

October 17, 1994, the Sabine County Commissioners' Court met in a special called meeting. The following members were present:

John L. Hyden	County Judge
Keith Clark	Commissioner Pct. #1
Lynn Smith	Commissioner Pct. #2
Carolyn White	Commissioner Pct. #3 Arrived 9:30 A.M.
Chester D. Cox, Sr.	Commissioner Pct. #4
Janice McDaniel	County Clerk

Judge Hyden called the meeting to order at 8:32 A.M. Commissioner White not present at this time.

Tracy Lane led the Court in prayer.

Agenda item #4- Consider and Authorize RFP-911 Addressing

Judge Hyden made the motion that the County solicit request for proposals regarding the 911 addressing implimentation project. Commissioner Cox seconded. All voted for. Motion carried. Proposals are to be in by 3:00 P.M., November 14, 1994

Agenda item #5-General Business - Courthouse

No action taken.

Court recessed at 8:45 A.M.

Court reconvened at 9:37 A.M.

Commissioner White is now present.

Agenda item #2-Hearing- Regarding: Battle Field Road

Willard Burl Ivy and Barbara Francis Ivy are petitioning the Court to consider the "Battle Field Road" as a public road. The order setting hearing was filed in the County Clerk's office on October 5, 1994 and all parties concerned have been notified.

Mr. Jim Turner is representing Louisiana Pacific, owner of the property on which the road in question is located. Mr. Burl Ivy is representing himself.

Judge Hyden swore in individuals that will be giving testimony.

Mr. Ivy and Mr. Turner gave opening statements. Testimony was given by Thomas Hamilton, King Davidson, and Robert Hamilton.

Court recessed at 10:45 A.M.

Court reconvened at 10:53 A.M.

Mr. Ivy gave his closing statement.

Testimony was then given by Bill Talcot for Louisiana Pacific. Louisiana Pacific is contending that the road is an old logging road not a public road. Mr. Turner gave his closing statement.

Judge Hyden stated the Court would take it under advisement and will advise the parties of their decision.

Agenda item #3-Receive and Consider Bids Pct. #2 used Equipment

Three bids were received.

George P. Bane Inc. in the amount of \$18,000.00.

Lee Construction & Equipment in the amount of \$17,475.00.

Longhorn Equipment Company in the amount of \$16,377.00.

Bids are in relation to a Fiat Allis Motor Grader, serial #61A00350AS.

Commissioner Smith made the motion to accept the bid from George P. Bane for \$18,000.00. Commissioner Clark seconded. All voted for. Motion carried. See attached exhibit.

Agenda item #1-Receive and Consider Bids Maintainer Pct. #2

One bid was received. A bid of \$90,500.00 was received from George P. Bane for a FG85A-B Motor Grader. Commissioner Smith made the motion to accept the bid from George p. Bane for \$90,500.00. Commissioner Clark seconded. Judge Hyden, Commissioner Cox, Commissioner Smith and Commissioner Clark voted for. Commissioner White abstained from voting. Motion carried. See attached exhibit.

Commissioner Smith made the motion to finance the motor graged by taking \$2500.00 from

current funds and adding this to the \$18,000.00 that is being paid for the used grader and for \$70,000.00 to come from the leasing company. This is to be done in the form of a lease for a period of 3 years. Commissioner Clark seconded. All voted for. Motion carried. Judge Hyden made a motion that the County enter into a Resolution with Capitol City Leasing on purchase of a Fiat Allis FG85A-B. Commissioner Smith seconded. All voted for. Motion carried. See attached exhibit.

Agenda item #6- Appointment of Directors of Child Protective Service  
Action on this item is delayed until the Oct. 24th meeting.

Commissioner Clark made the motion to adjourn the special called meeting.  
Commissioner Smith seconded. Meeting adjourned.

Judge Hyden called the emergency meeting into session at 11:38 A.M. All members of the Court are present.

Agenda item #1-Discussion of Gravel Operation and Appropriate Action  
There was discussion only, no action was taken.

Commissioner Clark made the motion to adjourn. Commissioner Smith seconded. Meeting adjourned.

*John D. Hyden*  
COUNTY JUDGE

*Richard C. Clark*  
COMMISSIONER PCT. #1

*Henry Smith*  
COMMISSIONER PCT. #2

*Caroleen White*  
COMMISSIONER PCT. #3

*Chester D. Casper*  
COMMISSIONER PCT. #4

*Janice McDaniel*  
COUNTY CLERK

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Public Notice

A special term of the Sabine County Commissioners Court has been called by John L. Hyden, County Judge, to hear the petition of Williard Burl Ivy and Barbara Francis Ivy regarding the "Battles Field Road" and to declare it a public or county road located in Sabine County and order the opening of said road.

An order setting the hearing for 9:30 a.m. the 17th day of October, 1994 has been signed by the Judge and filed with the Clerk of the Court.

*Janice McDaniel*

Janice McDaniel  
County Clerk

OCT 05 1994

*Jessica M. Daniel*  
Clerk, County Court, Sabine County  
BY \_\_\_\_\_ DEPUTY

In the Commissioners Court  
of Sabine County, Texas

IN RE: \*  
BATTLES FIELD ROAD \*

ORDER SETTING HEARING

ON THIS DATE came on for consideration the petition filed in this Court by Willard Burl Ivy and Barbara Francis Ivy, requesting that the Court, pursuant to County Road and Bridge Act, TEX. REV. CIV. STAT. Art. 6702-1, and following notice and hearing, order the opening of the Battles Field Road, alleged to be a public road located in Sabine County, Texas, and more particularly crossing the original John S. Lane Survey, and further declaring it a public or county road, and having considered same;

IT IS, THEREFORE, ORDERED that said petition be, and the same is hereby set for hearing at a special term of this Court to be held on the 17th day of October, 1994, beginning at 9:30 o'clock a.m., before this Court in the Sabine County Courthouse in Hemphill, Texas.

IT IS FURTHER ORDERED that notice of said hearing and special term of Court shall be posted by the Sabine County Clerk in accordance with the requirements of law, and that all parties in interest in this matter shall be served with a true copy of this Order.

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IT IS FURTHER ORDERED that each side shall be limited to a maximum of six live witnesses at said hearing, and that the total time for direct questions or testimony of each side's witnesses shall not exceed 90 minutes, which may be divided up among the witnesses actually called by each side as desired.

SIGNED, RENDERED and ORDERED ENTERED this 5th day of October, 1994.



County Judge, Sabine County, Texas

P.O. Box 655  
Hemphill, Texas 75948  
October 3, 1994

Honorable Judge Larry Hyden  
and Commissioner Court  
Sabine County Court House  
Hemphill, Texas 75948

Dear Sirs,

As of the above date, Willard Burl Ivy and Barbara Francis Ivy, owners of 11.96 acres of land from the original John S. Lane Survey, do hereby petition the County of Sabine Commissioners to set a hearing for the purpose of obtaining testimony from the adjoining and adjacent landowners for considering the Battlesfield Road as a public road.

Respectfully yours,

Willard Burl Ivy  
Willard Burl Ivy

Barbara F. Ivy  
Barbara Francis Ivy

cc: file

FILED FOR RECORD  
AT 2:50 O'CLOCK P. M.

OCT 05 1994  
Janice M. Davis  
Clerk, County Court, Sabine County  
BY Laurel Clark DEPUTY

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REC'D  
10/17/94



GEO. P. BANE, INC. / 3402 N NE LOOP 323 / TYLER, TEXAS 75708 / 903/597-6641 / MAILING ADDRESS:  
GEORGE P. BANE, INC.  
P.O. BOX 4665  
TYLER, TEXAS 75712-4665

October 14, 1994

Sabine County #2  
Courthouse  
Hemphill, Texas 75948

Gentlemen:

Thank you for allowing George P. Bane, Inc., to offer our Bid to supply Pct. #2 with a Motorgrader. Our Bid is as follows:

One Fiat-Allis FG85A-B Motorgrader  
S/N 71S00458 equipped with Cummins  
6CT 8.3 Diesel 162 HP., enclosed  
ROPS cab with Air Conditioning, 14ft  
Moldboard, 14:00 X 24 ply tires and  
all standard equipment.

Bid Price \$90,500.00

We appreciate this opportunity to be of service and we hope we are favored with your order.

Sincerely,  
George P. Bane, Inc.

George P. Bane, III  
Sales Manager

GPBIII/rh

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CONSTRUCTION EQUIPMENT  
SALES • SERVICE • PARTS RENTALS



GEO. P. BANE, INC. / 3402 N NE LOOP 323 / TYLER, TEXAS 75708 / 903/597-6641 /

MAILING ADDRESS:  
GEORGE P. BANE, INC.  
P.O. BOX 4665  
TYLER, TEXAS 75712-4665

*10/17/94*

*Accepted*

October 14, 1994

Sabine County #2  
Courthouse  
Hemphill, Texas 75948

Gentlemen:

Thank you for allowing George P. Bane, Inc., to offer our Bid to buy your used Motorgrader. Our Bid is as follows:

One used Fiat-Allis FG75R S/N  
61A00350 Motorgrader

Bid Price \$18,000.00

We appreciate this opportunity to be of service and we hope we are favored with your order.

Sincerely,  
George P. Bane, Inc.

George P. Bane, III  
Sales Manager

GPBIII/rh

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CONSTRUCTION EQUIPMENT  
SALES • SERVICE • PARTS • RENTALS





LONGHORN EQUIPMENT CO.  
SALES LEASE

HEAVY EQUIPMENT  
631 SSE LOOP 323  
TYLER, TX. 75701  
903-592-0505  
1-800-256-7505  
FAX 593-5652

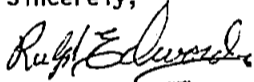
*0008  
10/17/94  
Rejected*

October 14, 1994

Lynn Smith, Commissioner  
Sabine County #2  
Hemphill, TX

Please accept my bid on the FG75 motorgrader, S/N 61A00350AS in  
the amount of \$16,377.00.

Sincerely,



Ralph Edwards

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**LEE Construction & Equipment**  
**LEE-Boy of Texas**

P.O. Box 627 • Hwy. 31  
Murchison, Texas 75778

903-469-3366  
FAX 903-469-3551

*0000148*  
*10/17/94*  
*Rejected*

October 14, 1994

Lynn Smith, Commissioner  
Sabine County #2  
Hemphill, TX

I would like to bid on the Fiat Allis motorgrader, S/N 61A00350AS  
the amount of \$17,475.00.

Sincerely,

*Bill Lee*  
Bill Lee

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CAPITAL CITY LEASING, INC.

EXHIBIT E to  
STATE AND MUNICIPAL LEASE/PURCHASE AGREEMENT

CERTIFICATE OF RESOLUTIONS

I, Janice McDaniel, do hereby certify that I am the duly elected, or appointed and acting Secretary/Clerk of the Sabine County Commissioner Ct, an agency/subdivision duly organized and existing under the laws of the State of Texas (the "Lessee"), and that the following resolutions have been presented to and duly adopted by the Commissioners' Court at a meeting duly and regularly held and convened in accordance with applicable law on the 17th day of October, 1994.

WHEREAS, the Lessee is entering a State and Municipal Lease/Purchase Agreement ("Lease") dated \_\_\_\_\_, 19\_\_\_\_, with Capital City Leasing, Inc.;

WHEREAS, Lessee has carefully reviewed its financing requirements for the current calendar year and reasonably expects that it will not issue more than ten million dollars (\$10,000,000) of tax-exempt obligations during the calendar year;

WHEREAS, the source of funds in the current fiscal year's budget is adequate and sufficient for lease/purchase payments due under the Agreement. We expect and anticipate adequate funds to be available for all future lease/purchase payments after the current fiscal year for the following reasons: dedicated funds from U.S.

Government and State of Texas to Sabine County Road & Bridge

NOW, THEREFORE, be it RESOLVED, that the Lessee be, and hereby is, authorized to enter into the Lease with Capital City Leasing, Inc. for a period of 36 months, and be it further

RESOLVED, that an official of the Lessee be, and hereby is, authorized, empowered and directed to sign on its behalf the Lease and any addenda, schedules, notes, UCC financing statements or other instruments issued under the provision of the Lease and any other instrument or document which may be necessary or expedient in connection with agreement upon or fulfillment of the provisions of the Lease.

RESOLVED, that pursuant to Section 265(b) (3) of the Internal Revenue Code of 1986, as amended, this Lease be and hereby is designated a "qualified tax-exempt obligation" includable within the ten million dollars (\$10,000,000) of the aggregate issues designated as "qualified tax-exempt obligations" for the calendar year within which this Lease is entered into.

RESOLVED, that Lessee shall not designate more than ten million dollars (\$10,000,000) of tax-exempt obligations during the current calendar year as qualified tax-exempt obligations and Lessee, together with its subordinate entities, does not reasonably expect to issue more than ten million dollars (\$10,000,000) of tax-exempt obligations during the current calendar year.

RESOLVED, the equipment as described in Exhibit "A" of such agreement is essential to the function of the undersigned or to the service we provide to our citizens. Further, we have an immediate need for, and expect to make immediate use of, substantially all of the equipment, which need is not temporary or expected to diminish in the foreseeable future. The equipment will be used by us only for the purpose of performing one or more of our governmental or proprietary functions consistent with the permissible scope of our authority. Specifically, the equipment was selected by us to be used as follows: maintenance of

County roads in Sabine County, Tx., Precinct #2

IN WITNESS WHEREOF, I have duly executed this certificate and affixed the seal hereto this 21st day of October, 1994.



Lessee: County of Sabine (Municipal Entity)

By: Janice McDaniel (Signature of Secretary/Clerk)

Janice McDaniel (Printed Name)

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MISSISSIPPI

NOT

SKIPPED



PA 519

THE STATE OF TEXAS  
COUNTY OF SABINE  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE FILED AND  
DULY RECORDED IN THE COMMISSIONERS COURT MINUTES OF SABINE  
COUNTY, TEXAS.



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Janice McDaniel county Clerk  
by Reenie Clark  
DEPUTY

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