

ORDER OF COMMISSIONERS' COURT

SABINE COUNTY, TEXAS

Special Meeting, 3, 29, 1947,

The Commissioners' Court of Sabine County, Texas met in Special Session, March 29, A. D. 1947, at the Courthouse of Sabine County in the City of Hemphill, Texas, at 10 o'clock, A. M., with the following members present, to-wit:

Chas. Forse, County Judge
G. B. Conn, Commissioner of Precinct No. One
E. C. Smith, Commissioner of Precinct No. Two
J. R. Thomas, Commissioner of Precinct No. Three
H. J. Vickers, Commissioner of Precinct No. Four
_____, County Clerk, and Ex-officio Clerk of County Commissioners' Court

When and where the following proceedings were had, to-wit:

Upon motion made by Commissioner G. B. Conn duly seconded by Commissioner E. C. Smith, the following action was taken:

BE IT ORDERED by the Commissioners' Court of Sabine County that Charles Forse, County Judge of Sabine County be and he is hereby authorized to enter into and execute for and on behalf of Sabine County an agreement with the State of Texas wherein Sabine County will agree to waive and relinquish any and all rights Sabine County and or road district has or may have for participation by the State in the payment of any County and or road district bonds, warrants, or other evidences of indebtedness incurred by Sabine County and or road district in the construction, reconstruction, or maintenance of the county road from 1 mile west of Hemphill to intersection with US Hwy. 96 near Pineland, a distance of approx. 10.9 mi. upon condition the Highway Commission of the State of Texas will designate such road as a farm-to-market road as contemplated by S. B. No. 348, Actso f the Forty-Eighth Legislature, 1943, and construct, reconstruct, and or maintain the same at the sole cost and expense of the State as a part of the designated highway system of Texas; that the designation of the road by the Highway Commission shall never form the basis of a claim for participation by the State in the payment of any County and or road district bonds, warrants, or other evidences of indebtedness against said road; to agree to remove or abate any and all encroachments or encumbrances on said road or right-of-way at the sole expense of the County before its designation by the Highway Commission and to further agree to obtain at its expense any new or additional right of way on location approved by the State Highway Engineer at any time the same should be considered necessary or desirable to the proper maintenance, construction, or reconstruction of said road as a part of the State system; to agree to indemnify and save harmless the State from all claims, demands, actions or causes of actions arising from or growing out of or damage to property resulting in any manner from the construction or maintenance of such road either prior to or after the designation of such road as a highway, which have accrued or may accrue prior to the time such highway is reconstructed by the State. In consideration of which agreements, waivers and covenants on the part of the County, the State shall agree to designate the county road from 1 mile west of Hemphill to intersection with US Hwy. 96 near Pineland, a distance of approximately 10.9 miles as a farm to market road and to construct, reconstruct, and or maintain the same at the sole cost and expense of the State as a part of the system of designated highways of Texas as contemplated and set forth in Chapter 1, Title 116, and Chapter 186, General Laws of the Regular Session of the Thirty Ninth Legislature and amendments thereto.

Upon vote being taken, the foregoing order was passed, the member present voting as follows:

G. B. Conn, Yea

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E. C. Smith, Yea
J. R. Thomas, Yea
H. J. Vickers, Yea

STATE OF TEXAS #

COUNTY OF TRAVIS # This agreement made this 29 day of March, 1947, by and between the State of Texas through the State Highway Commission hereinafter called the State, Party of the First Part and the County of Sabine hereinafter called the County, Party of the Second Part, acting by and through its duly authorized County Judge.

WITNESSETH

WHEREAS, Senate Bill No. 348, enacted by the Forty-Eighth Legislature of Texas in regular session and approved by the Governor of Texas on May____, 1943, provides that the State Highway Commission is authorized to designate any county road in the State as a farm-to-market road for purposes of construction, reconstruction, and maintenance only, provided the Commissioners' Court of the County in which such county road is located shall pass and enter in its minutes an order waiving any rights such County and or road district may have for participation by the State in the payment of any indebtedness incurred by the County and or road district in the construction of such county road, and, provided further, that the State Highway Commission and the Commissioners' Court of the County may enter into a contract setting forth the duties of the State in the construction, reconstruction, and maintenances of the county road in consideration of the County relinquishing and waiving any and all claims that it has or may have for participation by the State in the payment of County and or road district bonds, warrants, or other evidences of indebtedness outstanding against such road for the construction or improvement of the road before being designated by the State Highway Commission; and

WHEREAS, Sabine County seeks to have its road from 1 mile west of ^{Hemphill} ~~to~~ intersection with US Hwy. 96 near Pineland, ~~Hemphill~~ a distance of approximately 10.9 miles designated by the Highway Commission as a farm to market road and taken over for construction, reconstruction, or maintenance as is hereinafter provided by the Texas Highway Commission; and

WHEREAS, the County represents to the State that it has passed an order waiving any and all rights such County and or road district has or may have for participation by the State in the payment of any County and or road district bonds, warrants or other evidences of indebtedness incurred by the County and or road district in the construction, reconstruction, or maintenance of such County road and further that such order has been entered in the official minutes of the said court and that the same is embodied herein in full and made a part of this agreement for all purposes; and

WHEREAS, the Texas Highway Commission is agreeable and willing to designate such road as a farm-to-market road and to construct, reconstruct, and to maintain the same as conditions and finances may permit or require at the sole cost and expense of the State conditioned upon the full compliance by the County with the provisions and requirements of Senate Bill No. 348 hereinabove referred to and such other and further conditions as may be hereinafter more fully set out.

For and in consideration of the covenants, agreements, and waivers herein contained to be contained to be mutually kept and performed it is understood and agreed by and between the parties hereto:

RESPONSIBILITY OF THE COUNTY:

1. That the County has passed and entered of record in its official minutes in Volume No. _____, Pages _____, the following order: Special Meeting, 3-29-1947,

The Commissioners' Court of Sabine County, Texas, met in Special Session, March 29, A. D. 1947, at the Courthouse of Sabine County in the City of Hemphill, Texas, at 10 o'clock A. M., with the following members present, to-wit:

Chas. Forse, County Judge
G. B. Conn, Commissioner of Precinct No. One
E. C. Smith, Commissioner of Precinct No. Two
J. R. Thomas, Commissioner of Precinct No. Three
H. J. Vickers, Commissioner of Precinct No. Four
_____, County Clerk; and Ex-officio
Clerk of County Commissioners' Court.

When and where the following proceedings were had, to-wit:

Upon motion made by Commissioner G. B. Conn, duly seconded by Commissioner E. C. Smith, the following action was taken:

BE IT ORDERED by the Commissioners' Court of Sabine County that Charles Forse, County Judge of Sabine County be and he is hereby authorized to enter into and execute for and on behalf of Sabine County an agreement with the State of Texas wherein Sabine County will agree to waive and relinquish any and all rights Sabine County and or road district has or may have for participation by the State in the payment of any County and or road district bonds, warrants, or other evidences of indebtedness incurred by Sabine County and or road district in the construction, reconstruction, or maintenance of the county road from 1 mile west of Hemphill to intersection with US Hwy. 96 near Pineland, a dist. of approx. 10.9 miles upon condition the Highway Commission of Texas will designate such road as a farm to market road as contemplated by S. B. No. 348, Acts of the Forty-Eighth Legislature, 1943, and construct, reconstruct, and or maintain the same at the sole cost and expense of the State as a part of the designated highway system of Texas; that the designation of the road by the Highway Commission shall never form the basis of a claim for participation by the State in the payment of any County and or road district bonds, warrants, or other evidences of indebtedness against said road; to agree to remove or abate any and all encroachments or encumbrances on said road or right of way at the sole expense of the County before its designation by the Highway Commission, and to further agree to obtain at its expense any new or additional right of way on location approved by the State Highway Engineer at any time the same should be considered necessary or desirable to the proper maintenance, construction, or reconstruction of said road as a part of the State system; to agree to indemnify and save harmless the State from all claims, demands, actions or causes of actions arising from or growing out of or damage to property resulting in any manner from the construction or maintenance of such road either prior to or after the designation of such road as a highway, which have accrued or may accrue prior to the time such highway is reconstructed by the State, in consideration of which agreements, waivers, and covenants on the part of the County, the State shall agree to designate the county road from 1 mile west of Hemphill to intersection with US Hwy. 96 near Pineland, a distance of approx. 10.9 miles as a farm to market road and to construct, reconstruct, and or maintain the same at the sole cost and expense of the State as a part of the system of designated highways of Texas as contemplated and set forth in Chapter 1, Title 116, and Chapter 186, General Laws of the Regular Session of the Thirty-Ninth Legislature and amendments thereto.

Upon vote being taken, the foregoing order was passed, the members present voting as follows:

G. B. Conn, Aye
E. C. Smith, Aye
J. R. Thomas, Aye
H. J. Vickers, Aye

THE STATE OF TEXAS #

COUNTY OF SABINE # I, Clerk of the County Court in and for the County of Sabine, State of Texas do hereby certify that the above and foregoing is a true and correct copy of the order of the

Commissioners' Court of Sabine County as the same appears on record in the office of the County, Clerk, Sabine County, Texas, in Volume _____ of the minutes of the Commissioners' Court of Sabine County, Texas.

Given under my hand and seal of office this ____ day of _____, A. D. 194__.

(Seal)

County Clerk, Sabine County, Texas

2. That the County agrees to and does hereby waive and relinquish any and all claims it has or may have for participation by the State in the payment of any and all County and or road district bonds, warrants, or other evidences of indebtedness outstanding against such road for the construction or improvements of the road before being designated as a farm to market road by the State Highway Commission and further, that the designation of the road by the Highway Commission shall never form the basis of a claim for participation by the State in the payment of any County or road district bonds, warrants, or other evidences of indebtedness against said road.

3. That the County agrees to remove or abate any and all encroachments or encumbrances on said road and the right of way thereof at its sole expense and before designation by the Highway Commission, and the County further agrees to obtain any new or additional right of way upon request of the State on location to be approved by the State Highway Engineer should same be considered necessary or desirable to the proper maintenance, construction, or reconstruction of said road as a part of the State system.

4. That the County agrees to indemnify and save harmless the State from any and all claims, demands, actions, or causes of actions arising from any defects in the title of right of way and from or growing out of or damage to property resulting in any manner from the construction or maintenance of such road either prior to or after the designation of such road as a highway, which have accrued or may accrue prior to the time highway is reconstructed by the State.

RESPONSIBILITY OF THE STATE:

1. In consideration of which agreements, waivers, and covenants to be faithfully kept and performed by the County, the State agrees to designate the county road from 1 mile west of Hemphill to intersection with US Hwy. 96 near Fineland a distance of approx. 10.9 miles as a farm to market road and to construct, reconstruct, and or maintain the same at the sole cost and expense of the State as a part of the system of designated highways of Texas as contemplated and set forth in Chapter 1, Title 116, and Chapter 186, General Laws of the Regular Session of the Thirty Ninth Legislature and amendments thereto.

Maintenance on the existing road will not be assumed until such time as sufficient improvement has been made to justify adequate maintenance.

ATTEST: *Floyd Smith*
Floyd Smith, County Clerk, Sabine County, Texas.

County of Sabine
By: Chas. Forse, County Judge, Sabine County, Texas.

APPROVED:

THE STATE OF TEXAS

Chairman, State Highway Commission

BY _____
State Highway Engineer

Member, State Highway Commission

APPROVAL RECOMMENDED:

Member, State Highway Commission

District Engineer

APPROVED AS TO FORM:

Assistant Attorney General