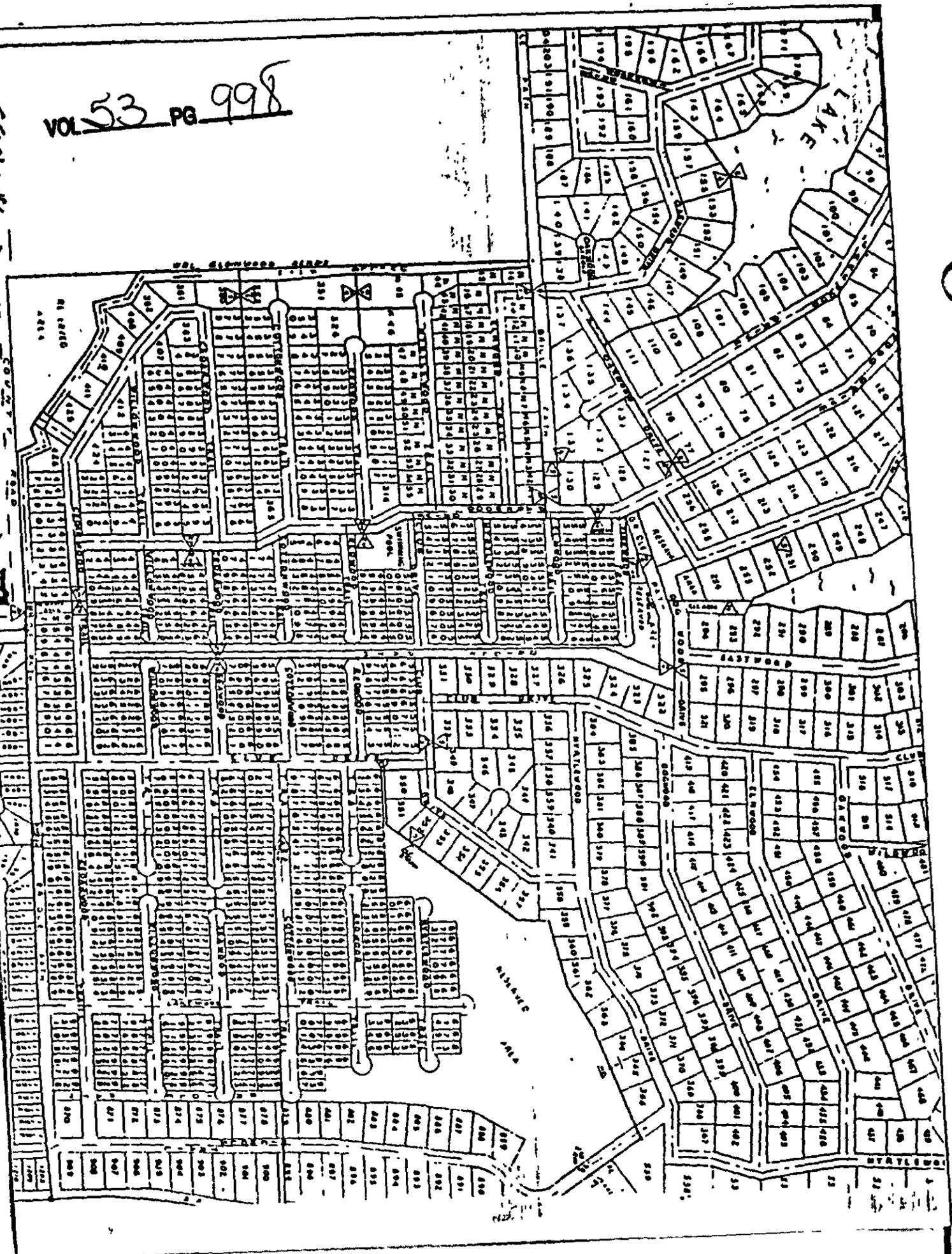
Tommy Stanley  
Commissioner Pct. 2

Bill [unclear]  
Commissioner Pct. 3

Lester [unclear]  
Commissioner Pct. 4

FILED  
REX A. SHAW  
COUNTY CLERK  
99 JUN 15 AM 8:09  
UPSHUR COUNTY, TX.  
BY \_\_\_\_\_ DEPUTY

STAIRS →



TAX RESALE FACT SHEET

VOL 53 PG 999

Suit # 96-20 TX

Account # 48736 TEXAS OPERATING CORP.

Legal Description:

GLENWOOD ACRES S175 (A225), BLOCK PH M-6 LOT 938 TRACT 9  
\_\_\_\_\_  
\_\_\_\_\_

Market Value \$ 2,000.00

Redemption Period Expires \_\_\_\_\_

Map Number \_\_\_\_\_

Taxing Entities:

UPSHUR COUNTY  
GILMER ISD  
UPSHUR RURAL FIRE DIST.

UPSHUR COUNTY EDUCATION DIST.  
\_\_\_\_\_  
\_\_\_\_\_

Amount Struck Off For \$ N/A

Location of Property:

COTTONWOOD TRAIL  
\_\_\_\_\_  
\_\_\_\_\_

Improvements: Yes \_\_\_\_\_ No \_\_\_\_\_

Description of Improvements:

\_\_\_\_\_  
\_\_\_\_\_

BIDDER

Date

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**UPSHUR COUNTY TAX OFFICE**  
215 N TITUS  
GILMER, TX 75644  
903-843-3085  
Fax

June 14, 1999

**UPSHUR COUNTY COMMISSIONERS COURT  
COUNTY CLERK  
AND ALL UPSHUR COUNTY RESIDENTS**

The Upshur County Tax office would like to submit for the purposes of recording, a report of collections for the month of April 1999, and May 1999

An itemized report follows. The variances noted on the report are either refunds that are pending (awaiting further documentation) or refunds already made due to adjustments in the tax due because of additional exemptions or corrections to the tax roll

The Upshur County Tax Assessor-Collector would also like to submit a year to date report for recording purposes, for collections of Ad Valorem Taxes, Registration and Title collections and additional transactions

The report is as follows

Thank you for your time

FILED  
REX A. SHAW  
COUNTY CLERK  
99 JUN 15 AM 8:08  
UPSHUR COUNTY, TX.  
BY \_\_\_\_\_  
RP/PTTY

MONTHLY REPORT FOR APRIL 1999  
AD VALOREM TAXES AND FEES

CURRENT TAXES	74989.04
DELINQUENT TAXES	23785.92
CURRENT PENALTY AND INTEREST	7676.34
DELINQUENT PENALTY AND INTEREST	13618.20
TEX DELINQUENT TAXES	3.91
ATTORNEY FEES	5716.73
VARIANCE	1264.39
TAX CERT	1810.00
BEER AND ALOCOHOL	85.00
COPIES	3.00
VOTER ROLLS	169.77
HOT CHECK FEES	15.00
REINBURSEMENT FOR FAXES	1.00
AD VALOREM INTEREST	229.13
HWY DEPARTMENT INTEREST	303.72
TOTAL COLLECTIONS	127,141.77

**MONTHLY REPORT OF STATE AND COUNTY TAXES  
SUMMARY**

Collected by: Michael L. Smith, Tax Assessor -Collector of Upshur County  
 During the month of: April, 1999

The State of Texas, County of Upshur )  
 I, Michael L. Smith, Tax Assessor-Collector of said County, do solemnly swear that the within attached sheets are a true and correct  
 report of all Taxes collected by me during the month of April, 1999, showing the total collections as follows, vtz:

STATE AD VALOREM TAXES COLLECTED SUBJECT TO DELINQUENT TAX COLLECTOR FEE (ART.7335)

\$3.66 AT 15% = \$25

COUNTY TAX COLLECTIONS ON	AD VALOREM	P & I	ATTORNEY FEES	VARIANCE	TABS	OTHER	TOTAL COUNTY TAXES
CURRENT	\$74,989 04	\$7,676 34	\$0 00	(\$1,252 64)	\$0.00	\$0.00	\$81,412.74
DELINQUENT	\$23,785 92	\$13,618 20	\$5,716 73	(\$11.75)	\$0.00	\$0 00	\$43,109.10
<b>TOTALS</b>	<b>\$98,774 96</b>	<b>\$21,294 54</b>	<b>\$5,716 73</b>	<b>(\$1,264 39)</b>	<b>\$0 00</b>	<b>\$0 00</b>	<b>\$124,521 84</b>

*Michael L. Smith*  
 TAX ASSESSOR-COLLECTOR, UPSHUR COUNTY, TEXAS.  
 Sworn to and subscribed before me  
 this \_\_\_ day of \_\_\_\_\_, A. D. 1999.

\_\_\_\_\_  
 COUNTY CLERK, UPSHUR COUNTY, TEXAS

I, Rex Shaw, County Clerk of Upshur County,  
 do here by certify that I have carefully examined  
 the above mentioned Monthly Report of Taxes Collected  
 by Micheal L. Smith, Tax Assessor-Collector  
 of said County, and have compared said  
 Report with stubs filed in this office, and find the same correct.

\_\_\_\_\_  
 COUNTY CLERK, UPSHUR COUNTY, TEXAS

NOTE: THIS SHEET TO BE MADE AND ATTACHED TO EACH MONTHLY REPORT

**MONTHLY REPORT FOR MAY 1999  
AD VALOREM TAXES AND FEES**

CURRENT TAXES	\$ 71,106.74
DELINQUENT TAXES	34,805.98
CURRENT PENALTY AND INTEREST	8,839.06
DELINQUENT PENALTY AND INTEREST	29,418.00
TOTAL ATTORNEY FEES COLLECTED	9,563.13
VARIANCES (TABS)	- 15.91
	+ .33
TEX AD VALOREM COLLECTED	48.51
TEX PENALTY AND INTEREST	112.36
ATTORNEY FEES COLLECTED FOR TEX	23.06
PURGED COUNTY AD VALOREM TAXES 1977	1038.19
PURGED TEX AD VALOREM TAXES 1977	86.25
COPIES	9.50
FAX REINBURSEMENT	15.00
TAX CERTIFICATES	1,220.00
HOT CHECK FEES	45.00
<b>TOTAL COLLECTIONS</b>	<b>\$156,315.20</b>

VOL 53 PG 1004

COUNTY CODE 230

**MONTHLY REPORT OF STATE AND COUNTY TAXES  
SUMMARY**

Collected by Micheal L. Smith, Tax Assessor -Collector of Upshur County  
During the month of MAY, 1999

The State of Texas, County of Upshur )  
I, Micheal L. Smith, Tax Assessor-Collector of said County, do solemnly swear that the within attached sheets are a true and correct report of all  
Taxes collected by me during the month of May, 1999, showing the total collections as follows, viz:

STATE AD VALOREM TAXES COLLECTED SUBJECT TO DELINQUENT TAX COLLECTOR FEE (ART 7335)

\$160.87 at 15% = \$23.08

COUNTY TAX COLLECTIONS ON	AD VALOREM	P & I	ATTORNEY FEES	VARIANCE	TABS	OTHER	TOTAL COUNTY TAXES
CURRENT	\$71,106 74	\$8,839 08	\$251 12	\$0 00	(\$15 91)	\$0 00	\$80,181 01
DELINQUENT	\$34,805 98	\$29,418 00	\$9,312 01	\$0 33	\$0 00	\$0 00	\$73,536 32
TEX	\$48 51	\$112 36	\$23 06				\$183 93
PURGED COUNTY 1977	\$1,038 19						\$1,038 19
PURGED TEX 1977	\$86 25						\$86 25
TOTALS	\$107,085 67	\$38,369 42	\$9,586 19	\$0 33	(\$15 91)	\$0 00	\$155,025 70

Micheal L. Smith  
TAX ASSESSOR-COLLECTOR, UPSHUR/COUNTY, TEXAS.  
Sworn to and subscribed before me  
this \_\_\_ day of \_\_\_\_\_, A. D. 1999.

\_\_\_\_\_  
COUNTY CLERK, UPSHUR COUNTY, TEXAS

I, Rex Shaw, County Clerk of Upshur County,  
do here by certify that I have carefully examined  
the above mentioned Monthly Report of Taxes Collected  
by Micheal L. Smith, Tax Assessor-Collector  
of said County, and have compared said  
Report with stubs filed in this office, and find the same correct.

\_\_\_\_\_  
COUNTY CLERK, UPSHUR COUNTY, TEXAS

NOTE: THIS SHEET TO BE MADE AND ATTACHED TO EACH MONTHLY REPORT

UPSHUR COUNTY TAX OFFICE

215 N TITUS  
GILMER, TX 75644

**Cash Receipts Statement**

*For the period of SEPTEMBER 01, 1998 Ended JUNE 10, 1999*

**INFLOWS: AD VALOREM TAX DEPARTMENT**

Receipts from September 01, 1998 to May 31, 1999 for County	5,594,177 10
Receipts from Septmeber 01, 1998 to May 31, 1999 for all other	14,804,864 86
	0 00
	0 00
<b>Total collections for ad valorem taxes for all entities :</b>	<b>\$ 20,399,041 96</b>

**INFLOWS: REGISTRATION AND TITLE DEPARTMENT**

ROAD AND BRIDGE receipts for Sept 01, 1998 to June 04, 1999	208,598.50
VEHICLE REGISTRATION receipts for 09/01/98 to 06/04/99	499,793.98
TITLE APPLICATION FEES receipts for 09/01/98 to 06/04/99	26,230 00
	0 00
	0 00
	0 00
	0 00
	0.00
	0.00
	0 00
<b>Total collections for registration and title services:</b>	<b>\$ 734,622 48</b>

**PRODUCTION REPORT :**

*Note: Total to date collections from the beginning of the fiscal year for the county is \$ 6,328,799.58. Total collections in the month of May for Ad Valorem Taxes including fees; \$ 156,315.20. Also, in the month of May 1999, there have been 692 titles transferred, 2356 vehicle registrations and overall registration and title service transactions of 3729.*

*The Upshur County Tax office has also assisted in Elections for 11 entities since Jan. 1999 and registered 313 new Voters since Jan. 01, 1999. The tax office staff has processed and mailed approx. 35,170 current or delinquent tax notices.*

UPSHUR COUNTY INVESTMENT ACTIVITY FOR MAY 1999

ACCOUNT	CD#	AMOUNT	PURCHASED	% RATE	DAYS INVESTED	MATURITY	MAY INTEREST	TOTAL INTEREST	
*97 JAIL EXPANSION	29885	181,762.38	04/13/99	4.95	28	05/11/99	690.20	690.20	
	29922	182,452.58	05/11/99	5.14	31	06/11/99		0.00	
AVAILABLE SCHOOL	29905	144,552.68	04/21/99	5.00	30	05/21/99	594.05	594.05	
	29937	149,874.15	05/21/99	5.39	60	07/20/99		0.00	
	29944	63,763.20	05/27/99	5.38	138	10/12/99		0.00	
OPERATING	29560	300,000.00	11/18/98	5.06	187	05/24/99	1,497.21	7,777.15	
	29582	550,000.00	12/14/98	5.00	165	05/28/99	3,315.06	12,431.51	
	29624	175,000.00	01/11/99	5.05	119	05/10/99	702.16	2,881.27	
	29645	500,000.00	02/02/99	5.02	240	08/31/99	5,230.14	5,230.14	
	29646	500,000.00	02/02/99	5.02	178	07/30/99	6,120.27	6,120.27	
	29648	450,000.00	02/04/99	5.02	238	09/30/99	5,508.25	5,508.25	
	29650	300,000.00	02/04/99	5.02	221	09/13/99	3,672.16	3,672.16	
	29660	200,000.00	02/12/99	5.05	122	06/14/99	830.14	2,490.42	
	29682	120,000.00	03/08/99	5.21	158	08/13/99	513.86	1,044.85	
	29683	475,000.00	03/08/99	5.21	235	10/29/99	2,034.04	4,135.88	
	29695	450,000.00	03/31/99	4.97	41	05/11/99	2,512.23	2,512.23	
	29775	475,000.00	01/29/99	4.91	152	06/30/99	1,916.92	5,878.56	
	29785	400,000.00	02/08/99	5.89	12 mo	02/08/00	1,936.44	5,744.77	
	29809	150,000.00	02/19/99	5.10	171	08/09/99	628.77	1,865.35	
	29884	325,000.00	04/13/99	4.95	28	05/11/99	1,234.11	1,234.11	
	29914	250,000.00	04/30/99	5.04	52	06/21/99	1,035.62	1,035.62	
	29919	300,000.00	05/11/99	5.14	62	07/12/99		0.00	
	29920	300,000.00	05/11/99	5.14	76	07/26/99		0.00	
	29921	400,000.00	05/11/99	5.14	139	09/27/99		0.00	
	29943	230,000.00	05/27/99	5.38	90	08/25/99		0.00	
	OPERATING ACCOUNT	30023	250,000.00	05/20/99	5.39	67	07/26/99		0.00
	PERMANENT SCHOOL	29904	1,109,776.04	04/21/99	5.00	30	05/21/99	4,560.72	4,560.72
		29936	1,110,058.16	05/21/99	5.39	60	07/20/99		0.00
TOBACCO FUND	29625	554,027.87	01/14/99	6.40	18 mo	07/14/00	2,914.34	11,657.35	
	29942	11,657.35	05/27/99	5.23	19	06/15/99		0.00	
		Total	10,607,924.41				47,446.69	87,064.86	

VOL 53 PG 1001

# TREASURER'S MONTHLY REPORT

## BY MYRA HARRIS, COUNTY TREASURER

MAY 1 1999 THROUGH MAY 31 1999

BEGINNING BALANCE	REVENUES	DISBURSEMENTS	TRANSFER IN	TRANSFER OUT	ENDING BALANCE	INVESTMENTS RECEIVED	INVESTMENTS PURCHASED	DEMAND BALANCE	INVESTMENT BALANCE	TOTAL DEPOSITS
7,636,572.86	568,291.12	764,395.46			7,442,468.52	3,236,091.10	2,997,805.44	90,635.21	7,371,833.31	7,462,468.52
25,796.18	68,880.39	129,417.44	51,000.00		16,179.13			16,179.13		16,179.13
18,915.87	3,938.57	18,310.90			4,542.74	8.00	8.00	4,542.74	8.00	4,542.74
0.00	183,879.76	183,879.76			0.00	0.00	0.00	0.00	0.00	0.00
7,683,284.11	746,989.84	996,003.56	51,000.00	0.00	7,483,190.39	3,236,091.10	2,997,805.44	111,357.98	7,371,833.31	7,483,190.39
TOTALS										

FILED  
 REX A SHAW  
 COUNTY CLERK  
 99 JUN 15 AM 8:10  
 UPSHUR COUNTY, TX.

VOL. 53 PG 1007

BY \_\_\_\_\_  
 The above information is found to be true and correct.  
 \_\_\_\_\_  
 County Judge, Charles L. Still  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Commissioner, Pct. 3, Cuddis Lindsey  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Commissioner, Pct. 4, Russell Green

3,326,000.00  
 800,000.00  
 46,782.73  
 17,914.71  
 69,899.12  
 77,143.71  
 79,796.49  
 171,317.87

INVESTMENTS  
 1997 CERTIFICATES OF OBLIGATION  
 BONDING BONDS SERIES 1997  
 ROAD & BRIDGE #2/MOTOR GRADER  
 ROAD & BRIDGE #1/HEEL LOADER & BACKHOE  
 ROAD & BRIDGE #1/MOTOR GRADER  
 ROAD & BRIDGE #3/1994 PUG MILL  
 ROAD & BRIDGE #1/1998 MOTOR GRADER  
 BANK PROPERTY

4,542,854.63

TOTAL INVESTMENTS

(INVESTMENT REGISTER ON BACK)

Submitted under the provision of the Local Government Code Section 114.026  
 \_\_\_\_\_  
 Myra Harris  
 County Treasurer





**ERI CONSULTING ENGINEERS, INC.**

2024 REPUBLIC DRIVE, TYLER, TEXAS 75701  
P.O. BOX 2024, TYLER, TEXAS 75710  
TELEPHONE: (903) 534-8001  
FAX: (903) 534-8701

June 1, 1999

The Honorable Charles Still, County Judge  
Upshur County Courthouse  
P.O. Box 730  
Gilmer, Texas 75644

**RE: Proposal - Asbestos/Lead Inspection, Upshur County - Rock Building, Gilmer, Texas**

Dear Judge Still:

We are pleased to submit this proposal for a lead/asbestos inspection of the above referenced facility. I anticipate approximately 25 samples of suspected asbestos-containing materials will need to be collected and analyzed by Polarized Light Microscopy (PLM) in our Texas Department of Health (TDH) licensed laboratory. The inspections will be performed by a licensed TDH inspector. Our anticipated fees are as listed below.

**Asbestos Inspection**

3 hours inspector @ \$55.00/hr .....	\$165.00
25 samples by PLM @ \$30.00/sample .....	\$750.00
2 hours report preparation @ \$55.00/hr .....	\$110.00
Round trip mileage, estimated 80 miles @ \$.30/mi .....	\$24.00
<b>TOTAL</b> .....	<b>\$1,049.00</b>

We recommend a lead inspection be performed prior to renovation activities. Knowledge about the presence of lead-containing materials is essential for identifying potential liabilities. Current OSHA standards and Texas Department of Health regulations require training, licensing, and medical surveillance of individuals disturbing lead-based paints and/or other materials containing lead. the inspection will be done by a TDH licensed lead inspector/risk assessor, using a Niton XRF, XL-309.

**Lead Inspection**

2 hours inspector @ \$55.00/hr .....	\$110.00
Lead XRF analysis .....	\$500.00
1 hours report preparation @ \$55.00/hr .....	\$55.00
Round trip mileage .....	N/A
<b>TOTAL</b> .....	<b>\$665.00</b>

ERI CONSULTING ENGINEERS, INC.

Judge Still  
June 1, 1999  
page 2 of 2

All work will be billed in accordance with our standard schedule of charges, and we will stipulate that our total fees will not exceed the totals as listed above. All work will be performed under the direction of a registered professional engineer. ERI is licensed as an Asbestos Consulting Agency by the Texas Department of Health and is a Certified Lead Firm. If you would like to retain our services, please sign the acceptance statement below and return a copy to our office. Given several days notice we can schedule these services at your convenience. If you have questions concerning our proposal or if we can be of further service to you, please contact us at 1-800-542-7248 (903-534-5001).

Sincerely,



J. Mark Swinnea, P.E.  
Director

JMS/ma

FILED  
REX A. SHAW  
COUNTY CLERK  
99 JUN 15 AM 8:10  
UPSHUR COUNTY, TX.  
BY \_\_\_\_\_  
REPUTY

ACCEPTANCE STATEMENT:

RE: *Proposal - Asbestos/Lead Inspection, Upshur County - Rock Building, Gilmer, Texas*

We wish to retain the services of ERI Consulting Engineers, Inc. as outlined in the proposal letter dated June 1, 1999.

- Asbestos Inspection       Lead Inspection

  
Signature

Charles L. Still  
Printed Name/Title

6-14-99  
Date

C O P Y

Sent via fedex 5-26-99

Mr. Paul LaForge - Surety Services Manager  
Mid-Continent Group  
Tulsa, Ok.

Re: Bond No: TBD-10130  
Project: Roofing-Additions & Alterations to the Upshur County Justice Center  
Principal: LDI Metal Works, Inc.  
Obligee: Upshur County, Texas

Dear Mr. LaForge,

Enclosed please find one set of construction drawings, one set of project specifications, one roof report and other related correspondence related to the above referenced claim.

It is of the utmost importance to get this matter resolved as soon as possible. Despite repeated attempts at repairing the roof by the contractor, leaks remain and a multitude of new ones are created during each rain. Aside from the fact that a leaking roof is an annoyance, Upshur County is suffering from water damage due to roof leaks in such items as security cameras, smoke detection devices, fire alarm strobes & horns, light fixtures and other security electronics that are imperative to the safe management of a maximum security detention center.

We hope the enclosed items are helpful. If you require additional information, please call or E-mail at [lamarr@huckabee-inc.com](mailto:lamarr@huckabee-inc.com).

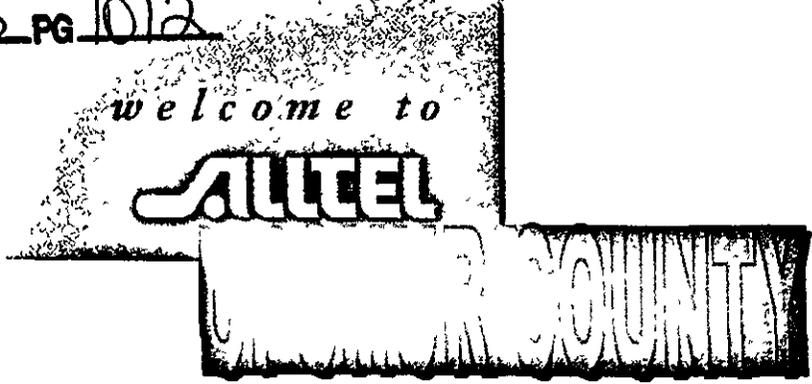
Sincerely,

J. Lamarr McDonald, AIA  
President / Architect  
McDonald Architects, Inc

JLM/sr  
cc: The Honorable Charles L. Still - Upshur County Judge  
cc: Mr. Danny Butler - D.V.C.I.



FILED  
REX A. SHAW  
COUNTY CLERK  
99 JUN 15 AM 8:10  
UPSHUR COUNTY, TX



We are proud to present Alltel Long Distance Service to Upshur County

- ★One Company/One Contact-Only one company and one point of contact for your telecommunication services.
- ★Volume Commitment-Determined by your total monthly usage of ALLTEL's products and services. Every dollar spent with ALLTEL counts toward the monthly commitment.
- ★Flat Rate Pricing- Simple and easy to understand. Many competitors' rate plans are mileage based or time of day sensitive.
- ★Aggressive Pricing- Based on customer usage and term length.
- ★No Confusing Discounts- Many competitors discount varying amounts for different types of calls.
- ★30/6 Billing- After the first 30 seconds, customers are billed in 6 second increments on domestic calls.
- ★Customer Service you can depend on- Your same representative who handles the cellular account will handle the long distance accounts as well giving you fast reliable service.

Current Provider and Rates

	<i>Interstate</i>	<i>Intrastate</i>	<i>Intralata</i>
<i>Valueline</i>	0.17	0.12-0.16	0.10-0.16
	(Averaging 0.16 min)		
<i>GTE</i>	N/A	N/A	0.14-0.31
	(Averaging 0.23 min)		

Proposed Rates

	<i>Interstate</i>	<i>Intrastate</i>	<i>Intralata</i>
<i>Alltel</i>	0.09	0.13	0.13
	(Averaging \$0.11 cents)		

Toll Free No. \$5.00 mon. / .13 min

FILED  
 REX A. SHAW  
 COUNTY CLERK  
 99 JUN 15 AM 8:09  
 UPSHUR COUNTY, TX.  
 BY \_\_\_\_\_  
 DEPUTY



VOL. 53 PG. 1013

# Texas Department of Transportation

P.O. BOX 1210 • ATLANTA, TEXAS 75551-1210 • (903) 796-2851

May 28, 1999

Upshur County  
CSJ 0218-05-040  
8019-1-81  
Parcel 13  
US 271: From SH 154 in Gilmer  
To 0.3 Mile S. of SH 300

Upshur County  
c/o Judge Charles Still  
P O Box 790  
Gilmer, TX 75644

Dear Mr. Still:

In acquiring right of way for the highway systems of Texas, the Texas Department of Transportation follows a definite procedure for appraising the land needed and for handling personal negotiations with each owner. As explained by the State's negotiator, Joan Clayton, your property is required for the construction of US 271.

We believe at this stage of the purchase process it is mutually beneficial to confirm that based on an appraisal made by a qualified independent appraiser and an analysis by the appraisal review staff both in this office and our Austin office, the State is authorized to offer you \$5,644.00 for your property. This amount is the total amount of just compensation as determined in accordance with State law for fee title to the property less oil, gas and sulphur. The offer of \$5,644.00 represents \$5,194.00 for the property to be purchased and \$450.00 for damages to your remaining property. This offer is being presented to you based on a preliminary title search by District personnel of the public records of Upshur County which indicates you are the current owner of this property.

This offer is conditioned upon and subject to additional title verification and the State being able to obtain clear title to the subject property and such title verification showing that you are the owner of record of the property interest being acquired.

FILED  
REX A. SHAW  
COUNTY CLERK  
JUN 15 AM 8:10  
UPSHUR COUNTY, TX  
OFFICE

Upshur County  
c/o Judge Charles Still  
Page 2

Improvement                      Amount to be Subtracted if Retained

Steps                                      \$1.00 (ea. Set)

In the event the condition of the property changes for any reason, the State shall have the right to withdraw this offer.

In accordance with the law, it is the policy of this Department to negotiate with the owner of the land with the understanding that you will in turn negotiate with any lessees or others who may own any interest in the land or improvements. The Department will handle the following separate interest which are not included in the offer made to you: public utility easements and advertising signs.

After the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation as determined through eminent domain proceedings to acquire real property, you will be reimbursed for any fair and reasonable incidental expenses necessarily incurred in transferring title to the property for use by the Texas Department of Transportation. Expenses eligible for reimbursement may include (1) recording fees, transfer taxes and similar expenses incidental to conveying the real property to the Department and (2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property. Voluntary unnecessary expenses or expenses incurred in clearing questionable title will not be eligible for reimbursement. Eligible incidental expenses will be reimbursed upon submission of a claim supported by receipted bills or other evidence of actual expenses incurred.

You may file a written request for review if you believe that the Department failed to properly determine the eligibility for or the amount of incidental expenses to be reimbursed. There is no standard form on which to request review of a claim; however, it must be filed with this office within six months after you are notified of the Department's determination on any claim for reimbursement.

Upshur County  
c/o Judge Charles Still  
Page 3

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You may be entitled to additional payment and services under the State's relocation assistance program. It is emphasized, however, that any benefits to which you may be entitled under this program will be handled entirely separate and in addition to this transaction. You will receive a brochure entitled "Relocation Assistance" which will inform you of eligibility requirements, payments and services which are available.

Attached is a copy of the Texas Department of Transportation brochure entitled "Right of Way Purchase" which we trust will give you a better understanding of the procedures followed by the Department in purchasing right of way. If you have any questions regarding the details as to the type of highway to be built or concerning the purchase transaction, please do not hesitate to ask Joan Clayton at (903) 799-1318 to answer them.

Sincerely,

*Dan C. Weathersby*  
Dan C. Weathersby  
District R.O.W. Administrator

//:jc  
Attachments

VOL. 53 PG 1016

**LEGEND**

- TYPE II (CONCRETE) ROW MARKER WITH BRONZE DISK SET
- TYPE I (CONCRETE) ROW MARKER
- ⊙ SET 1/2" IRON ROD
- ⊗ IRON ROD (FOUND)
- X— BARBED WIRE FENCE
- //— CHAIN LINK FENCE

DEED = DEED RECORDS-BP  
UPSHUR COUNTY, TEXAS

SCALE: 1" = 50'

SET 1/2" IR. w/ ALUMINUM DISK MARKED BLOCK 71 NORTHEAST CORNER

S 88°48'16" W - 269.63

02 50/50 00LT

TEXAS DEPT. OF HEALTH  
ROCK BUILDING

VOL 181, PG 323

VOL 148, PG 15  
**BLOCK 71**  
CITY OF GILMER  
VOL. C. PG 196-197, DR

UPSHUR COUNTY  
VOL B, PG 168 D.R.  
**A. LUMBRERA SURVEY**  
A-3

VOL 155, PG 637  
SECOND TRACT

13

VOL 155, PG 637  
FIRST TRACT

04+70.00/50 00LT

S 88°48'16" W - 10.01

KAUFMAN ST.

BEARING BASIS FURNISHED BY:  
TEXAS DEPARTMENT OF TRANSPORTATION  
UNITS = U.S. FEET

**PARCEL # 13**  
UPSHUR COUNTY  
HWY. # 271 UPSHUR COUNTY  
CSJ # 0248-05-035

CALLED ACRES	TO BE ACQUIRED	REMAINING	
		BY	BY
1.144	0.066	1.078	-----

COLLINS & PATHEAL SURVEYING, INC.  
2401 Judson Road Suite 302  
Longview, TX 75805 Phone (903) 234-8051  
JOB # 055-W02 DWG # 27113-50

VOL 53 PG 1017

BUTLER ST.

US 271

WOOD ST.

BRICK BUILDING  
COWBOYS COUNTRY CAFE

VOL 159, PG 696 OR  
JOHN HIGHTOWER



NOTE:  
REFER TO FIELD NOTES TITLED PARCEL NO. 13  
PREPARED BY THE UNDERSIGNED

I, DAVID R. COLLINS, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO A SURVEY MADE UPON THE GROUND ON JUNE, 1996

DAVID R. COLLINS, R.P.L.S.

#1954

ORIGINAL BLOCK LINE  
STATE OF TEXAS  
VOL 143, PG 80

N 03°20'12" W - 287.50  
EXIST. R.O.W.

S 03°20'12" E - 287.50

101+00  
102+00  
103+00  
104+00  
105+00

1001  
101  
102  
103  
104  
105

1700 07/21 28+101

1700 04/29 69+401

1700 04/29 69+401

1700 04/29 69+401

1700 04/29 69+401

1700 04/29 69+401

1700 04/29 69+401

1700 04/29 69+401

1700 04/29 69+401

1700 04/29 69+401

1700 04/29 69+401

1700 04/29 69+401

VOL. 53 PG. 1018

ACKNOWLEDGMENT OF RECEIPT OF APPRAISAL REPORT

County: Upshur  
Federal Project No. \_\_\_\_\_  
CSJ No. 0248-05-040  
ROW Account No. 8019-1-81  
Parcel No. 13  
Highway: US 271

I, Judge Charles Still for Upshur County (Owner's Name) hereby acknowledge receipt on \_\_\_\_\_ (Date of Offer of Purchase) of a copy of an appraisal report prepared by Paul Hensel (Name of Appraiser) dated 3-31-99 related to the above parcel.

Charles L. Still  
Signature of Owner

County Judge

Date: 6-3-99

REAL ESTATE APPRAISAL SHORT FORM REPORT  
TEXAS DEPARTMENT OF TRANSPORTATION

Address of Property SEC S Wood & Butler, Gilmer, TX  
Property Owner Upshur County  
Address of Property Owner P.O. Box 790, Gilmer, TX  
Occupant's Name Vacant

Account 8019-01-081  
CSI 0248-05-040  
Federal Project Number N/A  
Parcel 13  
Highway US 271 County Upshur  
Whole Taking \_\_\_\_\_ Partial Taking X

Purpose of the Appraisal

The purpose of this appraisal is to estimate the market value of the fee simple title to the real property to be acquired, encumbered by any easements not to be extinguished, less oil, gas and sulphur. If this acquisition is of less than the whole property, then any special benefits and /or damages to the remainder property must be included in accordance with the laws of Texas.

Market Value

Market Value is defined as follows: "Market Value is the price which the property would bring when it is offered for sale by one who desires, but is not obliged to sell, and is bought by one who is under no necessity of buying it, taking into consideration all of the uses to which it is reasonably adaptable and for which it either is or in all reasonable probability will become available within the reasonable future."

Certificate of Appraiser

I hereby certify-

That it is my opinion the total compensation for the acquisition of the herein described property is \$ 5,644.00 as of 3-31-99, based upon my independent appraisal and the exercise of my professional judgment; that on 3-31-99 & other (date)(s), I personally inspected in the field the property herein appraised; that I afforded Judge Charles Steele, the property owner or the representative of the property owner, the opportunity to accompany me at the time of the inspection;

The comparables relied upon in making said appraisal were as represented by the photographs contained in the appraisal report and were inspected on 3-31-99 & other (date)(s);

That I have not revealed and will not reveal the findings and results of such appraisal to anyone other than the proper officials of the Texas Department of Transportation or officials of the Federal Highway Administration until authorized by State officials to do so, or until I am required to do so by due process of law or until I am released from this obligation by having publicly testified to such findings.

That my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result or the occurrence of a subsequent event.

I certify that, to the best of my knowledge and belief:

That the statements of fact contained in this report are true and correct;

That the reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analyses, opinions and conclusions;

That I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved; and,

That my analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the appropriate State laws, regulations, and policies and procedures applicable to the appraisal of right of way for such purposes, and that to the best of my knowledge no portion of the value assigned to such property consists of items which are noncompensable under the established law of said State, and any decrease or increase in the fair market value of subject real property prior to the date of valuation caused by the public improvement for which such property is to be acquired or by the likelihood that the property would be acquired for such improvement, other than that due to the physical deterioration within the reasonable control of the owner has been disregarded in estimating the compensation for the property.

Paul W. Hensel  
Appraiser's Signature Paul W. Hensel, SRA  
TX-1321386-G  
Certification Number  
April 9, 1999  
Date

To the best of my knowledge, the value does not include any items which are compensable under the State law but are not eligible for Federal reimbursement.  
Stan Robinson 4/23/99  
District Reviewing Appraiser

VOL 53 PG 1020

PHOTOGRAPHS OF SUBJECT PROPERTY  
Include All Improvements

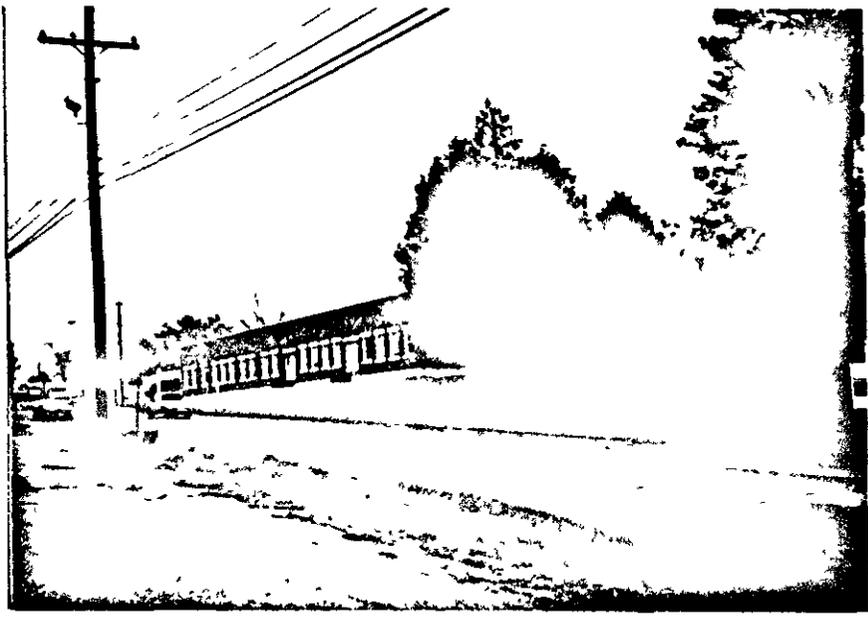
Parcel No. 13 Local Address SEC of S Wood St / US 271 & Butler St, Gilmer, TX

Date Taken March 31, 1999 Taken by Paul W. Hensel, SRA

1. Point from which taken Northwest corner Looking Southeasterly at the  
US Hwy 271 & Butler St, Subject Property.



2. Point from which taken Northwest corner Looking Northeasterly at the  
US Hwy 271 & Kaufman St, Subject Property.



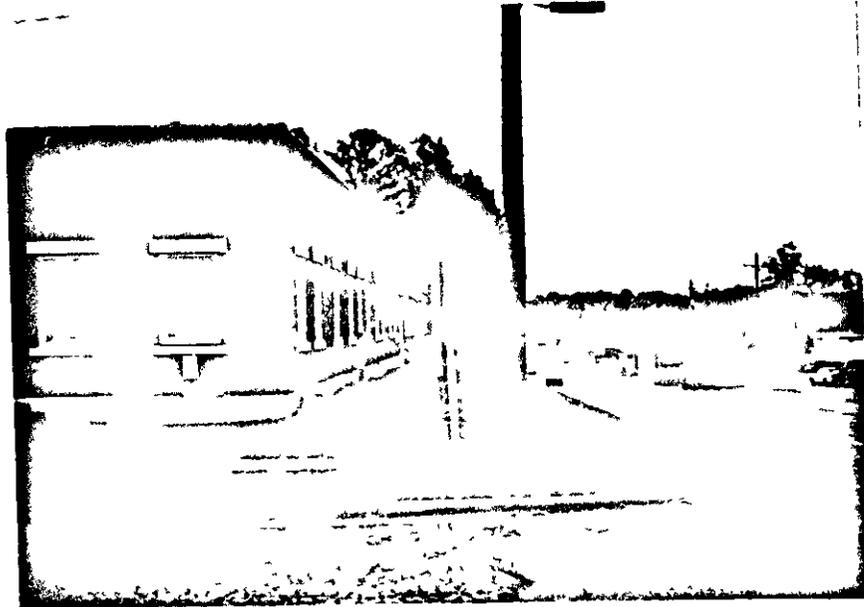
PHOTOGRAPHS OF SUBJECT PROPERTY  
Include All Improvements

VOL 53 PG 1021

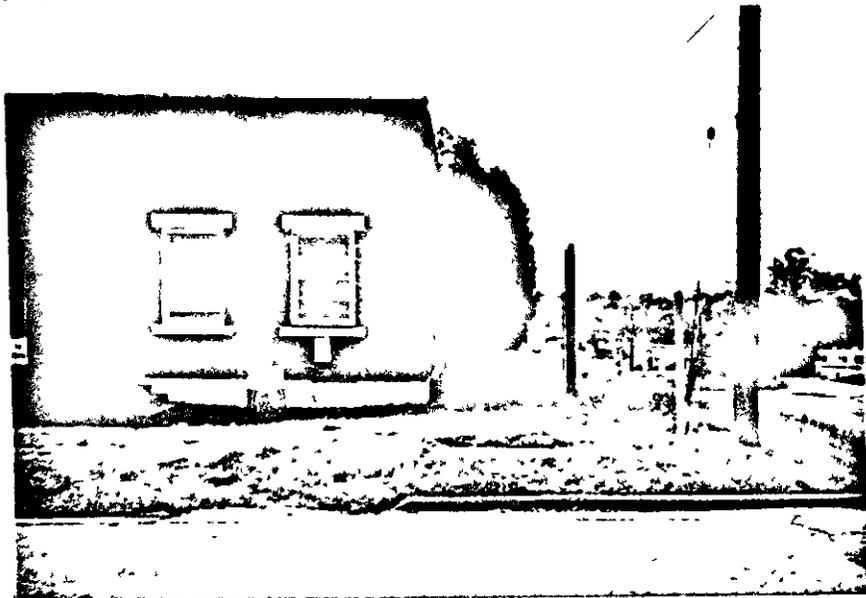
Parcel No. 13 Local Address SEC of S Wood St / US 271 & Butler St, Gilmer, TX

Date Taken March 31, 1999 Taken by Paul W. Hensel, SRA

1. Point from which taken Northeast corner Looking Southerly along the existing  
US Hwy 271 & Butler St. right-of-way line of US Hwy 271.



2. Point from which taken Northeast corner Looking Southerly along the proposed  
US Hwy 271 & Butler St. right-of-way line of US Hwy 271.  
(Photograph taken 4-08-99)



**VOL. 53 PG. 1022 PHOTOGRAPHS OF SUBJECT PROPERTY**  
Include All Improvements

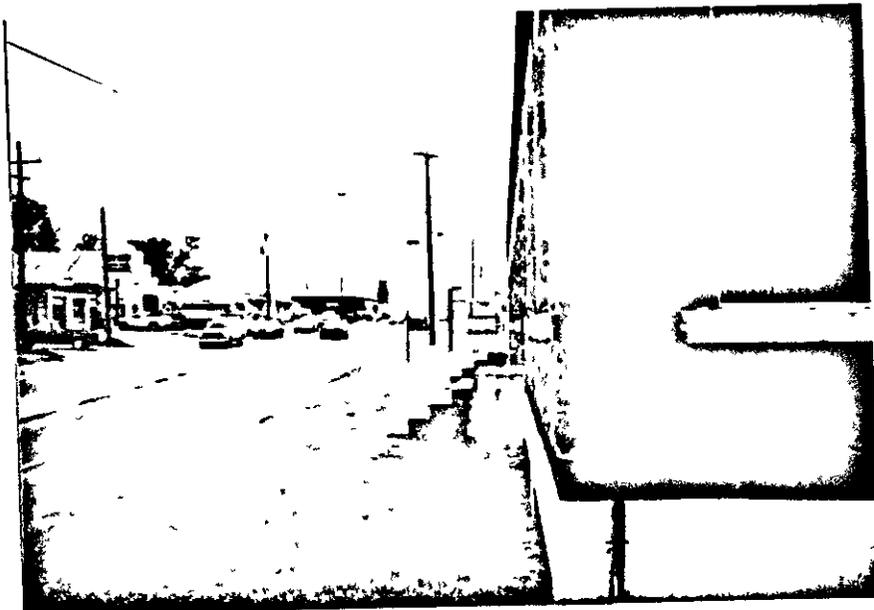
Parcel No. 13 Local Address SEC of S Wood St / US 271 & Butler St, Gilmer, TX

Date Taken March 31, 1999 Taken by Paul W. Hensel, SRA

1. Point from which taken Southwest of the Subject's Building, Looking Northerly along the existing right-of-way line of US Hwy 271.



2. Point from which taken Southwest of the Subject's Building, Looking Northerly along the proposed right-of-way line of US Hwy 271.



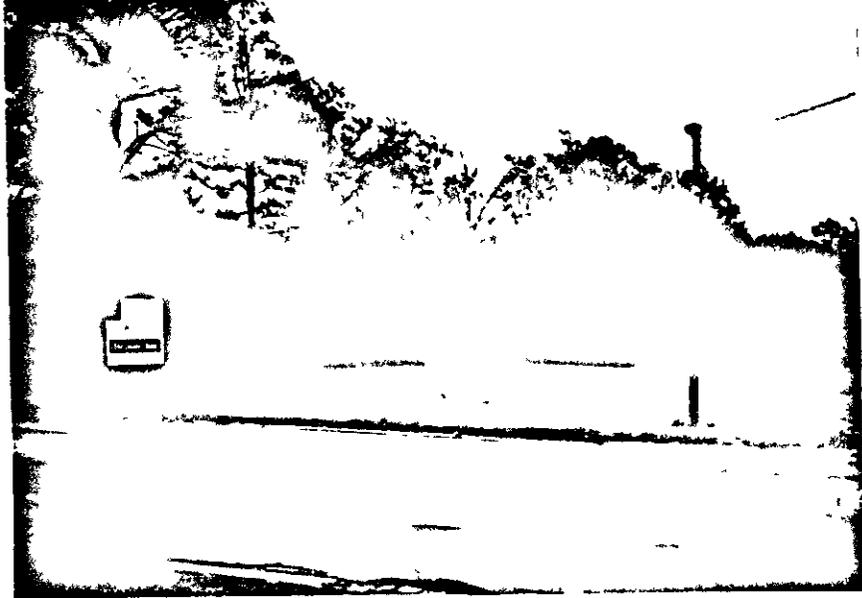
PHOTOGRAPHS OF SUBJECT PROPERTY  
Include All Improvements

VOL 53 PG 1023

Parcel No. 13 Local Address SEC of S Wood St / US 271 & Butler St, Gilmer, TX

Date Taken March 31, 1999 Taken by Paul W. Hensel, SRA

1. Point from which taken Northwest corner Looking Southeasterly at the southern  
US Hwy 271 & Kaufman St, portion of Subject Property.



2. Point from which taken Northwest corner Looking Easterly along the south boundary  
US Hwy 271 & Kaufman St, of the Subject Property.



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Texas Department of Transportation  
ROW-RTA-6 (Page 3 of 5)  
9-96

**DESCRIPTION OF PROPERTY**

**AREA OR NEIGHBORHOOD ANALYSIS**

See Page 3A.

**SITE ANALYSIS - (Attached Parcel Sketch) See Page 3B.**

Five Year Sales History: No sales in the past five years.

Legal Description: 0.066 of an acre of land, being part of Lots 1 and 2 in Block 71 in the City of Gilmer, A. Lumbrera Survey, Abstract 3, Upshur County, Texas. (See attached Field Notes)

Improvements: Concrete Steps

**HIGHEST AND BEST USE ANALYSIS**

See Page 3C.

**VALUATION  
OF PART TO BE ACQUIRED**

**LAND VALUATION**

**Representative Comparable Sales**

	Subject	Comp No. 1	Comp No. 2	Comp No. 3
Grantor		Patterson	Patterson	Skinner
Grantee		Texas Multi	Shree Hanuman	Fitch
Date		1-03-96	4-20-98	3-20-98
Unit Price	per SF	\$4.24	\$1.50	\$3.08
Relative Location		6 blocks north	8 blocks south	10 blocks north
Conditions of Sale		Cash -0-	Cash -0-	Cash -0-
Date of Sale		Stable -0-	Stable -0-	Stable -0-
Location	Average	Inferior	Superior	Inferior
Size - Taking	2,875 SF	-25% - \$1.060	+30% + \$0.45	-15% - \$0.462
Economic Unit	49,833 SF	-10% - \$0.424		-0-
Utilities	All	Similar	Similar	Similar
Physical Features	Above Street	Inferior	Inferior	Inferior
		-30% - \$1.272	-30% - \$0.45	-30% - \$0.924
Net Adjustments		-65% - \$2.756	-0- -0-	-45% - \$1.386
Indicated Unit Value	per SF	\$1.48	\$1.50	\$1.69

Parcel No. 13  
US Hwy 271, Upshur County  
Page 3A

#### AREA OR NEIGHBORHOOD ANALYSIS

The subject property is located in the city of Gilmer, Upshur County, Texas. Gilmer is the county seat of Upshur County. For the purposes of this report, the subject neighborhood is considered to be those properties located along or near US Hwy 271 within the city limits of Gilmer.

The above defined neighborhood is located along the main north-south thoroughfare through the city of Gilmer. The city of Gilmer is accessible from Longview to the southeast via State Highway 300, from Pittsburg via US Highway 271 from the north, and Tyler via US Highway 271 from the south. Other main highways which intersect at Gilmer include State Highway 155 and 154. All of the roadways provide good access to all parts of Northeast Texas. US Highway 271 is one of the area's main north-south highway link between eastern Oklahoma and eastern Texas. This highway consists of a two-lane to four-lane highway through the subject neighborhood. Also, throughout the town of Gilmer is a network of streets which provide access to areas off of the main roadways.

The city of Gilmer, population 5,690, has a mayor/city council type government. The school district's total enrollment is approximately 2,434 students. Local industries include a variety of manufacturing and transportation companies; such as, Air Max - refrigeration parts; Chemical Specialties - wood processed chemicals; Gilmer Potteries - bathroom accessories; Dean Lumber - lumber mill & wood treatment; and Rob-Roy Industries - electrical conduit. Gilmer has a fire department of 4 full time employees and 52 volunteer firemen of which there are 10 EMT trained, 2 of which are full time. There are 12 full time policemen serving the city of Gilmer. All utilities are provided the city of Gilmer and are supplied by the city of Gilmer, Southwestern Electric Power Company, Arkla Gas, GTE Southwest and Etex Telephone Coop, Inc.

The terrain of the Gilmer and surrounding Upshur County area is gently rolling hills with moderate to heavy timber. Located in northeastern Upshur County is Lake O' the Pines which provides a recreational facility for the area.

The primary land use in the neighborhood involves commercial, residential, and industrial usage. The immediate subject neighborhood includes all properties located along either side of US Highway 271 within the city limits of Gilmer. Utilities in the area include water and sanitary sewer from the city of Gilmer and electricity, natural gas, and telephone from utility companies.

The neighborhood has had stable to increasing property values over the past several years due to the steady national economy and the diversification of the local economy. The near future outlook is for stabilizing effect to continue and property values to remain stable with a gradual upward trend.

SITE ANALYSIS

Parcel 13 contains 0.066 acres, or 2,875 square feet of land, more or less. This taking is located along the easterly frontage of the subject with US Hwy 271, (S. Wood St), being a narrow 10.01' x 287.50' strip. Located within the taking are two sets of concrete steps being 5' x 7.5'. The remaining improvements, building and parking lot, are not believed to be damaged and have not been appraised. Only the part taken land and improvements located within the taking have been appraised.

The Parcel is part of a larger tract containing 1.144 acres or 49,833 square feet of land, according to the right-of-way map furnished by the Texas Department of Transportation. Your attention is invited to the attached copy of this map.

Due to the narrow shape of this taking, it is not believed to represent an economic unit. I have, therefore, appraised the Taking as if it were a part of the whole property consisting of 1.144 acres with approximately 287.50 feet of frontage along the east side of S Wood Street / US Hwy 271, and about 170 feet of frontage along the south side of Butler Street, a two-lane city street.

The subject's land consist of a hill which is 5 to 8 feet above street along the frontage with US Hwy 271. This limits the access from US Hwy 271. The existing frontage along Butler Street is at street level. The subject extends south to Kaufman Street which is unimproved except for an asphalt driveway which appears to access the next property to the south.

According to the Flood Insurance Rate Map #480625 B, prepared for the National Flood Insurance Program, the subject property does not lie within any flood hazard area. No easements or encroachments, other than utility easements, were noted on the taking. The soils of the subject appear to be a combination sandy loam and clay, which is typical for this portion of Upshur County. Public utilities available to the site include water, sanitary sewer, electricity, natural gas, and telephone.

The whole subject property is located within the taxing jurisdictions of the city of Gilmer, Gilmer Independent School District, and Upshur County. The subject property is assessed at \$75,000 for the land and \$47,545 for the improvements for a total of \$122,545. As the property belongs to the county, it is tax exempt.

Parcel No. 13  
US Hwy 271, Upshur County  
Page 3C

HIGHEST AND BEST USE ANALYSIS

The subject property is located in the city of Gilmer which has zoning regulations. The subject is zoned B-2 or general business. This district consists of nearly any type of business.

To arrive at an opinion of Highest and Best Use for the subject property, "as-vacant," I have considered the present use of the property, other area land uses, present trends as to future usage, as well as other factors. The predominant land use in the neighborhood along US Hwy 271 is general business / commercial use. Due to the subject's location and size, its Highest and Best Use "as-vacant" and "as-improved" is for general business usage or as zoned B-2, as it is currently improved with a commercial type facility.

Due to the size and shape of the taking, it's Highest and Best Use is considered to be in conjunction with the whole property, that of B-2 or general business usage.

Appraisal Process

The proposed acquisition is for the purpose of widening US Highway 271 from the intersection of US Highway 271 and State Highway 154 south to Dean Street within the city of Gilmer. The taking involves a part of the whole property which is improved with a stone & masonry building. The taking is not considered to affect the remainder; therefore, only the part taken has been appraised.

The subject's land has been appraised by the market approach to value. The cost approach is utilized to appraise the improvements located within the taking. Cost estimates utilized in the cost approach were derived from various local contractors and references to the Marshall Valuation Service by Marshall and Swift. Application of the cost approach was tempered with professional judgment and is believed to be reliable in this instance. The market approach (land & improvement) and the income approach were not considered applicable as the taking involves a narrow strip of effectively vacant land.

Explanation of Adjustments with Reconciliation

The taking, Parcel 13, is not believed to represent an economic unit due to its size and shape. Therefore, I have appraised the taking as part of whole property, containing 1.144 acres or 49,833 square feet. After researching the Upshur County deed records for land sales, the sales utilized in this report are considered to be the most reliable indicators of value after adjustments.

Financing is the first category considered as sales with favorable owner or seller financing tend to sell at a higher price than those sold for cash. No adjustment for financing was considered necessary as all of the sales were cash or effectively cash.

Time of sale was the next item considered and no time adjustment was necessary, as the property values in the market area have been stable over the past several years with an upward tendency, as the market activity improves. However, a reliable rate of increase for time, only, cannot be adequately determined.

The location of a property typically has an influence on the value and it was found to be in this instance. The subject property is located on the southeast corner of US Hwy 271 and Butler Street. The location of subject is two blocks south of the main highway intersection and the main concentration of retail businesses.

Size is another factor which often affects value of land, as smaller economic units tend to sale at a higher unit price than larger economic units. The size adjustments are typically based on each doubling or halving of each economic unit.

The availability of utilities is considered a factor in determining the value of land. The subject and all of the comparables area located within the city and each property has all utilities available, resulting in no adjustments for utilities.

The physical features of a property is the last category of adjustment which is relevant in this instance. The whole subject property is a rectangular shaped tract with frontage on both US Hwy 271 and Butler Street. The subject has no usable frontage along the northern portion of the subject due to a 5-8' steep bank down to grade level of US Hwy 271. This steep bank has rendered the northern frontage along US Hwy 271 useless, as it has no access to US Hwy 271. The southerly portion of the subject is level with the road. However, this portion includes the hillside as it drops to the south.

Following is a discussion of how the subject compares to each of the sales to arrive at the estimated land value of the subject.

Parcel No. 13  
US Hwy 271, Upshur County  
Page 4A

W. F. Patterson to Multi Food, Inc.

This sale is located at the northwest corner of US Hwy 271 and Taylor Street. This tract contains 23,609 square feet or 0.542 acres, and sold for \$4.24 per square foot. This was a cash sale, so no financing adjustment was needed. The sale occurred in January 1996 and no time adjustment was believed necessary as the market has been stable over the past several years. The location of the subject is considered inferior to this sale which is located within the main area of retail business along US Hwy 271. A negative adjustment for location of 25% was deemed necessary. The size of the subject's whole property is larger than this sale, resulting in negative adjustment for size of 10%. Both the subject and this comparable have all utilities available, so no adjustment for utilities were made. The subject's frontage along US Hwy 271 involves a steep bank which limits direct access along this street. This is inferior to this sale which is at the street level to US Hwy 271 and its side street. A physical features adjustment of a negative 30% adjustment was considered appropriate for the difference. This property sold for \$4.24 per square foot, and after adjustments, it indicated a value of \$1.48 per square foot for the subject's land.

Patterson to Shree Hanuman, Inc.

This sale is located on the westerly side of US Hwy 271 directly across from where SH 300 deadends into US Hwy 271. The site included 0.996 acres, or 43,386 square feet, more or less, of land. This property sold for \$1.50 per square foot cash, and no adjustment for financing was necessary. The sale occurred in April 1998 and no time adjustment was considered necessary. The subject's location, two blocks south of the main intersection and at the southern edge of the downtown business district, is superior to this comparable's location, resulting in a positive location adjustment of 30%. The subject property is equal in size, resulting in no size adjustment. This sale had all utilities available as does the subject, so no adjustment for utilities was made. Physical features of the subject are inferior due to the steep bank along US Hwy 271, resulting in a negative adjustment of 30%. The price of this sale was \$1.50 per square foot, and after adjustments for variables, it indicated the subject land has a value of \$1.50 per square foot.

VOL 53 PG 1030

Parcel No. 13  
US Hwy 271, Upshur County  
Page 48

Billy Ray Skinner to Donald Jerry Fitch

This sale is located on the easterly side of US Hwy 271 just north of Walker Road. This tract contains 38,943 square feet or 0.894 acres and sold for \$ \$3.08 per square foot, cash. This was a cash sale, so no financing adjustment was needed. The sale occurred in March 1998 and no time adjustment is necessary. The location of the subject is considered inferior to this comparable which is located in an area of developing retail business between the downtown area and the new Super Wal-Mart to the north. A negative adjustment for location of 15% was considered appropriate. The size of the subject property is equal to this sale, resulting in no adjustment for size. This comparable has all utilities available, so no utilities adjustment was made. The subject's physical feature of the steep bank is inferior to this sale, requiring a negative adjustment of 30%. This property sold for \$3.08 per square foot, and after adjustments, it indicated a value of \$1.69 per square foot for the subject's land.

After adjustments, these sales indicate a value of between \$1.48 and \$1.69 per square foot for the subject's property land. After considering these indicators, I have adopted an estimated value of \$1.65 per square foot for the subject property taking's land. The final estimate of market value for the subject land was placed at the upper end of the indicated range due to the upper trend of property values in the area.

Parcel 13 - Land only:

0.066 acre or 2,875 SF @ \$1.65 PSF = \$4,744.00

ESTIMATED VALUE OF ACQUISITION

Land 0.066 acres @ \$ 1.65 per acre/sf sf \$ 4.744.00

Improvements: Concrete Steps \$ 450.00  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

\$ 450.00

TOTAL ESTIMATED VALUE ..... \$ 5,194.00

Damages ..... \$ 450.00

Estimated Total Compensation ..... \$ 5,644.00

*Furnish comments on attachments as necessary.*

**NOTE:**

The Texas Department of Transportation indicated, a retaining wall will be installed along the proposed right-of-way line, to prevent any structural problems to the subject's existing building.

The "First National Bank" sign located on the southern portion of the taking was considered personal property as requested by the Texas Department of Transportation. Therefore, it has not been included in this appraisal.

VOL 53 PG 1032

Parcel No. 13  
US Hwy 271, Upshur County  
Page 5A

Improvements:

The contributory value of the improvements was based on information from the Marshall Valuation Service, Section 63, Page 9. Some improvements were based on discussion with various contractors and from other sources. The concrete steps were estimated at \$600.00 for each set. The taking consists of approximately one-half of each of the two sets of steps. This computes to approximately \$300 for the taking of each set of steps, or a total of \$600.00.

These improvements have been in place for a number of years and are believed to have a value equal to 75% of cost new. Following is a description of the valuation of the improvements appraised.

Concrete Steps:

2 Sets @ \$600 per set = \$1,200 x 50% = \$600 x 75% = \$450.00

Total value of improvements \$450.00

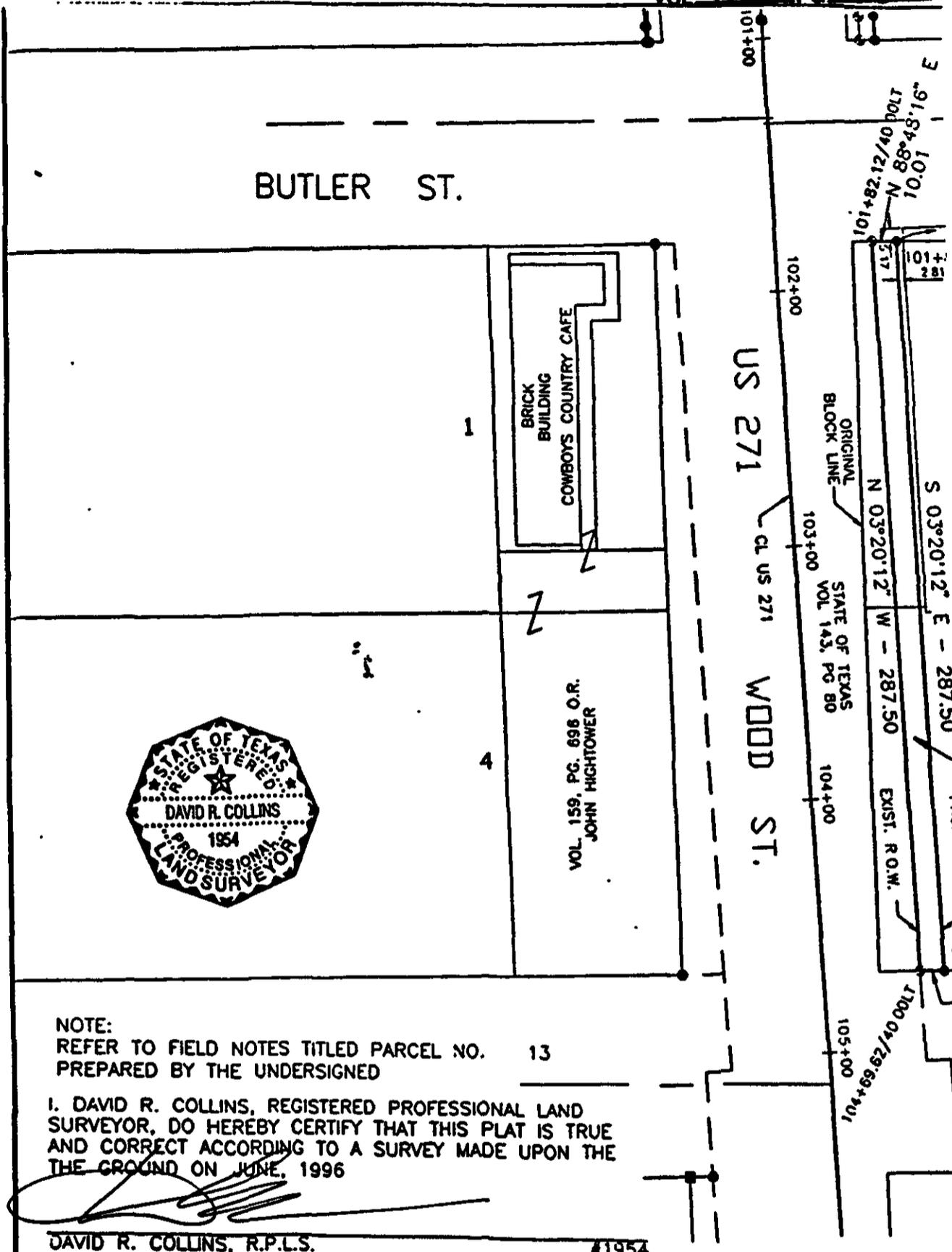
Damages

The compensation for the damages was derived by depreciating the remaining value of the two sets of steps at 100%. The steps do not have any value to the property now, but are in place in front of two exterior doors. These doors have been walled off for years and are not used. The remaining portion of the two concrete steps will consist of 50% of the steps. These improvements have been in place for a number of years and are believed to have a value equal to 75% of cost new. Following is a description of the valuation of the improvements appraised.

Concrete Steps:

2 Sets @ \$600 per set = \$1,200 x 50% = \$600 x 75% = \$450.00

The damages as a result of the taking has been derived at \$450.00



NOTE:  
 REFER TO FIELD NOTES TITLED PARCEL NO. 13  
 PREPARED BY THE UNDERSIGNED

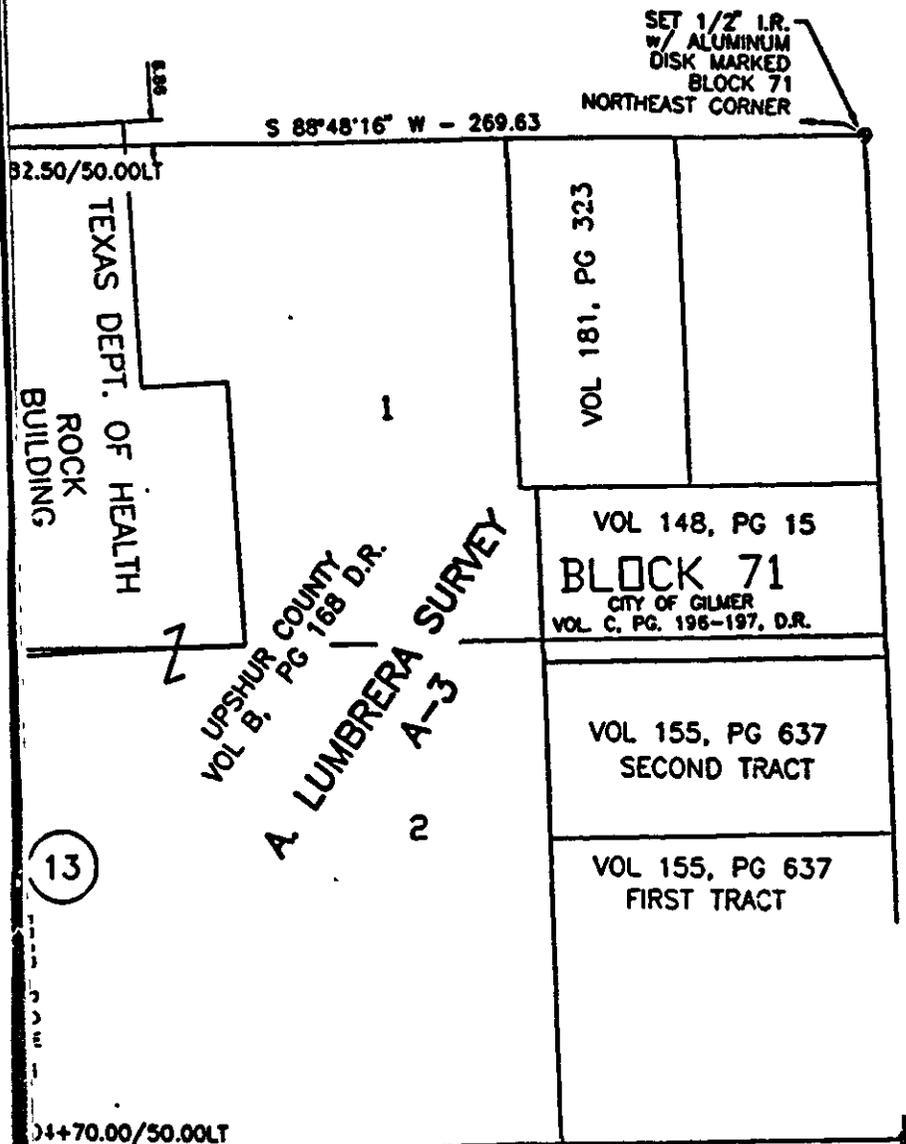
I, DAVID R. COLLINS, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT ACCORDING TO A SURVEY MADE UPON THE GROUND ON JUNE, 1996

*[Handwritten Signature]*

DAVID R. COLLINS, R.P.L.S.

#1954

VOL 53 PG 103A



**LEGEND**

- TYPE II (CONCRETE) R.O.V. MARKER WITH BRONZE DISK SET
- TYPE I (CONCRETE) R.O.V. MARKER
- ⊙ SET 1/2" IRON ROD
- ⊙ IRON ROD (FOUND)
- X— BARBED WIRE FENCE
- //— CHAIN LINK FENCE

DRUCT = DEED RECORDS OF  
UPSHUR COUNTY, TEXAS

SCALE: 1" = 50'

S 88°48'16" W - 10 01

KAUFMAN ST.

BEARING BASIS FURNISHED BY:  
TEXAS DEPARTMENT OF TRANSPORTATION  
UNITS = U.S. FEET

<b>PARCEL # 13</b>			
UPSHUR COUNTY			
HWY. # 271		UPSHUR COUNTY	
CSJ # 0248-05-035			
CALLED ACRES	TO BE ACQUIRED	REMAINING	
1.144	0.066	1.078	-----
COLLINS & PATHEAL SURVEYING, INC. 2401 Judson Road Suite 302 Longview, TX. 75605 Phone. (903) 234-0051 JOB # 085-702 DWG # 27113-50			

COUNTY: UPSHUR  
HIGHWAY: U.S. 271  
PROJECT LIMITS  
FROM: SH 154 in Gilmer  
TO: 0.3 MI S OF SH 300  
CSJ NO. 0248-05-035  
ACCOUNT #

I, David R. Collins, Registered Professional Land Surveyor, do hereby certify that these field notes are true and correct as shown on Parcel Map 13, and according to a survey made by me, upon the ground.



DAVID R. COLLINS, RPLS # 1954  
August 9, 1996

Field Notes for Parcel 13

All that certain 0.066 of an acre, more or less, tract of land in The City of Gilmer, Aniseta Lumbrera Survey, A-3 in Upshur County, Texas, being part of Lots 1 and 2 in Block 71 in the City of Gilmer as shown on plat of same, recorded in Volume C, Pages 196 and 197 of the Deed Records of Upshur County, Texas, (D.R.U.C.T.) said Block 71 being part of the same land conveyed to Upshur County, Texas by Deed recorded in Volume B, Page 168 of the D.R.U.C.T., said 0.066 of an acre, more or less, tract of land being more particularly described by metes and bounds as follows; (Bearing basis furnished by Texas Department of Transportation).

Beginning at a type II concrete right-of-way marker with bronze disc set in the South line of Butler Street and the North line of said Block 71, 269.63 feet S 88°48'16" W from a 1/2" iron rod set with aluminum disc marked Block 71, Northeast Corner, said right-of-way marker being on the proposed East right-of-way line of U.S. Highway No. 271 (U.S. 271) 50.00 feet left, at right angles from the survey centerline of U.S. 271, hereinafter referred to as the "survey centerline", at survey centerline station 101 + 82.50;

Thence: S 03°20'12" E with the proposed East right-of-way line of U.S. 271, 287.50 feet to a type II concrete right-of-way marker with bronze disc set in the South line of Block 71 and the North line of Kaufman Street being 50.00 feet left, at right angles from survey centerline station 104 + 70.00;

Thence: S 88°48'16" W with the North line of Laufman Street, 10.01 feet to a 1/2" iron rod set in the existing East right-of-way line of U.S. 271;

Thence: N 03°20'12" W with the existing East right-of-way line of U.S. 271, 287.50 feet to a 1/2" iron rod set in the South line Butler Street;

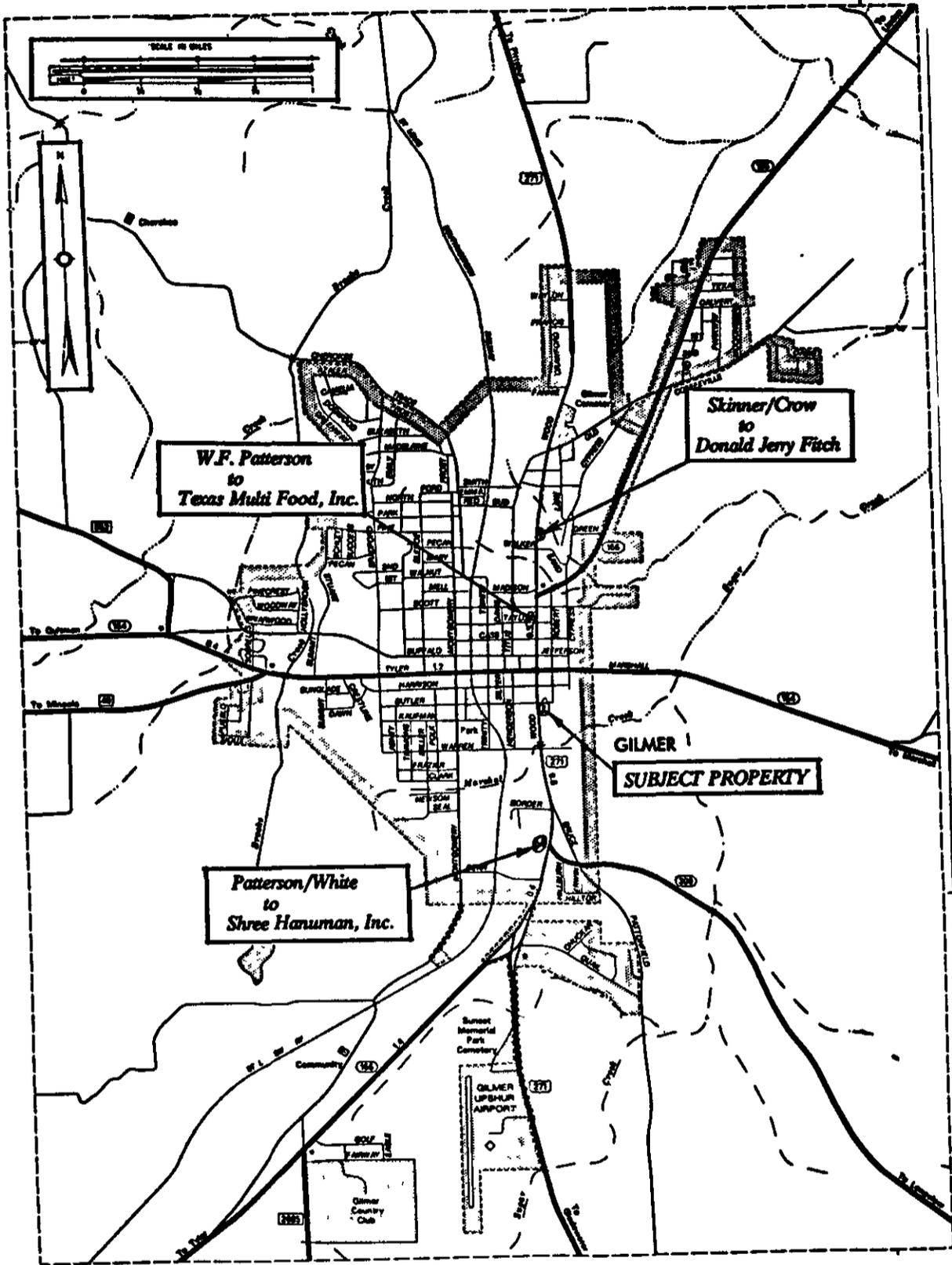
Thence: N 88°48'16" E with the South line of Butler Street, 10.01 feet to the Point of Beginning, containing 0.066 of an acre of land, more or less.

EXHIBIT "A"

Vol 533 pg 1035

Parcel No. 13  
US Hwy 271, Upshur County

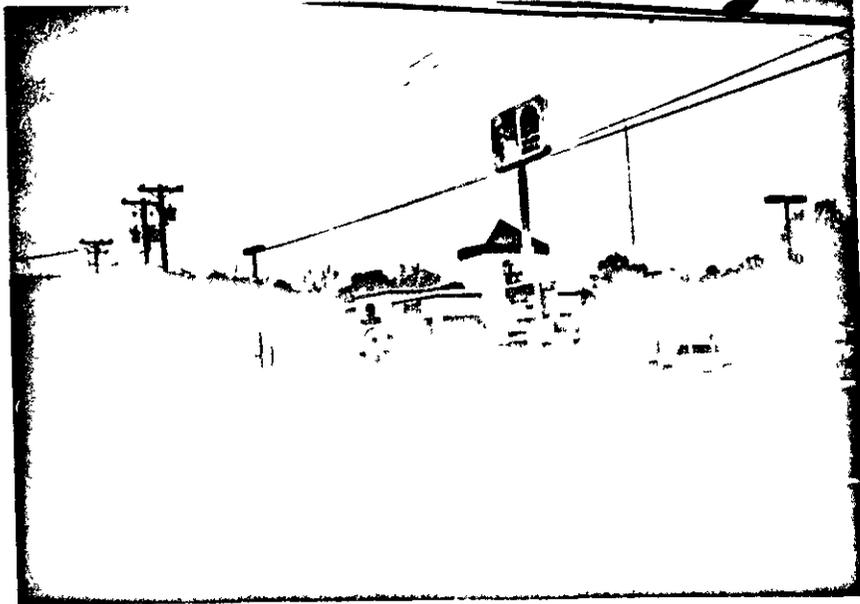
Comparable Sales Map



COMPARABLE DATA SUPPLEMENT  
Land Sale X Improved Sale      Rental Data     

VOL 53 PG 1037

PHOTOGRAPH



Grantor/Lessor: W.F. Patterson Grantee/Lessee: Texas Multi Food, Inc.

Date: 1-03-96 Recording Information: Volume 212, Page 651, ORUCT Key Map: N/A

Address: 404 North Wood / US Hwy 271, Gilmer, Upshur County, Texas Zip Code: 75644

Legal Description: Lot 4, Block 15, Original Townsite of Gilmer,  
W.H. Hereford Survey, Abstract 200, Gilmer, Upshur County, Texas.

Confirmed Price \$: 100,000.00 Verified with: Grantor

Terms and Conditions of Sale: Cash to Grantor; \$100,000 note to Gilmer National Bank

Rental Data: N/A

Land Size: 0.542 ac or 23,609 SF Unit Price as Vacant \$: 4.24 per SF

Type Street: 4-lane asphalt - US Hwy 271 Utilities: All available

Improvement(s) Description: None of value

Improvement(s) Size: N/A (GBA) N/A (NRA) Unit Price as Improved \$: N/A

Condition and Functional Design: N/A

Current Use: Fast Food Restaurant Intended Use: Fast Food Restaurant

Date of Inspection: 3-31-99 Zoning: B-2, General Business Flood Plain: None

Attach Addition Information: This tract is located at the northwest corner of N Wood St / US 271 and Taylor Street. It has good frontage to depth ratio and is well located in the downtown section of Gilmer.

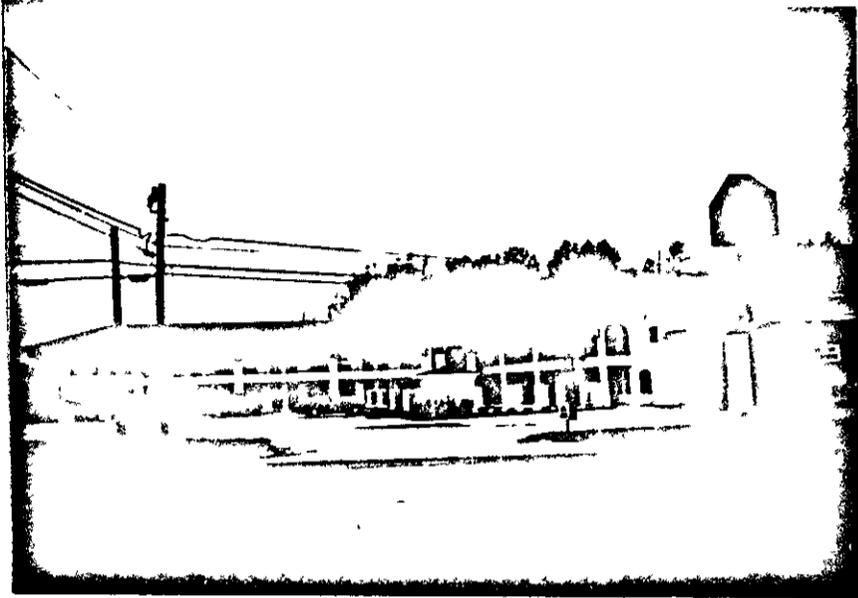
Appraiser: Paul W. Hensel, SRA, TX-1321386-G 3-31-99  
(Typed, not signed) Date

ROW Account 8019-01-081  
Parcel No. 13  
Highway US Hwy 271  
County Upshur

Vol 53 PG 1038

COMPARABLE DATA SUPPLEMENT  
Land Sale X Improved Sale      Rental Data     

PHOTOGRAPH



Grantor/Lessor: W.F. Patterson & K.W. White Grantee/Lessee: Shree Hanuman, Inc.

Date: 4-20-98 Recording Information: Volume 292, Page 819, ORUCT Key Map: N/A

Address: 1000 block South Wood / US Hwy 271, Gilmer, Texas Zip Code: 75644

Legal Description: 0.996 acre of land in the A. Lumbrera Survey,  
Abstract 3, Gilmer, Upshur County, Texas.

Confirmed Price \$: 65,000.00 Verified with: Grantor

Terms and Conditions of Sale: Cash to Grantor

Rental Data: N/A

Land Size: 0.996 Ac or 43,386 SF Unit Price as Vacant \$: 1.50 per SF

Type Street: 4-lane asphalt - US Hwy 271 Utilities: All available

Improvement(s) Description: Vacant land at time of sale

Improvement(s) Size: N/A (GBA) N/A (NRA) Unit Price as Improved \$: N/A

Condition and Functional Design: N/A

Current Use: Motel Intended Use: Motel

Date of Inspection: 3-31-99 Zoning: B-2, General Business Flood Plain: None

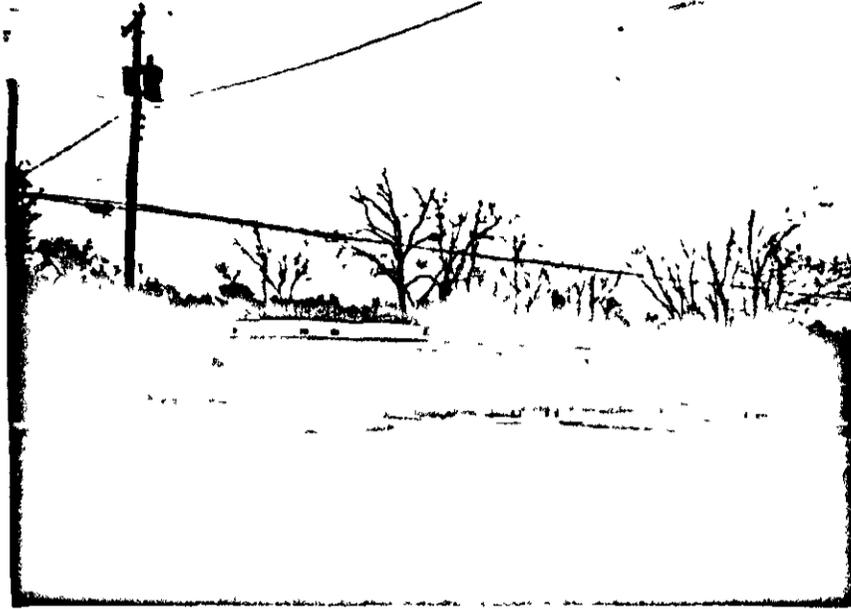
Attach Addition Information: This tract is located on the west side of S Wood Street / US 271  
across from the intersection with State Highway 300. It has 207.77 feet of frontage along  
US Hwy 271 and has about 200 feet of depth. The property has been improved with a well  
known motel franchise "RAMADA - Limited."

Appraiser: Paul W. Hensel, SRA, TX-1321386-G 3-31-99  
(Typed, not signed) Date

COMPARABLE DATA SUPPLEMENT  
Land Sale X Improved Sale      Rental Data     

VOL 53 PG 1039

PHOTOGRAPH



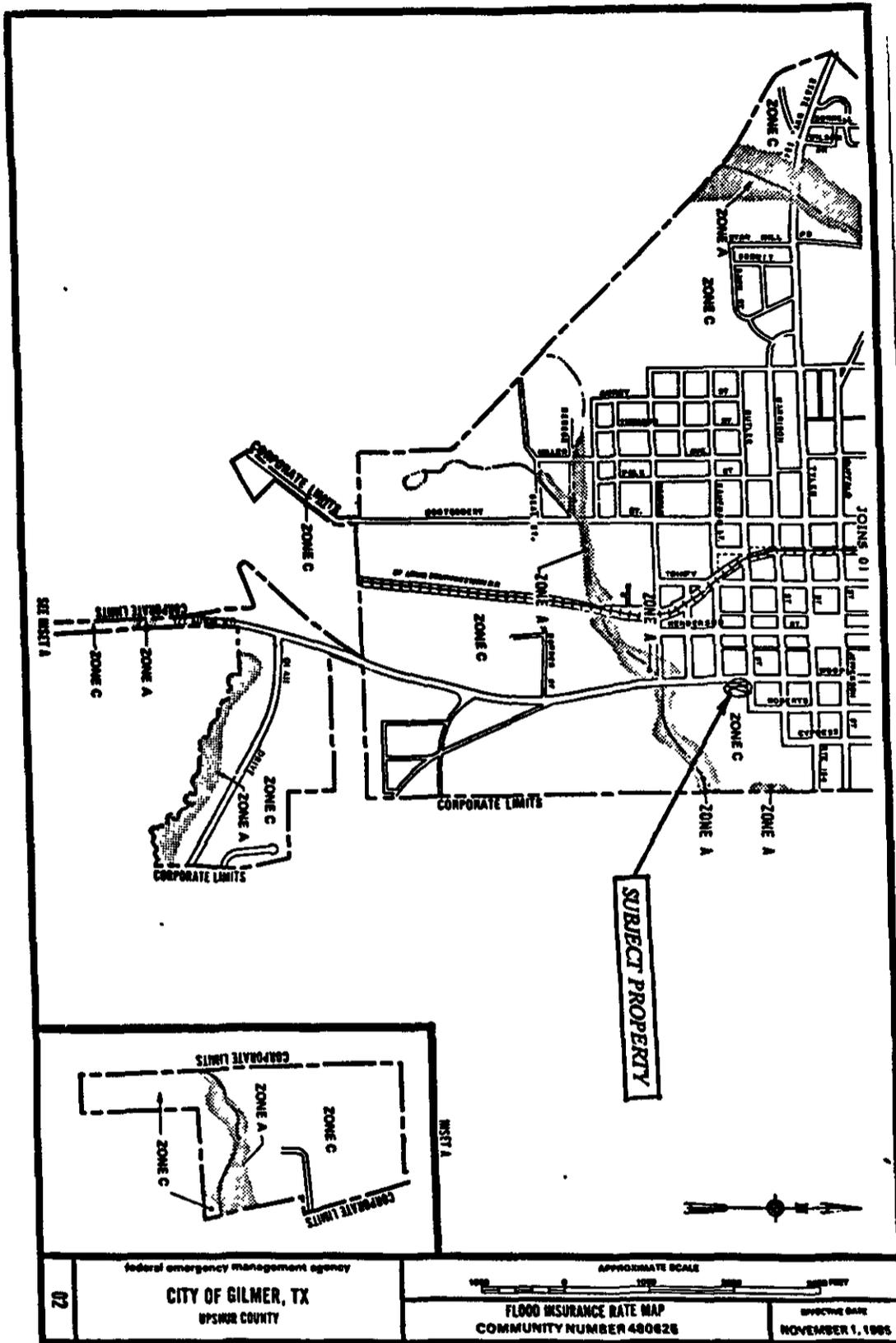
Grantor/Lessor: Billy Ray Skinner & LaVelle Crow Grantee/Lessee: Donald Jerry Fitch  
Date: 3-20-98 Recording Information: Volume 290, Page 326, ORUCT Key Map: N/A  
Address: 800 block of North Wood Street / US Hwy 271, Gilmer, Texas Zip Code: 75644  
Legal Description: 0.8940 acre of land in the W. H. Hereford Survey, Abstract 200, Gilmer, Upshur County, Texas.  
Confirmed Price \$: 120,000.00 Verified with: Representative of Grantor  
Terms and Conditions of Sale: Cash to Grantor; part of a \$400,000 note Longview Bank & Trust Co.  
Rental Data: N/A  
Land Size: 0.894 ac or 38,943 SF Unit Price as Vacant \$: 3.08 per SF  
Type Street: 4-lane asphalt - US Hwy 271 Utilities: All available  
Improvement(s) Description: Vacant land at time of sale.  
Improvement(s) Size: N/A (GBA) N/A (NRA) Unit Price as Improved \$: N/A  
Condition and Functional Design: N/A  
Current Use: Fast Food Restaurant Intended Use: Fast Food Restaurant  
Date of Inspection: 3-31-99 Zoning: B-2, General Business Flood Plain: None  
Attach Addition Information: This was a sale of a vacant tract of land on the east side of N Wood St / US Hwy 271, just north of Walker Street. It has good frontage to depth ratio.

Appraiser: Paul W. Hensel, SRA, TX-1321386-G 3-31-99  
(Typed, not signed) Date

Parcel No. 13  
US Hwy 271, Upshur County

Flood Map

102-53 PG 1040



02 federal emergency management agency CITY OF GILMER, TX UPSHUR COUNTY APPROXIMATE SCALE FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 490826 EFFECTIVE DATE NOVEMBER 1, 1985

Parcel No. 13  
US Hwy 271, Upshur County  
ADDITIONAL CONTINGENT AND LIMITING CONDITIONS

VOL 53 PG 1041

The certification of the Appraiser appearing in the appraisal report is subject to following conditions and such other specific and limiting conditions as are set forth by the Appraiser in this report.

The Appraiser assumes no responsibility for matters of a legal nature affecting the property appraised or the title thereto, nor does the Appraiser render any opinion as to the title, which is assumed to be good and marketable. The property is appraised as though under responsible ownership.

Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. The Appraiser has made no survey of the property.

The Appraiser is not required to give testimony or appear in court because of having made the appraisal with reference to the property in question, unless arrangements have previously been made therefore.

Any distribution of the valuation in the report between land and improvements applies only under the existing program of utilization. The separate valuations for land and improvements must not be used in conjunction with any other appraisal and are invalid if so used.

The Appraiser assumes that there are no hidden or apparent conditions of the property, subsoil, or structures, which would render it more or less valuable. The Appraiser assumes no responsibility for such conditions, or for engineering which might be required to discover such factors.

Information, estimates, and opinions furnished to the Appraiser, and contained in the report, were obtained from sources considered reliable and believed to be true and correct. However, no responsibility for accuracy of such items furnished the Appraiser can be assumed by the Appraiser.

Disclosure of the content of the appraisal report is governed by the Bylaws and Regulations of the professional appraisal organization with which the Appraiser are affiliated.

Neither all, nor any part of the content of the report, nor copy thereof (including conclusions as to the property value, the identity of the Appraiser, professional designations, reference to any professional organizations, or the firm with which the Appraiser is connected), shall be used for any purposes by anyone but the client specified in the report, the borrower if appraisal fee paid by same, the mortgagee or its successors and assigns, mortgage insurers, consultants, professional appraisal organization, any state or federally approved financial institution, any department, agency, or instrumentality of the United States or any state or the District of Columbia, without the previous written consent of the Appraisers; nor shall it be conveyed by anyone to the public through advertising, public relations, news, sales, or other media, without the written consent and approval of the Appraisers.

Evidence which would indicate the presence of toxic wastes or other similar hazardous materials could not be observed. The Appraiser assumes no liability for any such substances being present or how they may affect the value of the Subject Property. A qualified engineer should be consulted if such materials are found to exist as to the liability of the land owner to remove such materials from the property.

The Appraiser assumes no responsibility for determining if the property lies in a designated flood hazard or flood way area and its consequences to the value of the property. An effort has been made to determine the flood plain area. All factors dealing with the flood prone aspects of the property are based solely on available public information and if the property is flood prone, it is advised that a topographic survey be obtained and local flood administrators be contacted.

The Appraiser is not qualified to determine whether all or part of the property is considered to be a wetland as defined by federal and state law. If part of the property remains wet more than seven days a year, then local officials should be contacted and a qualified engineer employed.

Parcel No. 13  
US Hwy 271, Upshur County

CERTIFICATION

The undersigned does hereby certify that, except as otherwise noted in this appraisal report:

To the best of my knowledge and belief, the statements of fact contained in this appraisal report, upon which the analyses, opinions and conclusions expressed herein are based, are true and correct.

This appraisal report sets forth all of the limiting conditions (imposed by the terms of my assignment, or by the undersigned) affecting the analyses, opinions and conclusions contained in this report.

I have no present, or contemplated future interest in the real estate that is the subject of this appraisal report.

I have no personal interest, or bias, with respect to the subject matter of this appraisal report, or the parties involved.

My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

This appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice, and with the requirements of the Code of Professional Ethics and the Standards of the Professional Appraisal Practice of the Appraisal Institute.

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

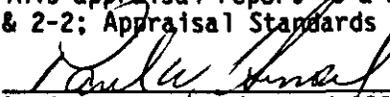
I have made a personal inspection of the property that is the subject of this report.

No one, other than the undersigned, prepared the analyses, conclusions and opinions concerning real estate that are set forth in the appraisal report.

The employment of the appraiser was not conditioned upon the appraisal producing a specific value or range of values or based upon whether a loan application would be approved.

As of the date of this report, Paul W. Hensel, SRA has completed the requirements of the continuing education program of the Appraisal Institute.

This appraisal report is a SUMMARY APPRAISAL REPORT per USPAP Standards, Rule 1 & 2-2; Appraisal Standards Board of the Appraisal Foundation, 3/31/99.

  
\_\_\_\_\_  
Paul W. Hensel, SRA, TX-1321386-G

4-9-99  
Date

SPECIAL ROAD USE AGREEMENT CONTRACT

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

The undersigned DEAN LUMBER CO., hereinafter referred to as First Party, enters into and makes an agreement with Upshur County Commissioner of precinct No. 1, Upshur County, 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) HAWK RD.

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

3. First party agrees to grade, maintain and otherwise repair said road, using its own equipment, labor and materials, if any needed, during the duration of time that First Party is removing 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.

First Party Signature
P.O. BOX 610
Street or Box
GILMER, TX. 75644
City, State and Zip Code
903-843-2457
Telephone
JAMINESON
Timber Tract
6-1-99
Date Signed

County Judge
Commissioner 1
Commissioner 2
Commissioner 3
Commissioner 4
DEPUTY
UPSHUR COUNTY, TX.
JUN 15 AM 8:09
FILED
REX A. SHAW
COUNTY CLERK

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 WARD TIMBER COMPANY, hereinafter referred to as First Party, enters into and makes an agreement with Upshur County Commissioner of precinct No. 2, Upshur County, 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) \_\_\_\_\_

MINK & MULDEER RDS.

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.

Mark W. Wilson  
First Party Signature

[Signature]  
County Judge

P.O. BOX 360  
Street or Box

\_\_\_\_\_  
Commissioner 1

LINDEN, TX. 75563  
City, State and Zip Code

[Signature]  
Commissioner 2

903-756-7700  
Telephone

[Signature]  
Commissioner 3

SHELBY  
Timber Tract

[Signature]  
Commissioner 4

6-11-99  
Date Signed

\_\_\_\_\_  
Date Signed

Permit issued for a period not to exceed 90 days.

FILED  
REX A. SHAW  
COUNTY CLERK  
99 JUN 15 AM 8:40  
UPS HUR COUNTY, TEXAS

PERMIT APPLICATION FOR USE OF UPSHUR COUNTY RIGHT OF WAY

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

PRECINCT #2 \_\_\_\_\_

DATE 6-8-99

FILED  
REX A. SHAW  
COUNTY CLERK  
99 JUN 15 AM 8:08  
UPSUR COUNTY, TX

Formal notice is hereby given that ETEX TELEPHONE CORP. whose  
principal address is P.O. BOX 130, GILMER, TX. 75644 does hereby propose

to place a TELEPHONE CABLE within the ROW of County Road  
Nasturtium, Verbenia, Snapdragon, Iris, Sego Lilly  
Petunia, Periwinkle, Sweet William. The location and description of  
the proposed lines or appurtenances is more fully shown by three  
(3) copies of drawings attached to the application. Proposed  
construction will begin, if approved, on or after the \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_.

I, \_\_\_\_\_, hereby attest that I have read the  
conditions set forth in this application and understand it's  
contents. NAME S. L. [Signature] TITLE [Signature]

903-797-3600

APPROVAL OF PERMIT APPLICATION

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

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

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

1. Barricades, warning signs, lights and flagmen when necessary  
shall be provided by the contractor or owner. One half of the  
traveled portion of the road must be open at all times.
2. All lines, where practicable, shall be located to cross  
roadbed at approximately right angles. No lines are to be installed  
under or within 50 feet of either end of any bridge. No lines shall  
be placed in any culvert or within 10 feet of the closest point of  
same.

*[Handwritten signature]*

SPECIAL ROAD USE AGREEMENT CONTRACT

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

The undersigned DEAN LUMBER COMPANY, hereinafter referred to as First Party, enters into and makes an agreement with Upshur County Commissioner of precinct No. 3, Upshur County, and in order to get material to market it is necessary to use a portion of Upshur County roads located in Precinct No. 3, 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) \_\_\_\_\_

WHITE FIR

FILED  
REX A. SHAW  
COUNTY CLERK  
UPSHUR COUNTY, TEXAS  
JUN 19 AM 8:40

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. 3, 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.

[Signature]  
First Party Signature

[Signature]  
County Judge

P.O. BOX 610  
Street or Box

\_\_\_\_\_  
Commissioner 1

GILMER, TX. 75644  
City, State and Zip Code

[Signature]  
Commissioner 2

903-843-2457  
Telephone

[Signature]  
Commissioner 3

FLOYD  
Timber Tract

[Signature]  
Commissioner 4

6-14-99  
Date Signed

\_\_\_\_\_  
Date Signed

Permit issued for a period not to exceed 90 days.

PERMIT APPLICATION FOR USE OF UPSHUR COUNTY RIGHT OF WAY  
TO: THE UPSHUR COUNTY COMMISSIONERS COURT  
COUNTY OF UPSHUR  
GILMER, TEXAS

FILED  
REX A. SHAW  
COUNTY CLERK  
JUN 15 AM 8:09  
UPSHUR COUNTY, TX.  
DEPUTY

PRECINCT       #3      

DATE 6-10-99

Formal notice is hereby given that ETEX TELEPHONE CORP. whose principal address is P.O. BOX 130, GILMER, TX. 75644 does hereby propose to place a TELEPHONE CABLE within the ROW of County Road CREPE MYRTLE AND CRABAPPLE RDS. The location and description of the proposed lines or appurtenances is more fully shown by three (3) copies of drawings attached to the application. Proposed construction will begin, if approved, on or after the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

I, \_\_\_\_\_, hereby attest that I have read the conditions set forth in this application and understand it's contents. NAME [Signature] TITLE POW

903-7973600

APPROVAL OF PERMIT APPLICATION

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

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

All work on the County right of way shall be performed in accordance with the Commissioners Court intructions. The installation shall not damage any part of the roadway and adequate provisions must be made to cause minimum inconvenience to traffic and adjacent owners. Specifications for placing this line are as follows:

1. Barricades, warning signs, lights and flagmen when necessary shall be provided by the contractor or owner. One half of the traveled portion of the road must be open at all times.
2. All lines, where practicable, shall be located to cross roadbed at approximately right angles. No lines are to be installed under or within 50 feet of either end of any bridge. No lines shall be placed in any culvert or within 10 feet of the closest point of same.

[Signature]

VOL 53 PG 1048

PERMIT APPLICATION FOR USE OF UPSHUR COUNTY RIGHT OF WAY

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

PRECINCT #3

DATE 6-1-99

Formal notice is hereby given that MIKE WRAGG  
603 N. WHITE OAK ROAD #13  
principal address is WHITE OAK, TEXAS 75693 does hereby propose

to place a CULVERT within the ROW of County Road  
PAW PAW RD.

The location and description of the proposed lines or appurtenances is more fully shown by three (3) copies of drawings attached to the application. Proposed construction will begin, if approved, on or after the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

I, \_\_\_\_\_, hereby attest that I have read the conditions set forth in this application and understand it's contents. NAME Mike Wragg TITLE \_\_\_\_\_

297-7387--HOME  
236-2924---WORK

APPROVAL OF PERMIT APPLICATION

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

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

All work on the County right of way shall be performed in accordance with the Commissioners Court intructions. The installation shall not damage any part of the roadway and adequate provisions must be made to cause minimum inconvenience to traffic and adjacent owners. Specifications for placing this line are as follows:

1. Barricades, warning signs, lights and flagmen when necessary shall be provided by the contractor or owner. One half of the traveled portion of the road must be open at all times.
2. All lines, where practicable, shall be located to cross roadbed at approximately right angles. No lines are to be installed under or within 50 feet of either end of any bridge. No lines shall be placed in any culvert or within 10 feet of the closest point of same.

FILED  
REX A. SHAW  
COUNTY CLERK  
99 JUN 15 AM 8:08  
UPSUR COUNTY TX

PERMIT APPLICATION FOR USE OF UPSHUR COUNTY RIGHT OF WAY

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

FILED  
REX A. SHAW  
COUNTY CLERK  
99 JUN 15 AM 8:09  
UPS HUR COUNTY TX

PRECINCT #3

DATE 6-7-99

Formal notice is hereby given that ETEX TELEPHONE CORP. whose  
principal address is P.O. BOX 130, GILMER, TX. 75644 does hereby propose  
to place a TELEPHONE CABLE within the ROW of County Road  
HOLLY LANE AND ASPEN. The location and description of  
the proposed lines or appurtenances is more fully shown by three  
(3) copies of drawings attached to the application. Proposed  
construction will begin, if approved, on or after the \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_.

I, \_\_\_\_\_, hereby attest that I have read the  
conditions set forth in this application and understand it's  
contents. NAME [Signature] TITLE [Signature]

797-3600

APPROVAL OF PERMIT APPLICATION

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

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

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

1. Barricades, warning signs, lights and flags when necessary shall be provided by the contractor or owner. One half of the traveled portion of the road must be open at all times.
2. All lines, where practicable, shall be located to cross roadbed at approximately right angles. No lines shall be installed under or within 50 feet of either end of any bridge. No lines shall be placed in any culvert or within 10 feet of the closest point of same.

[Signature]  
[Signature]



SPECIAL ROAD USE AGREEMENT CONTRACT

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

The undersigned E+S Timber Co, hereinafter referred to as First Party, enters into and makes an agreement with Upshur County Commissioner of precinct No. 3, Upshur County, and in order to get material to market it is necessary to use a portion of Upshur County roads located in Precinct No. 3, 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) 1.5 miles on

PER SIMMON TO STATE HWY 155

FILED  
REX A. SHAW  
COUNTY CLERK  
99 JUN 15 AM 8:15  
UPSHER COUNTY, TX.

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. 3, 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.

James Kyfellow  
First Party Signature  
Rt 1 Box 173C  
Street or Box  
Hackett TX 75651  
City, State and Zip Code  
903 736-1766  
Telephone  
Roberts  
Timber Tract  
6-1-99  
Date Signed

[Signature]  
County Judge  
[Signature]  
Commissioner  
[Signature]  
Commissioner 2  
[Signature]  
Commissioner 3  
[Signature]  
Commissioner 4  
Date Signed

Permit issued for a period not to exceed 90 days.

Date: 6-14-99  
7:00 P.M.

COMMISSIONER COURT  
ATTENDANCE SHEET

Name	City of Residence
David J. McMillan	
Mac Overton	Gilmer
Harace Ray	Gilmer
Worrell Ray	"
Paula Henry	Gilmer 24
Vernon A. Rose	Gladeswater
Pam Long	Gilmer
Annika Keller	Gilmer
Lill Bacon	County
Willie Payne	County
Yvonne Carpenter	County
Anderson King	"
Bessie Fuller	"
Doug Aard	COUNTY
Paul Smith	"
Helen Smith	"
Regina Jones	"
Maria Harris	Gilmer

BY \_\_\_\_\_  
DEPUTY

DEPUTY CLERK, TX.

99 JUN 15 AM 8:07

FILED  
REX A. SHAW  
COUNTY CLERK

Ray Harris	Dilmes
Bill Webster	Longview
Buck Crow	Ormed
Big Blackstone	Pritchett

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B

