

After testimony was given on the October 17th meeting, the Court advised the petitioner and the other people present that the matter would be taken into consideration and would render a decision at a later date. At this time that appropriate action will be taken.

November 9, 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 |
| Chester D. Cox, Sr. | Commissioner Pct. #4 |
| Janiice McDaniel    | County Clerk         |

Judge Hyden called the meeting to order. Also present at the meeting was Butch Ellison, Commissioner elect of Pct. #3, Robert Hamilton, and Mr. and Mrs. Burl Ivy.

Agenda item #4-Consider and Take Record Vote RE: Battlesfield Road as a Public Road There was an original petition filed by Willard Burl Ivy and Barbara Francis Ivy.

An order setting a hearing date of October 17, 1994 at 9:30 A.M. was set by the Court.

A list of the individuals giving testimony can be found in the minutes of the Court for October 17, 1994.

Proper notice was given to all land owners and adjacent land owners.

After testimony was given on the October 17th meeting, the Court advised the petitioner and the other people present that the matter would be taken into consideration and would render a decision at a later date. At this time that appropriate action will be taken.

Judge Hyden informed the Court of two letters he has received. One is from Mr. Ed Hamilton and one is from John Sutton. Both are adjacent land owners. Both letters are to be made a part of the minutes. Also a copy of the petition, a copy of the order, a copy of the public notice and 2 copies of aerial photos. See attached exhibits.

Commissioner Clark made a motion for this road, known as the Battlesfield road, be a public road up to the back side of the old Battles place. Commissioner White seconded.

Judge Hyden amended the motion as follows: road which proceeds from Hwy. 3121 near the Dick Hogen place and commonly known as the Battlesfield road be affirmed to be a public road and extending in a westerly, then northerly, then westerly direction to the point that it joins the same road currently maintained by the County which proceeds or continues in a southwesterly direction to Hwy. 87 with the exact distance of same to be determined by the appropriate Commissioner and entered as a matter of record at the next regular Court meeting or as soon thereafter as practicable. Commissioner Cox seconded the motion <sup>to be</sup> amended. ~~All~~ voted for. ~~Motion carried.~~ <sup>All</sup> voted for the amendment as amended.

Judge Hyden made the motion to amend the amendment by adding the words: this road be considered as a class C road. Commissioner Clark seconded the amendment to the amendment. ~~All~~ voted for. ~~Motion carried.~~ <sup>All</sup> voted for the amendment as amended. ~~Motion carried.~~ <sup>All</sup> voted for the motion as amended. ~~Motion carried.~~ <sup>All</sup> voted for. Decision of the Court is unanimous. It is therefore ordered by this Court, that the Battlesfield road is a public road and has been classified as a class "C" road within this County.

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

*John L. Hyden*  
COUNTY JUDGE

*Keith C. Clark*  
COMMISSIONER PCT. #1

*Lynn Smith*  
COMMISSIONER PCT. #2

COMMISSIONER PCT. #3

*Chester D. Cox, Sr.*  
COMMISSIONER PCT. #4

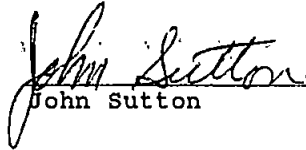
*Janiice McDaniel*  
COUNTY CLERK

October 27, 1994

To: The Commissioners Court  
of Sabine County

I John Sutton being the owner of a tract of property otherwise known as the "John Battles Place" join in the Petition filed by Mr. B. Ivy to declare the Battles Field Road a public road and offer no objection to the part of said road which crosses my property to also be declared a "Public Road" by the Commissioners Court.

If approved by the Court I understand and agree the "Public Road" would then proceed from S.H. 3121, (near Dick Hogan place), then west, north then west to the point it joins the same road currently maintained by the County which proceeds or continues in a southwesterly direction to Hwy. #87, for a total distance of approximately 3 1/2 to 4 miles.

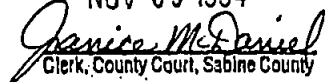
  
John Sutton

FILED FOR RECORD

AT 2:30 O'CLOCK P. M.

Date: 11-2-1994

NOV 09 1994

  
Clerk, County Court, Sabine County  
BY \_\_\_\_\_ DEPUTY

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October 27, 1994

To: The Commissioners Court  
of Sabine County

I, Ed Hamilton, being the owner of a tract of property otherwise known as the "John Battles Place" join in the Petition filed by Mr. B. Ivy to declare the Battles Field Road a public road and offer no objection to the part of said road which crosses my property to also be declared a "Public Road" by the Commissioner's Court.

If approved by the Court, I understand and agree the "Public Road" would then proceed from S.H. 3121, (near Dick Hogan place), then west, north then west to the point it joins the same road currently maintained by the County which proceeds or continues in a southwesterly direction to Hwy #87, for a total distance of approximately 3-1/2 to 4 miles.

**FILED FOR RECORD**  
AT 2:30 O'CLOCK P. M.

NOV 09 1994

*Janice McDaniel*  
Clerk, County Court, Sabine County  
BY \_\_\_\_\_ DEPUTY

*Ed Hamilton*  
Ed Hamilton

Date: Nov. 1, 1994

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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 2:30 O'CLOCK P. M.

NOV 09 1994

*Janice McDaniel*  
Clerk, County Court, Sabine County  
BY \_\_\_\_\_ DEPUTY

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

OCT 05 1994

*Janice McDaniel*  
Clerk, County Court, Sabine County  
BY *Lawrence Clark* DEPUTY

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FILED FOR RECORD  
AT 2:30 O'CLOCK P. M.

NOV 09 1994

*Janice McDaniel*  
Clerk, County Court, Sabine County  
BY \_\_\_\_\_ DEPUTY

FILED FOR RECORD  
AT 3:50 O'CLOCK P. M.

OCT 05 1994

*Janice McDaniel*  
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

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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 Willard 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  
County Clerk

FILED FOR RECORD  
AT 2:30 O'CLOCK P. M.

NOV 09 1994

*Janice McDaniel*  
Clerk, County Court, Sabine County  
BY \_\_\_\_\_ DEPUTY

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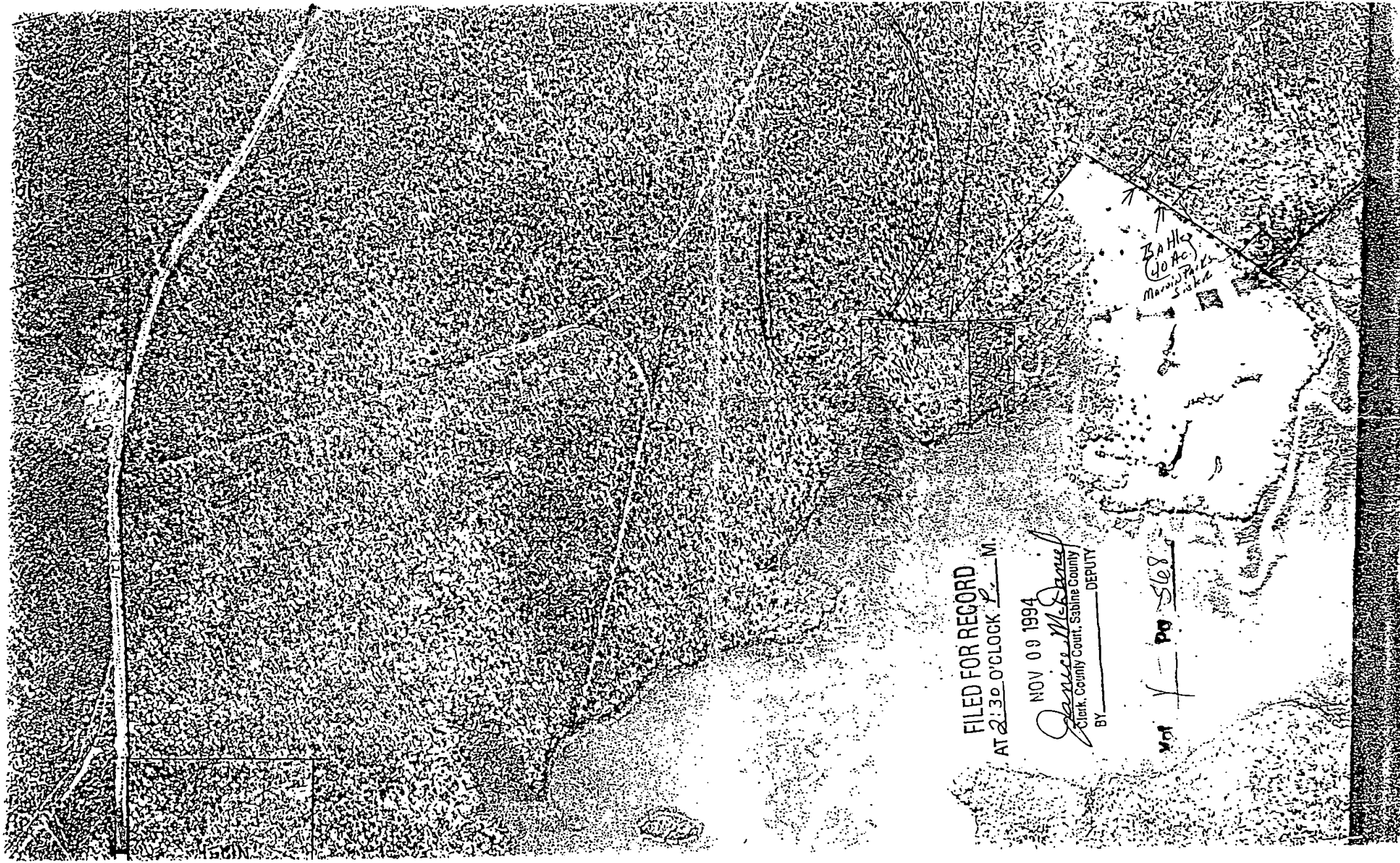
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AT 2:30 O'CLOCK P. M.

NOV 09 1994

*Janice McDaniel*  
Clerk, County Court, Sabine County  
BY \_\_\_\_\_ DEPUTY

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FILED FOR RECORD  
AT 2:30 O'CLOCK P. M.

NOV 09 1994

*Jenice McDaniel*  
Clerk, County Court, Sabine County

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

Vol 1 - 10568

3410  
(10 AC)  
Manning Park  
S. 10th

1542

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 Louise Clark  
DEPUTY

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