
THE STATE OF TEXAS

COUNTY OF SABINE

On this the 27th day of March, 1967, the Commissioners Court met in regular session with the following members present, to-wit:

O. A. Beauchamp	County Judge
H. W. Wright	Commissioner, Precinct No. 1
T. A. Seales	Commissioner, Precinct No. 2
Paul Lout	Commissioner, Precinct No. 3
H. E. Wilburn	Commissioner, Precinct No. 4
W. W. Cavender	Clerk of the Court

First State Bank, Hemphill, Texas, has submitted the County Depository Pledge Contract in accordance with their bid filed during the February term of Court in the amount of \$50,000.00. The Commissioners Court approved the pledge Contract on March 13th, 1967, in open Court. The Contract was then forwarded to State Comptroller of Public Accounts and he approved it on March 20, 1967.

Therefore it is the Order of this Commissioners Court that First State Bank, Hemphill, Texas, be and hereby is designated as the County Depository for this biennium.

The County Clerk if further directed to return to the First State Bank their

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Cahiers Checks filed with their bids as required by law.

The Court directed the County Judge to approve the surety bonds of Mrs. Corene Todd for Deputy County and Deputy District Clerk, Sabine County, Texas.

Upon a motion by Commissioner Paul Lout and seconded by Commissioner Horace Wilburn and with all members voting "AYE", the Court directed that Tax Assessors be paid their wages for assessing 1967 taxes.

Upon a motion by Commissioner Paul Lout and seconded by Commissioner Henry Wright and with all members voting "AYE", the following documents were adopted by the Court:

THE STATE OF TEXAS :
: BEFORE THE COMMISSIONERS' COURT OF
COUNTY OF SABINE : SABINE COUNTY, TEXAS
:

PETITION FOR ALTERATION AND DISCONTINUANCE OF
CERTAIN ROADS IN SABINE COUNTY, TEXAS

TO THE HONORABLE JUDGE AND COMMISSIONERS OF THE COMMISSIONERS' COURT OF SABINE COUNTY, TEXAS:

Now comes SABINE RIVER AUTHORITY OF TEXAS, a governmental agency of the State of Texas, created, governed and operated in accordance with the provisions of Article 8280-133, of the Revised Civil Statutes of Texas, as amended, and presents this, its Petition for the discontinuance, alteration and change of certain roads in Sabine County, Texas, under the jurisdiction of the Commissioners' Court and for particulars and cause would respectfully show as follows, to-wit:

I.

That the Toledo Bend Dam and Reservoir Project, authorized under the provisions of Permit No. 1994 granted by the Texas Water Rights Commission and License No. 2305 issued by the Federal Power Commission, is being constructed by the Sabine River Authority of Texas in conjunction with the SABINE RIVER AUTHORITY, STATE OF LOUISIANA, which Project, as authorized, will, upon completion, create a reservoir which will inundate certain of the public roads hereinafter delineated in Sabine County, Texas.

II.

Article 7585 of the Revised Civil Statutes of Texas, as amended, provides that it shall be the duty of the Commissioners' Court when public roads are to be submerged by the creation of a dam and reservoir to change such roads and to remove such bridges as may exist, that the same may not interfere with the construction of the proposed dam and reservoir project.

III.

The Toledo Bend Dam and Reservoir Project will, by reason of its design, inundate all land above the dam site and West of the river which lies below the 175 foot contour elevation above mean sea level. The known Sabine County roads under the Commissioners' Court jurisdiction affected by the inundation which will occur as a result of the construction of said Project are shown in red on the attached plat and by reference are made a part hereof for all purposes.

IV.

Reasonable and convenient access to all lands previously served by the portions of said roads described in Paragraph III hereof can be accomplished by the construction of the following described roads and bridges; Being those certain roads shown in green on the attached plat and further identified and cross referenced on the several segment maps presented contemporaneously with this petition and made a part

of the official record in this proceeding, said roads and bridges related thereto being further described and identified as follows:

C-7A- Said bridge and embankment being approximately 1600 feet in length along the existing road which crosses Fatroon Bayou; this existing road connecting with State Hwy 87 just North of Reeves Creek located in the Richard Slaughter Survey, A-53, running North from the shoreline of the Hamilton Tract No. 2710 to the shoreline of the J. P. Harvey Tract No. 2723.

C-8A- Said road being approximately 1.1 mile in length in the James Mason Survey, A-160, which will run East off of existing County Road that runs South off of F. M. 276, approximately 1 mile East of Tula across R. F. Teal Tract No. 2553, Nona Mills Co. LTD. Tract No. 2553, Joe P. Smith Tract No. 2552 and intersecting the existing County road on the Mable Harris Stout Tract No. 2546.

C-18- Said road being approximately 1.25 miles in length intersecting with existing road running North from the end of F. M. 83 in the John S. Lacy Survey, A-28, and intersecting with existing road about 1 mile South from the end of F. M. 242 where said road turns East going to Sabintown.

C-18A- Said road being approximately 1 mile in length which will run East from existing Sabinetown and Gomer Church road along the North boundary of Sabine National Forest Tract No. 1901, across Temple Lbr. Co. Tract No. 1733 to Lee Felts Tract No. 1935.

C-19- Said road being approximately 2.75 miles in length from existing U.S.F.C. County road that intersects Sabine National Forest No. 115 road connecting the end of F.M. 83 South to F. M. 944 East, said road will run across T.N.O.R.R. No. 5 A-205, Sabine National Forest Tract No. 1753 across J. T. Warren Survey, A-457, then north across east side of Nona Mills Tract No. 1711 across J. H. Minton, et al, Tract No. 1756, and then east across Howard Low Tract No. 1724 intersecting existing road at a point South of Low's Branch.

C-19A- Said road being approximately 1.25 miles in length intersecting newly constructed road C-19 in the J. T. Warren Survey, A-457, which will run east across Sabine National Forest (S 2j-III) Tract No. 1700, across Mrs. Anne G. Butler, et al, Tract No. 1752 and across the Temple Lbr. Co. Tract No. 1701 and the Jesse Low Survey, A-148, to the existing Low' Cemetery.

C-20B- A bridge and embankment approximately 400 ft. in length along existing County road extending across a branch which runs South into Six Mile Creek, and is the dividing line for the Robert C. McDaniel Tract No. 1109 and the Norman B. McDaniel Tract No. 1110.

C-20C- A bridge and embankment approximately 600 ft. in length along existing County road extending across a branch which runs South into Six Mile Creek, and is situated in D. N. Beasley Tract No. 1111.

C-20D- A bridge and embankment along existing County road which runs Northeast from State Hwy. 87 across Sandy Branch in A. J. Rice Tract No. 1136 and along existing road between Novie Rice et al Tract No. 1131 and Denton Moody Tract No. 1132, crossing Sibley Creek with a bridge and embankment to existing road following the property line between H. J. Low Tract No. 1129 and D. N. Beasley Tract No. 1111 to existing County road.

C-12B- A road approximately 2 miles in length, intersecting existing County road 1/8 mile North of Oak Hill Church and Cemetery which will run East for approximately 1/2 mile then run South for approximately 1.5 mile in the J. A. Watson Survey, A-477, across the C. C. McDaniel Tract No. 958 to a point on the existing County road.

C-16- A road approximately 5.1 miles in length intersecting existing County road

approximately 1/2 mile East of Fairmount and State Hwy 87 which will run in an easterly direction across Mrs. Babette Moore Odom Tract No. 700 in the William Clark Survey, A-9, and continue East across the Mrs. Babette Moore Odom Tract No. 237 in the Aurelia Russell Survey, A-51, across the Latcher and Moore Lbr. Co. Tract No. 130 in the Aurelia Russell Survey, A-51, passing north of the Mt. Sinai Cemetery and along existing County road across S.N.F. Tract No. 319, across Temple Lbr. Co. Tract No. 135 and intersecting the present Hemphill and Addens Ferry at the T. S. McDaniel place. C-16A- Said road being approximately 1.63 miles in length which will run North from existing County road at Mt. Sinai Cemetery across Latcher and Moore Lbr. Co. Tract No. 130 in the Aurelia Russell Survey, A-51, across Dry Creek across the Temple Industries Tract No. 530 in the Anson Canfield Survey, A-3, to a point about 1/2 mile North of Mt. Sinai Cemetery, then turning in an easterly direction to approximately the northwest portion of the Sabine National Forest Tract No. 558 south of Low's Creek and North of Dry Creek.

V.

Petitioner, SABINE RIVER AUTHORITY OF TEXAS, offers its full cooperation in accomplishing the relocation of the roads outlined above to the extent required under the provisions of Article 7585, Revised Civil Statutes of Texas, and any other laws of the State relating to relocation responsibility in connection with the construction of a dam and reservoir project.

VI.

Petitioner, SABINE RIVER AUTHORITY OF TEXAS, would respectfully show that upon the discontinuance of said roads as hereinabove described and prior to permanent inundation by the waters impounded in the Toledo Bend Dam, there will occur a period of time during which it will be hazardous for the public to traverse the said segments of said roads which will be periodically and from time to time inundated. Further, it is likely that the bridges will in like manner be adversely affected. SABINE RIVER AUTHORITY OF TEXAS would show that it will have no legal responsibility for such abandoned road ways and that the Public's interest would best be served by the Commissioners' Court physically closing such road ways or if such cannot be practically accomplished, then appropriate signs warning the public of the potential hazards should be erected and in this connection the SABINE RIVER AUTHORITY OF TEXAS offers to the Commissioners' Court reasonable financial assistance for the erection of such signs.

WHEREFORE, premises considered, SABINE RIVER AUTHORITY OF TEXAS respectfully requests that the Commissioners' Court cause to be had a hearing to fully investigate the proposed alterations and discontinuance and the other matters hereinabove set forth and that thereafter the commissioners issue appropriate orders effecting the following:

(1) The discontinuance and abandonment of the road ways described in Paragraph III hereof and any and all other public thoroughfares, rights of way or roads affected by the Toledo Bend Dam and Reservoir Project constructed or maintained by the Commissioners' Court or becoming public ways by use thereof.

(2) The court find that the roads to be abandoned in (1) above are necessary for the Toledo Bend Dam and Reservoir Project and that reasonable access can be accomplished and restored by construction of the roads and bridges in accordance with the rerouting described in Paragraph IV hereof.

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(3) That the Court enter into a contract and agreement with the SABINE RIVER AUTHORITY OF TEXAS defining the responsibility of the SABINE RIVER AUTHORITY OF TEXAS and the Commissioners' Court in the matter of the proposed relocation of said roads.

(4) That the Court issue such other orders and relief which Petitioner may show itself justly entitled to and as may be found to be necessary, including the authorization for execution of contracts and other legal instruments necessary to accomplish the foregoing.

Respectfully submitted,
SABINE RIVER AUTHORITY OF TEXAS
By /s/ Sam F. Collins

APPROVED AS TO FORM:
SIMMONS, SANDERS AND GRAVES
By /s/ Latcher B. Simmons

THE STATE OF TEXAS :
 :
 : COMMISSIONERS' COURT OF SABINE COUNTY, TEXAS
COUNTY OF SABINE :

ORDER FOR ALTERATION AND DISCONTINUANCE OF CERTAIN
ROADS IN SABINE COUNTY, TEXAS

This the 27th day of March, 1967, came to be heard by the Commissioners' Court of Sabine County, Texas, a petition for alteration and discontinuance of certain roads in Sabine County, Texas, presented to said Court on the 20th day of March, 1967, by the SABINE RIVER AUTHORITY OF TEXAS, the same having been filed pursuant to and in accordance with the provisions of Article 7585, Revised Civil Statutes of Texas, as amended, and the Court having fully considered said petition and all matters relating thereto at public hearing, at which all interested parties in attendance were heard by the Court, both in person and by attorney, and the Court having fully considered the matters and conducted an investigation in respect to the proposed changes and having reached a decision in respect of certain facts relating thereto, and having made the following finding, to-wit:

- (1) That all notice requirements relating to said proceedings have been met in accordance to the provisions of applicable law.
- (2) That the segments of roadway described in Petitioner's application will necessarily be inundated by the Toledo Bend Dam.
- (3) That it is the duty of the Commissioners' Court to discontinue such portions of roadway and to change such roadways and to remove bridges that the same may not interfere with the construction of the proposed dam and reservoir project.
- (4) That the alternate routes described in the petition of the SABINE RIVER AUTHORITY OF TEXAS will provide reasonable restoration of access to the areas formerly served by the roads, portions of which must be discontinued.

The Court having considered all other matters in respect to the foregoing findings, does hereby make the following orders and direct the same to be spread upon the official minutes of the Commissioners' Court of Sabine County, Texas, to-wit:

ORDER NO. 1

That all those segments and areas of roadway lying West of the Sabine River

and below the 175 foot contour line above mean sea level in Sabine County, Texas, affected by the construction of the Toledo Bend Dam and Reservoir Project and under the jurisdiction of the Commissioners' Court of Sabine County, Texas, be and the same are in all things discontinued, abandoned and closed as public roadways. Reference is made to the petition of SABINE RIVER AUTHORITY OF TEXAS and in particular to the plats and maps attached thereto and presented in evidence for further description of the roads and areas thus discontinued and affected by the Toledo Bend Dam and Reservoir Project, to all of which this Order shall have application, the same as if specifically set forth at length herein and delineated by metes and bounds description.

ORDER NO. 2

That new roads and bridges being in relocation of the segments of roadway abandoned in Order No. 1 be laid out along the suggested routes set forth in Paragraph No. IV of Petitioner's Application. Reference is expressly made to the description of said roads and bridges to be constructed as set forth at length in said paragraph in Petitioner's Application and this Order shall have effect with respect thereto the same as if such roads were in like manner described and set forth at length herein.

ORDER NO. 3

That in discharge of its responsibility under the provisions of Article 7585, Revised Civil Statutes of Texas, as amended, the County of Sabine enter into a contract with the Sabine River Authority of Texas, a copy of which is attached hereto and made a part hereof, and that upon compliance of the terms and provisions of such contract the Sabine River Authority of Texas be discharged and relieved of any further liability to Sabine County in respect to the construction, operation and maintenance of the Toledo Bend Dam and Reservoir Project as the same may affect any and all public roads under the jurisdiction of the Commissioners' Court of Sabine County, Texas.

ORDER NO. 4

That the County Judge be authorized to execute quit claim deeds and other instruments to the Sabine River Authority of Texas or such other persons entitled at law to receive the same to the abandoned rights-of-way described in Order No. 1 hereof.

ORDER NO. 5

That warning signs be constructed to advise the Public that any further travel over the sections of road abandoned in accordance with Order No. 1 hereof is hazardous and that travel is at the sole risk of the public and that neither the County of Sabine nor the Sabine River Authority of Texas has or will assume any responsibility for any accident or injury occurring as a result of any further use of said discontinued and abandoned sections of roadway.

Entered this 27th day of March, 1967, by the Judge and Commissioners of the Commissioners' Court of Sabine County, Texas, witness their signatures in execution of these orders.

/s/ H. W. Wright
Commissioner

/s/ T. A. Seales
Commissioner

/s/ O. A. Beauchamp
Judge

/s/ H. E. Wilburn
Commissioner

/s/ Paul Lout

THE STATE OF TEXAS :
 COUNTY OF SABINE : CONTRACT AND AGREEMENT

WHEREAS, SABINE RIVER AUTHORITY OF TEXAS has petitioned and made application to the Commissioners' Court in Sabine County, Texas, for the discontinuance and abandonment of certain County roads in Sabine County, Texas, which will be inundated by the construction and operation of the Toledo Bend Dam and Reservoir Project, such petition and application being made in accordance with the provisions of Article 7585, Revised Civil Statutes of Texas; and,

WHEREAS, after a hearing on the matters the Commissioners' Court has found that said segments of roadway will be inundated by the Toledo Bend Dam and Reservoir Project and that it is the obligation of the Court to cause such changes to be made to the roads and bridges which will be affected as will avoid any interference with the construction and operation of the dam and reservoir project; and,

WHEREAS, SABINE RIVER AUTHORITY OF TEXAS has offered its cooperation in accomplishing reasonable rerouting of the said abandoned roadways and an agreement has been negotiated by and between the Commissioners' Court of Sabine County, Texas, and the Sabine River Authority of Texas regarding their relative responsibility, financial and otherwise, in respect to said abandonment and the expense of making necessary changes occasioned thereby, and it is desirable that such agreement be formally entered and reduced to writing between the respective parties of such obligations and responsibilities.

NOW, THEREFORE, for and in consideration of the mutual covenants, promises and agreements hereinafter set forth and in consideration of the full and final discharge of any legal liability or responsibility of the SABINE RIVER AUTHORITY OF TEXAS to the COUNTY OF SABINE with respect to the inundation of public roadways subject to the jurisdiction of the Commissioners' Court of Sabine County, Texas by the construction of the Toledo Bend Dam and Reservoir Project, SABINE RIVER AUTHORITY OF TEXAS, a governmental agency of the State of Texas, represented herein by and through its duly authorized undersigned officer, and the COUNTY OF SABINE, represented herein by and through its County Judge as authorized by order of its Commissioners' Court, have entered into the following agreement, to-wit:

I.

That the SABINE RIVER AUTHORITY OF TEXAS will cause to be constructed at the earliest practical time roads and bridges over and across the hereinafter described routes of like kind and quality or better to those County roads inundated by the Toledo Bend Dam and Reservoir Project previously serving the areas to be served by the newly constructed roads, which said roads and bridges are particularly described in the petition of Sabine River Authority of Texas and for further reference are described as follows:

C-7A- Said bridge and embankment being approximately 1600 feet in length along the existing road which crosses Patroon Bayou; this existing road connecting with State Hwy 87 just North of Reeves Creek located in the Richard Slaughter Survey, A-53, running North from the shoreline of the Hamilton Tract No. 2710, to the shoreline of the J. P. Harvey Tract no. 2723.

C-8A- said road being approximately 1.1 mile in length in the James Mason Survey A-160 which will run East off of existing County road that runs South off of F. M. 276 approximately 1 mile East of, sla across R. F. Teal Tract No. 2553, Nona Mills Co. LTD.

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Tract No. 2553, Joe P. Smith Tract No. 2552 and intersecting the existing County road on the Mable Harris Stout Tract No. 2546.

C-18- Said road being approximately 1.25 miles in length intersecting with existing road running North from the end of F. M. 83 in the John S. Lacy Survey, A-28, and intersecting with existing road about 1 mile South from the end of F. M. 242 where said road turns East going to Sabinetown.

C-18A- Said road being approximately 1 mile in length which will run East from existing Sabinetown and Gomer Church road along the North boundary of Sabine National Forest Tract No. 1901 across Temple Lbr. Co. Tract No. 1733 to Lee Felts Tract No. 1935.

C-19- Said road being approximately 2.75 miles in length from existing U. S. F. S. County road that intersects Sabine National Forest No. 115 road connecting the end of F. M. 83 South to F. M. 944 East, said road will run across T.N.O.R.R. No. 5, A-205 Sabine National Forest Tract No. 1753 across J. T. Warren Survey, A-457, then north across east side of Nona Mills Tract No. 1711 across J. H. Minton, et al, Tract No. 1756, and then east across Howard Low Tract No. 1724 intersecting existing road at a point south of Low's Branch.

C-19A- Said road being approximately 1.25 miles in length intersecting newly constructed road C-19 in the J. T. Warren Survey, A-457, which will run east across Sabine National Forest (S 2j-III) Tract No. 1700, across Mrs. Anne G. Butler, et al, Tract No. 1752, and across the Temple Lbr. Co. Tract No. 1707 in the Jesse Low Survey, A-148 to the existing Low's Cemetery.

C-20B- A bridge and embankment approximately 400 feet in length along existing County road extending across a branch which runs South into Six Mile Creek, and is the dividing line for the Robert C. McDaniel Tract No. 1109 and the Norman B. McDaniel Tract No. 1110.

C-20C- A bridge and embankment approximately 600 feet in length along existing County road extending across a branch which runs South into Six Mile Creek, and is situated in D. N. Beasley Tract No. 1111.

C-20D- A bridge and embankment along existing County Road which runs Northeast from State Hwy 87 across Sandy Branch in A. J. Rice Tract No. 1136 and along existing road between Novie Rice, et al Tract No. 1131 and Denton Moody Tract No. 1132, crossing Sibley Creek with a bridge and embankment to the existing road following the property line between H. J. Low Tract No. 1129 and D. N. Beasley Tract No. 1111. to existing County road.

C-12B- A road approximately 2 miles in length, intersecting existing County road 1/8 mile north of Oak Hill Church and Cemetery which will run east for approximately 1/2 mile then run South for approximately 1.5 mile in the J. A. Watson Survey, A-477 across the C. G. McDaniel Tract No. 958 to a point on the existing County road.

C-16- A road approximately 5.1 miles in length intersecting existing County road approximately 1/2 mile east of Fairmount and State Hwy 87 which will run in an easterly direction across Mrs. Babette Moore Odom Tract No. 700 in the William Clark Survey, A-9 and continue east across the Mrs. Babette Moore Odom Tract No. 237 in the Aurelia Russell Survey, A-51, across the Lucher and Moore Lbr. Co. Tract No. 130 in the Aurelia Russell Survey A-51, passing north of the Mr. Sinai Cemetery and along existing County road across S.N.F. Tract No. 319, across Temple Lbr. Co. Tract No. 315 and intersecting the present Hemphill and Maddens Ferry at the T. S. McDaniel place.

C-16A- Said road being approximately 1.63 miles in length which will run north from existing County road at Mt. Sinai Cemetery across Litcher and Moore Lbr. Co. Tract No. 130 in the Aurelia Russell Survey, A-51, across Dry Creek across the Temple Industries Tract No. 530 in the Anson Canfield Survey, A-3, to a point about 1/2 mile north of Mt. Sinai Cemetery, then turning in an easterly direction to approximately the north-west portion of the Sabine National Forest Tract No. 558 south of Low's Creek and North of Dry Creek.

II.

SABINE RIVER AUTHORITY OF TEXAS will reimburse the County of Sabine for the actual and reasonable cost of acquiring a 50 foot right-of-way along the routes described in Article I hereof to the extent that the same may be necessary for restoration of like kind and quality as required by law.

III.

SABINE RIVER AUTHORITY OF TEXAS shall reimburse the COUNTY OF SABINE for the actual and reasonable costs of construction and erection of appropriate warning signs advising the public that any further travel on the discontinued and abandoned sections of roadway affected by the Toledo Bend Dam and Reservoir Project is hazardous and at the sole risk of the traveler, and that neither the COUNTY OF SABINE nor the SABINE RIVER AUTHORITY OF TEXAS has or will assume any responsibility in any respect of any injury or damage occasioned as a result thereof.

IV.

Upon compliance of SABINE RIVER AUTHORITY OF TEXAS of its obligations hereunder, said Authority shall be released from any liability to the County of Sabine, Texas, in respect to the inundation of public roadways in Sabine County by the construction and operation of the Toledo Bend Dam and Reservoir Project.

IN TESTIMONY WHEREOF, witness the execution hereof this the 6 27th day of March, 1967.

SABINE RIVER AUTHORITY OF TEXAS

By /s/ John W. Simmons

ATTEST:

/s/ Henry L. Black

APPROVED AS TO FORM:

SIMMONS, SANDERS AND GRAVES

/s/ Litcher B. Simmons

COUNTY OF SABINE, TEXAS

By /s/ O. A. Beauchamp

The Court directed the County Clerk to issue a warrant of \$50.00 for hospital expense to Lee Worrell.

A A request was presented to the Court as follows:

March 27, 1967

To The Honorable Commissioners' Court
Sabine County:

Request that Neva Reeves be relieved of her duties as Deputy County and Deputy District Clerk of Sabine County effective this date.

/s/ W. W. Cavender
Sabine County Clerk

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At the request of the County Clerk and on a motion by Commissioner H. W. Wright and seconded by Commissioner T. A. Seales, and with all members voting "AYE", the County Clerk is directed to terminate the services of Mrs. Neva Reeves as Deputy County and Deputy District Clerk of Sabine County effective this date.

The County Clerk is further directed to pay Mrs. Reeves the salary due her to this date together with additional pay for two weeks.

All accounts were allowed and made payable.

There being no further business, the Court adjourned.

O. B. Beachamp
County Judge

H. W. Wright
Commissioner, Precinct No. 1

Paul Lott
Commissioner, Precinct No. 3

T. A. Seales
Commissioner, Precinct No. 2

H. E. Wilburn
Commissioner, Precinct No. 4

J. B. ...
Clerk of the Court.