

Monday, April 28, 1997, the Sabine County Commissioners' Court met in a special called meeting. The following members were present:

Jack Leath	County Judge
Keith Clark	Commissioner Pct. #1
Doyle Dickerson	Commissioner Pct. #3
Will Smith, Sr.	Commissioner Pct. #4
Janice McDaniel	County Clerk

Commissioner Lynn Smith, precinct #2 was not present.

Judge Leath called the meeting to order at 1:00 p.m. and Tracy Lane led the Court in prayer.

Agenda item #1-Public Hearing - Duck Road

Judge Leath said that this meeting is a public hearing to determine whether we wish to close the road commonly known as "Duck Road." He said that some public participation forms have been completed and that the Court will allow anyone present to speak if they want to.

B. F. (Barney) Hardin is for closing the road. Mr. Hardin said that they had come before the Court before and Mr. York was given the right to put a gate up and close the road. The only property owners on or next to the road is Mr. York and the Forest Service. Mr. York's property crosses a small section of the road. He said that people can walk around the gate and get to the lake. It has washed out under the road and is dangerous. Mr. Hardin said that the road has not been graded past his place upon request by him. He ask Commissioner Clark if he is aware of this.

Commissioner Clark said no.

Mr. Hardin said that most of the people present lives at the Den Marina and they have water access. Why do they need to go to the lake across Mr. York's property?

Mr. Paul York gave the Court a printed statement and a verbal statement. He said he came before the Court in July 1996 about the closing of "Duck Road." Mr. York said that it was posted and he was given permission by this Court, some ninety to a hundred days later, saying that he could reclaim his land and put a fence up. In his opinion, putting the gate up stopped the all night parties and the trash dumping. You can still walk around the gate and get to the water. It is dangerous where the road ends at the water. It has washed out under the black topping of the road. See attached copy of written statement.

Billy Eubanks told the Court that he is not a member of the community. He is a friend of Mr. York. He is here today because of his background. He is a registered professional engineer, formerly a County engineer. If the County is obligating the end of this road as a recreational area, there are potential requirements that the County will have to meet.

Jack Thompson said that he is sixty-seven years old and has owned property on Den road since 1972 and is for opening the road. We in the Den area refer to this location as "The Swimming Hole." His children, grandchildren and if it is open this next year, his great-grandchild will swim there. He recognizes that littering is a problem everywhere. Closing roads to combat litter is a radical step. He thanked the Court for sharing their time with him. See attached copy of statement.

Judge Leath read a notarized statement from Gene Cordray. The statement is as follows: I personally know that Duck Road was a Public Road many years before Toledo Bend was built.

Mr. Walter Jones ask the Court where the gate is located. Is it on Mr. York's property, on the County's property or Forest Service property?

Judge Leath said that actually the section of road that crosses Mr. York's property belongs to Mr. York. Public roads are not owned by the County. They are dedicated for public use and accepted by the County for maintenance. Judge Leath said probably ninety percent or better of the County maintained roads are public roads and the land that these roads cover is owned by individuals. Actually, the gate is on Mr. York's property, but the road has been dedicated for public use.

Albert Therman Miles is for opening the road. He has had a place around the Den Marina for about twenty-seven or twenty-eight years. They have always used the swimming hole.

Mr. Clarence (Pat) Vincent is for opening the road. HE said that if he put a gate across his property, no one could get to the Den Marina or to Mr. York's property. You have to accept some things to be able to allow other people the joy or quality of life. We have been using the swimming hole. We would like to be able to continue using this place to swim. We feel that it is a safe place for small children to swim. He is not aware of it if there are many people going down to this area.

Melba Smith is for the opening of the road. She has lived down Forest Road #115 for twenty-two years. Her children, grandchildren and friends have enjoyed swimming at the end of the road in question. See attached copy of statement.

Mr. Potts is here just for information, not to give opinion for opening or closing this road.

Mr. Larry Potts, District Ranger, U. S. Forest Service, said that he thinks we all agree that the "Duck Road" is a public road and believes that it was verified this morning that it existed before the construction of the lake. He said that it is primarily used by the local area residents and people coming in to get to the swimming hole. The upper portion of the road will be used by the Forest Service for timber sales that they plan for soon in that area. There are a lot of such areas along the lake. Unfortunately, they do not get enough money to manage their

recreational areas, such as Red Hill Lake, the Parks, Ragtown and etc. If it continues like it has been, some of their recreational places could be closed. They have to rely on people to pack out whatever they pack in. The Forest Service is working with Sabine County on getting some community service workers for areas like this one. Sometime people buy small acreage that is surrounded by Forest Service land expecting a quite, secluded area. This not always the case. If people want to have beer parties and clean up after themselves and be somewhat civil, which is a part of the recreational. This is a historic place. If the road is closed, the Forest Service doesn't have enough money to open another access road. If the County wants to build an access road on Forest Service property, then they might could work with the County on that option. Although he doesn't think this would make Mr. York happy. The bottom line for the Forest Service is that the public does have reasonable access to walk down to the swimming hole and the road is not needed for their management.

Pete Morris is for opening the road. He said that he was born on property now covered by the lake and that he has been going down this road all his life. He can go to the end of this road and see the area where he was born. This is a public road and it should stay public.

Bill Hardin said that he is not for or against closing the road. He has lived on this road for ten years. The Sabine River Authority was having problems with the whole point washing out so they came down and put dirt on the end of the road so that you could drive down there. After they did that it seemed that everybody was coming to swim there. There was trash and vandalism. It has been nice since Mr. York put the gate up. We don't have all the traffic running in and out and everything. Anyone can still go down there. They just have to walk.

Liz Hardin, wife of Bill Hardin, read a prepared statement. See attached copy.

Bill Crowell said that he thinks the gate is infringing on the public's benefits.

Judge Leath ask the Court if they had any comments.

Commissioner Will Smith ask if the gate is locked.

Mr. York said that the gate is locked. He said that the gate and fence only cuts off access to driving to the end of the road. It is still accessible by walking around the gate. The problem with the trash has stopped.

Melba Smith said that the trash has not stopped. Mr. York is not here all the time to know. Others are picking up trash.

Commissioner Dickerson said that he did not have a comment.

Commissioner Clark said that a time or two we have had community service people down there picking up trash.

Judge Leath said that he has some observations. First, the County did not abandon the road in the Court meeting, July 22, 1996.

In order to abandon a road, it takes a lengthy procedure and a unanimous vote of the Court. The Court agreed for a gate to be put across the road. Second, the County does not have any designated recreation areas and does not maintain any recreation areas. The area in question is not a County recreation area. He thinks that the Court agrees and it has been verified that this is a public road. The fact that the lake has caused it to end at a certain spot does not mean that it is no longer a public road. We do have some community service workers, but we have many request for these people to clean areas all over the County. They can only work on public land.

Judge Leath said there are two options as he sees it. They are to abandon the road or to let it remain a public road. He said that he is against abandoning the road.

Commissioner Clark moved that this road be reaffirmed as a public road and the gate is to be removed. Commissioner Dickerson seconded. All voted for the motion including Judge Leath. Motion carried.

Commissioner Clark moved to adjourn. Commissioner Dickerson seconded. Meeting adjourned.

<u>Jack Leath</u>	COUNTY JUDGE
<u>Reid C. Clark</u>	COMMISSIONER PCT. #1
<u>Not Present</u>	COMMISSIONER PCT. #2
<u>Doyle Dickerson</u>	COMMISSIONER PCT. #3
<u>W. D.</u>	COMMISSIONER PCT. #4

ATTEST:

Janice McDaniel COUNTY CLERK



THE STATE OF TEXAS
County of Sabine
 P.O. Box 720
 Hemphill, Texas 75948

John L. Hyden, County Judge
 Commissioners
 Keith Clark Precinct #1
 Lynn Smith Precinct #2
 Charles Ellison Precinct #3
 Will Smith, Sr. Precinct #4

SABINE COUNTY COMMISSIONERS' COURT
Public Participation Form

Instructions: Fill out all appropriate blanks. Please print or write legibly.

NAME: B.F. (BARNEY) HARDIN

HOME ADDRESS: RT. A Box 771
HEMPHILL, TX. 75948

HOME TELEPHONE: 787-4679

PLACE OF EMPLOYMENT: RETIRED

EMPLOYMENT TELEPHONE: _____

Do you represent any particular group or organization? PAUL YORK

If you do represent a group or organization, please state the name, address and telephone number of such group or organization.

Which agenda item (or items) do you wish to address? DUCK ROAD

In general, are you for or against such agenda item (or items)?
FOR ROAD CLOSURE

Signature: B.F. Hardin

NOTE: This Public Participation Form must be presented to the County Clerk prior to the time that the agenda item (or items) you wish to address are discussed before the Court.

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w/p plepard



THE STATE OF TEXAS
County of Sabine
 P.O. Box 720
 Hemphill, Texas 75948

John L. Hyden, County Judge
 Commissioners
 Keith Clark Precinct #1
 Lynn Smith Precinct #2
 Charles Ellison Precinct #3
 Will Smith, Sr. Precinct #4

SABINE COUNTY COMMISSIONERS' COURT
Public Participation Form

Instructions: Fill out all appropriate blanks. Please print or write legibly.

NAME: PAUL A. YORK

HOME ADDRESS: 770-A ROUTE #4

HEMPHILL TEXAS 77948

HOME TELEPHONE: (409) 787-2578

PLACE OF EMPLOYMENT: PARAGON ENGINEERING

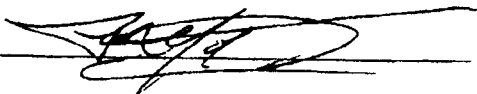
EMPLOYMENT TELEPHONE: (713) 462-8828

Do you represent any particular group or organization? PAUL A. YORK

If you do represent a group or organization, please state the name, address and telephone number of such group or organization.

Which agenda item (or items) do you wish to address? DUICK ROAD

In general, are you for or against such agenda item (or items)?
I AM AGAINST REOPENING "THE OLD DUICK ROAD"

Signature: 

NOTE: This Public Participation Form must be presented to the County Clerk prior to the time that the agenda item (or items) you wish to address are discussed before the Court.

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w/p pbicpard

PHONE (409) 787-3543

FAX (409) 787-2044

NEIGHBORS on "THE OLD DUCK ROAD" vs., PAUL A. YORK.

Currently the gate and fence in question is ON MY OWN LAND and I don't intend to give it away, nor do I intend to sell a piece, so the county can reopen a road that goes NOWHERE!!!

And, if by some slim chance, the road is reopened for the purpose of people to come & swim, picnic, fish etc, then this would constitute a park.... And a park constitutes

.....Parking facilities

.....Trash bins & regular trash pick-up

.....Restroom facilities

.....Lighting

.....Security

.....Policing

.....Enforce Curfew

.....ALSO, you will have to have provisions for the disabled...(Americans with Disabilities Act)....**ADA**

And I don't think the county wants to spend this kind of money!!!!!!

One of the main reasons I bought this property was because of the seclusion. I sure didn't buy this property to come up here every weekend and work after someone else, I bought it to relax and enjoy. Besides, we plan on retiring here in 4 years, God willing.

Reclaiming MY OWN LAND and fencing, only did 2 things, It stopped the trash from being dumped and it stopped the all night drunk and/or drug parties!!! Actually it was kind of scary going over there to ask 30 to 40 drunks to keep it quiet at 2 or 3 in the morning.

After all I shouldn't have to do all this.....**AS I DID BEFORE!!!!!! BUT, I WILL NOT DO IT AGAIN!!!!!!**

As for cutting access off to the water...there are 2 trails, and possibly 3, that I know of, down to the water before you get to my place. Actually, they have currently made a path around my gate and walk or drive their ATVs down to the end anyways...so I don't know what all the fuss is about!!!!

There is a difference between "a privilege" and "a right" for some years these people had "a privilege" not "a right" to go down the road to the water. But "a privilege" is only "a privilege" until it's abused, then the privilege is taken away, and this privilege, believe me, has been overly and grossly abused.

As you can see from the pictures of the BEFORE and AFTER, how nice it is today, no trash, etc.

Actually, the area in question is highly dangerous, there is about a four to five foot drop off and it's all UNDERMINED (see photos). Someone is going to fall, because it is not safe, and be seriously hurt or even maimed**GROUNDS FOR A LAWSUIT!**

The area should be CONDEMNED, POSTED and BLOCKED or FENCED OFF!!

But now that I've reclaimed MY OWN LAND, the County road and the Counties responsibility stops at my fence, and not at the waters edge where the problem exists. Also, this is not Sabine River Authority land either, as their lease back has eroded the same as it has on my property. I had the Sabine River Authority out to my place and they agreed that their lease back had all eroded away, and the area in question is the extension of my property, so, as it stands now the liability is not the Sabine River Authority nor the Counties!!!

Besides I WILL NOT GIVE UP MY LAND WITHOUT A FIGHT!!!!!!!!!!!!!!

I respect your privacy; why don't you respect mine!!!

Incidentally I think the road should be called YORK'S POINT ROAD & not "The Old Duck Road"

Thanks

Paul A. York

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THE STATE OF TEXAS
County of Sabine
 P.O. Box 720
 Hemphill, Texas 75948

John L. Hyden, County Judge
 Commissioners
 Keith Clark Precinct #1
 Lynn Smith Precinct #2
 Charles Ellison Precinct #3
 Will Smith, Sr. Precinct #4

SABINE COUNTY COMMISSIONERS' COURT
Public Participation Form

Instructions: Fill out all appropriate blanks. Please print or write legibly.

NAME: BILLY EUBANKS

HOME ADDRESS: 16330 ACAPULCO
HOUSTON, TEXAS

HOME TELEPHONE: 713-466-7988

PLACE OF EMPLOYMENT: PARAGON EXOR. SERVICE

EMPLOYMENT TELEPHONE: 713-462-8828

Do you represent any particular group or organization? PAUL YORK

If you do represent a group or organization, please state the name, address and telephone number of such group or organization.

SPE PAUL YORK SHEET

Which agenda item (or items) do you wish to address? DUCK ROAD

In general, are you for or against such agenda item (or items)?

FOR ROAD CLOSURE

Signature: Billy W. Eubank

NOTE: This Public Participation Form must be presented to the County Clerk prior to the time that the agenda item (or items) you wish to address are discussed before the Court.

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w/p prepared

PHONE (409) 787-3543

FAX (409) 787-2044

HONORABLE COMMISSIONERS COURT THANK YOU FOR
ALLOWING ME THE OPPORTUNITY TO ADDRESS THIS COURT
MY NAME IS JACK THOMPSON. I AM 67 YEARS OLD AND HAVE
OWNED PROPERTY ON DEN ROAD FOR 25 YEARS, OR SINCE 1972.
I HAVE LIVED ON THIS PROPERTY FOR THE PAST TWO YEARS
SINCE I RETIRED. I REQUEST THE ROAD REFERED TO AS DUCK
ROAD BE KEPT OPEN TO TOLEDO BEND RESOVOIR. WE IN THE
DEN AREA REFER TO THIS LOCATION AS THE SWIMMING HOLE.
MY CHILDREN SWAM AT THIS LOCATION WHEN THEY WERE
SMALL. MY GRAND CHILDREN SWAM AT THIS LOCATION. AND
NEXT YEAR IF THIS ROAD IS OPEN MY GREAT GRAND SON WILL
SWIM AT THIS LOCATION. IT IS IMPORTANT TO ME TO BE ABLE
TO PASS THIS TRADITION ON TO MY GREAT GRAND SON. I
RECOGNIZE THAT LITTERING IS A PROBLEM EVERY WHERE.
AS THE CONSTABLE OF PRECINCT ONE IN ORANGE COUNTY
FOR 14 YEARS I HELPED COMBAT LITTERING PROBLEMS.
CLOSING ROADS IS A SOMEWHAT RADICAL STEP TO CURB
LITTERING. I HOPE WE DON'T CLOSE ALL ROADS THAT HAVE
LITTER ON THEM. I WOULD ESTIMATE THAT 80 % OF THE BOATS

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LAUNCHED IN OUR AREA DRIVE DOWN A ROAD THAT GOES
THRU THE MIDDLE, NOT AT THE EDGE OF MY PROPERTY.
OCCASIONALLY I FIND A FEW BEER CANS ETC. ALONG THE
PROPERTY. IT IS NOT THAT BIG OF A PROBLEM FOR ME TO PICK
THEM UP. I CERTAINLY DON'T REQUEST THAT THE ROAD BE
CLOSED. AGAIN I URGE YOU TO CONSIDER NOT CLOSING OFF OF
THIS ROAD.....

THANK YOU FOR SHARING WITH ME THE MOST VALUABLE
THING YOU OWN..... YOUR TIME.

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THE STATE OF TEXAS
County of Sabine
 P.O. Box 720
 Hemphill, Texas 75948

John L. Hyden, County Judge
 Commissioners

Keith Clark	Precinct #1
Lynn Smith	Precinct #2
Charles Ellison	Precinct #3
Will Smith, Sr.	Precinct #4

SABINE COUNTY COMMISSIONERS' COURT
Public Participation Form

Instructions: Fill out all appropriate blanks. Please print or write legibly.

NAME: GENE COPORAY

HOME ADDRESS: Rt. 4 Box 769

HEMPHILL, TX 75948

HOME TELEPHONE: 409-787-3461

PLACE OF EMPLOYMENT: KWYK RADIO JASPER, TX.

EMPLOYMENT TELEPHONE: 409-384-6801

Do you represent any particular group or organization? NO

If you do represent a group or organization, please state the name, address and telephone number of such group or organization.

Which agenda item (or items) do you wish to address? DUCK ROAD

In general, are you for or against such agenda item (or items)?

I AM FOR KEEPING THIS ROAD OPEN TO THE PUBLIC

Signature: Gene Coporay

NOTE: This Public Participation Form must be presented to the County Clerk prior to the time that the agenda item (or items) you wish to address are discussed before the Court.

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w/p pbicpard

PHONE (409) 787-3543

FAX (409) 787-2044



April 28, 1997

RE: "Duck Road"

I personally know that Duck Road was a Public Road many years before Toledo Bend was built.

Gene Cordray
Gene Cordray

Cookie Cryer 4-28-97
Notary Public



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GOOD AFTERNOON , MR. COMMISSIONERS; MY NAME IS MELBA SMITH, AND I AM HERE IN OPPOSITION OF YOUR ALLOWING A PORTION OF FOREST ROAD 115, AND AS OF LATE BEING CALLED DUCK ROAD, TO BE CLOSED BY MR. YORK.

I have lived down Forest Road 115 for twenty two years. My children, Grand children and friends have enjoyed the swimming area at the end of the road in question. We have such few areas in which to swim and feel safe. Mr. York cannot keep anyone from swimming in the area, since the lake belongs to Sabine River Authority and can be enjoyed by the public. If he is concerned about his property and his privacy then he should build him a privacy fence around it, NOT cut off access to what has been known as The Swimming Hole , since the beginning of this lake, and I ask of you Mr. Commissioners, DO NOT let this happen.

Yes I agree that some non caring people litter the area, but there are many more who do not litter. Please do not make the many pay the price for the few. We, in our small sub-division on many accounts have cleaned the area in question, because we are proud of where we live and respect the forest and the lake as well as our neighbors.

Mr. York told me personally how he enjoyed the quiet and peaceful setting of his place. I can agree with him as I too have the same feeling about my home. About three weeks ago he had someone, I assume, visiting his home. The whole week_end was used as a shooting range in which 200 to 500 rounds of ammunition was being fired from high powered weapons. Very offensive to me and my guest, and not knowing how far these

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bullets may go. IS THIS WHAT HE CALLS PEACE AND QUIET.

You Mr. Commissioners were in error by allowing the road to be closed without a hearing in the beginning. Texas Law 251.152. I do thank you for allowing us who want the road reopened a chance to voice our opinion. I would like to see some signs of No Littering and No Dumping and fines imposed if need be. We always see people doing community service work on our highways, but never are they seen on our forest roads, perhaps once a month this could be done in the area we speak about. Should Mr. York see or have a disturbance, then he should call Sabine County Sheriffs office.

I again thank you for being here to serve us, the citizens of Sabine county, and ask that Mr. York remove the gate, and you give back to the public the property that was unlawfully closed.

Thank You

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I have lived on the road in question since July 1987. For the first four years, my husband and I and my oldest daughter lived in the travel trailer my in-laws currently live in that is approximately 100 feet from the road. Being that close it's hard to miss traffic going down the road. Back in those days I worked rotating shift, so quite frequently I would be home during the day. Road traffic was rare. Most generally back then, if a vehicle travelled down past our property, I would venture a guess that they would be lost because directly in a manner of minutes they would be back up the road in the approximate time it would take them to get to the end, turn around and leave. I would also venture a guess that most of those people didn't realize that at the end of that road, if you took the time to get out of your vehicle and carefully climb down the abrupt end of the road was one of the best swimming holes around that few knew about.

Even back then, enough people knew about it to create a litter problem. Occasionally while I was down there to swim I would take trashbags and easily fill a couple with beer cans, bottles, dirty diapers, discarded bras and panties, clothes, misc. snack food trash, you get the picture. It would upset me that people would come to this beautiful place and leave their trash for someone else to deal with. No, I didn't have to be the one to pick it up but one day as I was climbing down to the beach with my daughter, she fell and landed on a broken beer bottle and I had to bring her into town for stitches. So I started bringing trashbags with me when I went down there and we would pick up trash before we went swimming. When the dumps were closed the litter problem got worse. I informed the county about the trash problem and some agency went as far as placing a sign at the end of the road to remind people not to litter. I have never seen any evidence of the county, state, forest service or any other governing agency make an effort to clean up the trash or place even a trash container down there.

Several years ago the S.R.A started doing bank erosion work on the banks of property owners with northern lake exposure. When they started doing work on the Old Duck property, they added rock to the end of the abrupt end of the road and made an easy access to the shoreline not only for their heavy machinery but for those that knew about this great swimming hole. Over the past couple of years the sandy road in front of our property has become a dusty freeway during the summer months.

Some people go there to swim with their friends and family and some go there at night to drink and get rowdy. I am not hindered by the gate that has gone up across this road. If I want to take my kids swimming down there I can walk around it. I personally sympathize with the Yorks for having to put up with the mess they have had to repeatedly clean up and the drunks that venture onto their property all hours of the summer nights. If the gate keeps people out because they are too lazy to walk around it then I applaud the Yorks for protecting the beauty of these areas, because the ones too lazy to walk around it are probably the ones too lazy to bring their trash with them when they leave. If the Yorks lose the right to keep their gate up the county allowed them to put up, then the governing agency of this area wishing to promote this area as a swimming area should provide adequate parking and sanitation facilities.

as well as patrol it, because public swimming areas, to my knowledge are closed after 10PM.

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The State Of Texas
County Of Sabine

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



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JANICE MEDARTEL COUNTY CLERK
BY Laurie Clark
Deputy

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