

COMMISSIONER COURT MINUTES FEBRUARY 23 , 1976

The Hunt County Commissioners Court met in Regular Session, Monday, February 23, 1976 at 10:00 A.M. in the Commissioners Courtroom, Hunt County Courthouse, Greenville, Texas, with all members present and Judge Ed Terrell presiding.

Invocation was given by Commissioner Roy L. Holder.

Minutes of the February 9, 1976 Regular Session were read and approved.

295 In taking care of "Old Business", a right of way request by Continental Telephone Company in Commissioner Precinct 2 was approved with the stipulation cables be placed on back slopes of roads and the County will not be responsible for damages done to cables as a result of the maintenance of roads. Motion to approve was made by Commissioner Henry L. Grimes, and seconded by Johnnie H. Lyon and carried with all members of the Court voting AYE.

296 On a motion by Johnnie H. Lyon, seconded by Roy L. Holder, the Court approved the addition of David M. Henslee to the payroll of Commissioner Precinct 1 effective February 9, 1976. Mr. Henslee was previously employed under the Manpower Program.

297 On a motion by Roy L. Holder, seconded by James A. Speight, the Court unanimously approved the removal of Ricky Conners from the payroll of Commissioner Precinct 3 effective February 2, 1976.

298 On a motion by Henry L. Grimes, seconded by Johnnie H. Lyon, the Court voted to add John Henderson to the payroll of Commissioner Precinct 2 as a full time employee from the Manpower Program and to change Marshall Blaylock from a full time employee to a part-timed employee, both changes being effective March 1, 1976. Motion carried with all members of the Court voting AYE.

299 On a motion by James A. Speight, seconded by Johnnie H. Lyon, the Court unanimously approved the following resolution authorizing the hiring of a private attorney to proceed with the condemnation of certain tracts of property as listed herein for the purpose of completion of Farm-to-Market Road 3218.

(RESOLUTION ATTACHED)

RESOLUTION ON RIGHT-OF-WAY FOR FARM-TO-MARKET ROAD 3218

The Commissioner's Court of Hunt County, Texas, meeting in regular session on February 23, 1976, does hereby declare the public purposes for the taking of the tracts of land referred to in Resolution No. 223 of the Minutes of the Commissioner's Court of this County dated October 27, 1975. The Court finds that a public necessity exists for the taking of both the land and the improvements thereon for the convenience and necessity of the public for the construction of a farm-to-market road known as 3218, from Farm-to-Market Road 1568, 2.2 miles southeast of State Highway 50 North to Loop 178 in the City of Commerce. The Court finds that it is necessary to take the land and improvements referred to by means of condemnation proceedings in that all offers of settlement and purchase have been rejected by the owners thereof. The Court finds that it is necessary to secure a surface fee estate with the exclusion of the mineral rights which may be retained by the owner. The Court authorizes the hiring of a private attorney to proceed forthwith in condemnation of this property. The Court further reaffirms all offers and actions previously taken in regard to this property.

The Court further finds that the hereinafter described tracts of land are those tracts remaining to be acquired by the County for the completion of the aforementioned Farm-to-Market Road 3218. The Court has hereinafter designated the known owners of each tract, and the specific amount of money that has been offered for each tract. The tracts, their known owners, and the dollar amount that has been offered and rejected are as follows:

PARCEL # 3

Charles B. Hildebrand, Commerce, Texas

\$ 1,051.00

Being a part of 61.09 acres of land out of the Needham Boon survey, abstract No. 42, conveyed by Frances Knight Chaney, et. vir. to Charles B. Hildebrand, et. ux. by deed dated March 9, 1964, and recorded in Vol. 621, page 169 of the deed records of Hunt County, Texas, and being more particularly described as follows, to wit:

Beginning at a point in the flare of the east right-of-way line of proposed F.M. Highway No. 3218, said point being 100 feet at right angles from centerline survey station 14+37.7, said point also being N 89° 04' W, a distance of 2563 feet from the southeast corner of the above mentioned 61.09 acre tract of land;

Thence N 89° 04' W at 100 feet crossing centerline survey station 14+38 and continuing in all a distance of 145 feet to a point, the southwest corner of said 61.09 acre tract;

Thence N 0° 44' E, a distance of 197.8 feet to a point;

Thence N 0° 17' E, a distance of 794.5 feet to a point, the northwest corner of said 61.09 acre tract;

Thence S 89° 38' E at 43.4 feet crossing the centerline at station 24+30.7 and continuing in all a distance of 93.4 feet to a point;

Thence S 0° 10' W, a distance of 794.4 feet to a point;

Thence S 0° 44' W, a distance of 128.9 feet to a point;

Thence S 44° 16' E, a distance of 70.7 feet to a point;

Thence S 0° 44' W, a distance of 20 feet to the place of beginning and containing in all 2.202 acres of land of which 0.795 acres lie within the limits of the existing County Road leaving 1.407 acres of land.

PARCEL # 4

Charles B. Hildebrand, Commerce and the
Veterans Land Board of Texas

\$ 1,140.00

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Being a part of 61 acres of land out of the Needham Boon survey, abstract No. 43, conveyed by Texas Veterans' Land Program to Charles B. Hildebrand by Contract of Sale and Purchase dated September 5, 1964, and recorded in Vol. 626, page 655 of the deed records of Hunt County, Texas, and being more particularly described as follows, to wit:

Beginning at a point in the flare of the east right-of-way line of proposed F.M. Highway No. 3218 and the north boundary line of the above mentioned 61 acre tract, said point being 100 feet radially distant from centerline survey station 34+87.5 and tangent to the curve at this point bears S 2° 32' E, said point also being N 86° 03' W, a distance of 1771.4 feet from the northeast corner of said 61 acre tract;

Thence S 2° 37' E, a distance of 3.0 feet to a point;

Thence S 42° 23' W, a distance of 71.0 feet to a point, said point being 50 feet radially distant from centerline survey station 34+34.5 and tangent to the curve at this point bears S 2° 16' E;

Thence in a southerly direction with a curve to the right having a radius of 11,509.2 feet, a distance of 487.8 feet to a point, the end of said curve;

Thence S 0° 10' W, a distance of 518.3 feet to a point in the south boundary line of said 61 acre tract;

Thence N 89° 38' W along said south boundary line at 50 feet crossing the centerline of said proposed highway at station 24+30.7 and continuing in all a distance of 62.0 feet to a point, said point being the southwest corner of said 61 acre tract;

Thence N 0° 03' E along the west boundary line of said 61 acre tract, a distance of 1067.7 feet to a point, the northwest corner of said 61 acre tract;

Thence S 86° 03' E along the north boundary line of said tract at 1.0 foot crossing the curve of the centerline at station 34+99 and continuing in all a distance of 101.7 feet to the place of beginning and containing in all 1.525 acres of land.

Being a part of a 12.602 acre tract of land out of the Needham Boon Survey, Abstract No. 43, conveyed by Grace Salmon, et vir, to Leroy Byers, Trustee, by deed dated November 22, 1974, and recorded in Volume 755, Page 509, of the Deed Records of Hunt County, Texas, and being more particularly described as follows, to wit:

BEGINNING at a point in the east right of way line of proposed F.M. Highway No. 3218 and the south boundary line of the Byers 12.602 acre tract, said point bears S 86° 03' E a distance of 100.6 feet from centerline survey station 35+15.9 of said proposed highway and N 86° 03' W a distance of 840.2 feet from the southeast corner of the said Byers tract;

Thence N 02° 37' W a distance of 20.0 feet to a point;

Thence N 47° 37' W a distance of 71.0 feet to a point on the beginning of a curve to the left having a radius of 11,509.2 feet, said point is 50.0 feet radially distant from centerline survey station 35+74.3 of said proposed highway, tangent to curve at this point bears N 02° 58' W;

Thence in a northerly direction, along said curve to the left, a distance of 269.0 feet to a point at the end of said curve, said point bears N 85° 42' E a distance of 50.0 feet from centerline survey station 38+42.1 of said proposed highway;

Thence N 04° 18' W a distance of 247.6 feet to a point in the north boundary line of said Byers tract, said point bears S 86° 48' E a distance of 50.4 feet from centerline survey station 40+96.3 of said proposed highway;

Thence N 86° 48' W, along said Byers north boundary line, a distance of 35.9 feet to a point in the northwest corner of the Byers tract;

Thence S 00° 17' W, along Byers west boundary line, at 180.7 feet crossing centerline survey station 39+14.3 of said proposed highway, continuing in all a distance of 576.5 feet to a point in the southwest corner of the Byers tract;

Thence S 86° 03' E, along Byers south boundary line, at 27.3 feet crossing centerline survey station 35+15.9 of said proposed highway, continuing in all a distance of 127.9 feet to the place of beginning and containing 0.818 acre of land of which 0.355 acre lies within the limits of the existing county road, leaving 0.463 acre of land.

PARCEL # 7 & 7E William C. Bradshaw, Greenville, Texas \$ 3,556.00

PARCEL 7

Being a part of a 253.43 acre tract of land out of the Needham Boone Survey, Abstract No. 43, conveyed by Grace and Frank P. Salmon to William Conley Bradshaw, et ux, by deed dated March 25, 1975, and recorded in Volume 759, Page 675, of the Deed Records of Hunt County, Texas, and being more particularly described as follows:

BEGINNING at a point in the west right of way line of proposed F.M. Highway No. 3218 and a south boundary line of the Bradshaw 253.43 acre tract, said point being N 89° 25' W a distance of 60.2 feet from centerline survey station 46+01.7 of said highway, said point also being S 89° 25' E a distance of 42.6 feet from the most westerly southwest corner of the Bradshaw tract;

Thence N 04° 18' W, along said west right of way line, a distance of 390.1 feet to a point at the beginning of a curve to the right having a radius of 5,789.6 feet;

Thence in a northerly direction, along said curve to the right, a distance of 60.7 feet to a point in the most westerly west boundary line of the Bradshaw tract, said point being 60.0 feet radially distant from centerline survey station 50+57 of said highway, tangent to curve at this point bears N 03° 42' W;

Thence N 01° 10' E, along said most westerly west boundary line, a distance of 1052.6 feet to a point that bears N 85° 58' W a distance of 60.0 feet from centerline survey station 61+02.6 of said highway;

Thence N 04° 02' E a distance of 197.4 feet to a point that bears N 85° 58' W a distance of 60.0 feet from centerline survey station 63+00 of said highway;

Thence N 00° 15' W a distance of 200.6 feet to a point that bears N 85° 58' W a distance of 75.0 feet from centerline survey station 65+00 of said highway;

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PARCEL # 7 Cont.

Thence N 04° 02' E a distance of 2000.0 feet to a point in the most westerly northwest corner of the Bradshaw tract, said point bears N 85° 58' W a distance of 75.0 feet from centerline survey station 85+00 of said highway;

Thence N 22° 49' E, along a west boundary line of the Bradshaw tract, a distance of 85.7 feet to a point in the most northerly northwest corner of said Bradshaw tract, said corner being in the center of South Sulphur River;

Thence S 67° 11' E, along the center of said river and Bradshaw north boundary line, at 50.1 feet crossing centerline survey station 85+65 of said highway, continuing in all a distance of 129.3 feet to a point in the east right of way line of said highway, said point bears S 85° 58' E a distance of 75.0 feet from centerline survey station 85+39.5 of said highway;

Thence S 04° 02' W a distance of 2039.5 feet to a point that bears S 85° 58' E a distance of 75.0 feet from centerline survey station 65+00 of said highway;

Thence S 08° 19' W a distance of 200.6 feet to a point that bears S 85° 58' E a distance of 60.0 feet from centerline survey station 63+00 of said highway;

Thence S 04° 02' W a distance of 469.8 feet to a point that bears S 85° 58' E a distance of 60.0 feet from centerline survey station 58+30.2 of said highway, said point being at the beginning of a curve to the left having a radius of 5,669.6 feet;

Thence in a southerly direction, along said curve, a distance of 824.6 feet to a point at the end of said curve, said point bears N 85° 42' E a distance of 60.0 feet from centerline survey station 49+96.9 of said highway;

Thence S 04° 18' E a distance of 390.1 feet to a point that bears N 85° 42' E a distance of 60.0 feet from centerline survey station 46+06.8 of said highway;

Thence S 01° 03' W a distance of 107.3 feet to a point that bears N 85° 42' E a distance of 50.0 feet from centerline survey station 45+00 of said highway;

Thence S 04° 18' E a distance of 410.3 feet to a point in a south boundary line of said Bradshaw tract;

Thence N 86° 48' W, along said south boundary line, a distance of 35.9 feet to a point in a southwest corner of the Bradshaw tract, said point bears S 86° 48' E a distance of 14.5 feet from centerline survey station 40+96.3 of said highway;

Thence N 00° 17' E, along the most easterly west boundary line of the Bradshaw tract, a distance of 504.2 feet to a point in the inside southwest corner of the Bradshaw tract;

Thence N 89° 25' W, along the most northern south boundary line of the Bradshaw tract, at 54.9 feet crossing centerline survey station 46+01.7 of said highway, continuing in all a distance of 115.1 feet to the place of beginning and containing 12.248 acres of land, of which 0.647 acre lies within the limits of the existing county road, leaving 11.601 acres of additional right of way required.

And it is further agreed that in consideration of the benefits above set out, will remove from the property above described such fences, buildings and other obstructions as may be found upon said premises.

~~SAVED AND EXCEPTED, HOWEVER, ALL TAXES, FRANCHISES, AND AGREEMENTS THAT GRANTORS ARE~~
~~RETAINING TITLE TO THE FOLLOWING PROPERTY DESCRIBED ON THE ABOVE DEED:~~

PARCEL 7E

Being parts of a 253.43 acre tract of land out of the Needham Boone Survey, Abstract No. 43, conveyed by Grace and Frank P. Salmon to William Conley Bradshaw, et ux, by deed dated March 25, 1975, and recorded in Volume 759, Page 675 of the Deed Records of Hunt County, Texas, and being more particularly described as follows:

PART 1

BEGINNING at a point in the west right of way line of proposed F.M. Highway No. 3218, said point bears S 85° 42' W a distance of 60.0 feet from centerline survey station 46+06.8 of said highway and S 89° 25' E a distance of 42.6 feet from the most northern southwest corner of the Bradshaw tract;

Thence N 04° 18' W, along said west right of way line, a distance of 124.4 feet to a point that bears S 85° 42' W a distance of 60.0 feet from centerline survey station 47+31.2 of said highway;

Thence S 75° 05' W a distance of 32.0 feet to a point in the most western west boundary line of the Bradshaw tract;

Thence S 01° 10' W, along said west boundary line, a distance of 115.4 feet to a point in the most northern southwest corner of the Bradshaw tract;

Thence S 89° 25' E, along a south boundary line of the Bradshaw tract, a distance of 42.6 feet to the place of beginning and containing 0.101 acre of land.

PART 2

COMMENCING at a point in the west right of way line of proposed FM Highway No. 3218 that bears S 89° 25' E a distance of 42.6 feet from the most northern southwest corner of the Bradshaw tract and S 85° 42' W a distance of 60.0 feet from centerline

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survey station 46+06.8 of said highway;

Thence N 85° 42' E a distance of 120.0 feet to a point in the east right of way line of said highway;

Thence N 04° 18' W, along said east right of way line, a distance of 390.1 feet to a point at the beginning of a curve to the right having a radius of 5,669.6 feet;

Thence in a northerly direction, along said curve, a distance of 824.6 feet to a point at the end of said curve that bears S 85° 58' E a distance of 60.0 feet from centerline survey station 58+30.2 of said highway. This point being designated as POINT A;

Thence N 04° 02' E a distance of 33.6 feet to a point that bears S 85° 58' E a distance of 60.0 feet from centerline survey station 58+63.8 of said highway, the PLACE OF BEGINNING;

Thence N 04° 02' E a distance of 104.3 feet to a point that bears S 85° 58' E a distance of 60.0 feet from centerline survey station 59+68.1 of said highway;

Thence N 39° 09' E a distance of 157.3 feet to a point;

Thence S 50° 51' E a distance of 60.0 feet to a point;

Thence S 39° 09' W a distance of 242.7 feet to the place of beginning and containing 0.276 acre of land.

PART 3

COMMENCING at POINT A as designated in PART 2;

Thence N 04° 02' E a distance of 469.8 feet to a point that bears S 85° 58' E a distance of 60.0 feet from centerline survey station 63+00 of said highway;

Thence N 08° 19' E a distance of 200.6 feet to a point that bears S 85° 58' E a distance of 75.0 feet from centerline survey station 65+00 of said highway. This point being designated as POINT B;

Thence N 04° 02' E a distance of 55.0 feet to a point that bears S 85° 58' E a distance of 75.0 feet from centerline survey station 65+55 of said highway, the PLACE OF BEGINNING;

Thence N 04° 02' E a distance of 60.0 feet to a point that bears S 85° 58' E a distance of 75.0 feet from centerline survey station 66+15 of said highway;

Thence S 85° 58' E a distance of 275.0 feet to a point;

Thence S 04° 02' W a distance of 60.0 feet to a point;

Thence N 85° 58' W a distance of 275.0 feet to the place of beginning and containing 0.379 acre of land.

PART 4

COMMENCING at POINT B as designated in PART 3;

Thence N 04° 02' E a distance of 641.9 feet to a point that bears S 85° 58' E a distance of 75.0 feet from centerline survey station 71+41.9 of said highway, the PLACE OF BEGINNING;

Thence N 04° 02' E a distance of 131.5 feet to a point that bears S 85° 58' E a distance of 75.0 feet from centerline survey station 72+73.4 of said highway;

Thence N 53° 32' E a distance of 290.2 feet to a point;

Thence S 36° 28' E a distance of 100.0 feet to a point;

Thence S 53° 32' W a distance of 375.6 feet to the place of beginning and containing 0.764 acre of land.

PARCEL #11

William Agnew Swindell & Samuel Waddy
Swindell, Commerce

\$ 6,603.00

Being a part of a 159 acre tract of land out of the I. W. Riley survey, abstract No. 913, conveyed by Cornelia V. Maloney, a widow to William Agnew Swindell and Samuel Waddy Swindell by deed dated March 5, 1954, and recorded in Vol. 546, page 156 of the deed records of Hunt County, Texas, and being more particularly described as follows, to wit:

Beginning at a point in the flare of the east right-of-way line of proposed F.M. Highway No. 3218, and the north boundary line of the Swindell 159 acre tract, said point being S 88° 20' E, a distance of 100 feet from centerline survey station 146+17 of said highway, said point also being N 88° 20' W, a distance of 1997 feet from the northeast corner of said 159 acre tract;

Thence S 1° 18' W, a distance of 52.3 feet to a point;

Thence S 46° 18' W, a distance of 70.7 feet to a point;

Thence S 1° 18' W, a distance of 2614 feet to a point;

Thence S 4° 18' E, a distance of 102.5 feet to a point;

Thence S 1° 18' W, a distance of 1501.5 feet to a point, the beginning of a curve to the right;

Thence in a southerly direction with the curve to the right having a radius of 11,519.2 feet, a distance of 339.3 feet to a point in the south boundary line of said 159 acre tract, said point being 60 feet radially distant from centerline survey station 99+58.9 and tangent to the curve at this point bears S 3° 00' W;

Thence N 87° 45' W at 60 feet crossing centerline survey station 99+58.2 and continuing in all a distance of 96.5 feet to a point;

Thence N 4° 33' W, a distance of 42.5 feet to a point;

Thence N 1° 14' E, a distance of 3748.6 feet to a point;

Thence N 89° 04' W, a distance of 5.5 feet to a point;

Thence N 1° 41' E, a distance of 867.7 feet to a point;

Thence S 88° 20' E at 49.7 feet crossing centerline survey station 146+17 and continuing in all a distance of 149.7 feet to the place of beginning and containing in all 11.071 acres of land of which 2.267 acres lie within the limits of the existing county road leaving 8.804 acres of land.

PARCEL #14

E. S. Speed, Mesquite, Texas

\$ 2,004.00

Being a part of a 8 acre tract of land out of the David Garner survey, abstract No. 350, conveyed by Wilma Briscoe, et. al. to E. S. Speed by deed dated July 18, 1952, and recorded in Vol. 519, page 562 of the deed records of Hunt County, Texas, and being more particularly described as follows, to wit:

Beginning at a point in the flare of the east right-of-way line of proposed F.M. Highway No. 3218 and the south boundary line of the E. S. Speed 8 acre tract, said point being S 88° 20' E, a distance of 100 feet from centerline survey station 146+17 of said proposed highway, said point also being N 88° 20' W, a distance of 319 feet from the southeast corner of said E. S. Speed 8 acre tract;

Thence N 88° 20' W along the south boundary line of said 8 acre tract at 100 feet crossing centerline survey station 146+17 and continuing in all a distance of 200 feet to a point;

Thence N 46° 18' E, a distance of 70.5 feet to a point in the curve of the west right-of-way line of said highway, said point being 50 feet radially distant from centerline survey station 146+68.6 and tangent to the curve at this point bears N 0° 05' E;

Thence in a northerly direction with the curve to the left having a radius of 523 feet, a distance of 297.3 feet to a point in the north boundary line of said 8 acre tract, said point being 50 feet radially distant from centerline survey station 149+34.3, and tangent to the curve at this point bears S 32° 29' E;

Thence S 88° 20' E at 59.2 feet crossing the curve of the centerline at station 149+61 and continuing in all a distance of 116.6 feet to a point in the curve of the east right-of-way line, said point being 50 feet radially distant from centerline survey station 149+34 and tangent to the curve at this point bears S 26° 26' E;

Thence in a southerly direction with the curve to the right having a radius of 623 feet, a distance of 291.7 feet to a point, said point being 50 feet radially distant from centerline survey station 146+65.6 and tangent to the curve at this point bears S 0° 23' W;

Thence S 43° 42' E, a distance of 70.8 feet to the place of beginning and containing in all 0.848 acres of land. R

300 On a motion by Henry L. Grimes, seconded by Johnnie H. Lyon, the Court approved a request by Poetry Water Supply to cross county roads in Commissioner Precinct 2 with the stipulation the County will not be responsible for damages done to lines as a result of maintenance of roads and any roads damaged as a result of the laying of water lines must be restored to as good or better condition than that of the road previous to the laying of the line. Motion carried with all members of the Court voting AYE.

301 On a motion by James A. Speight, seconded by Henry L. Grimes, the Court voted unanimously to allow District Clerk Mrs. Ann Prince and County Clerk Mrs. Bloom Johnson to attend the annual conference of District and County Clerks at Texas A & M on March 2 through March 4th, 1976.

302 On a motion by James A. Speight seconded by Roy L. Holder, the Court approved a right of way request by Gulf States-United Telephone Company in Commissioner Precinct 4 with the stipulation cables be placed on back slopes of roads and the County will not be responsible for damages done to cables as a result of maintenance of roads. Motion carried with all members of the Court voting AYE.

303 On a motion by Roy L. Holder, seconded by Johnnie H. Lyon, the Court unanimously approved Certificates of Correction numbers 1409-1432 at the request of the County Tax Office.

304 Motion was made by Roy L. Holder, and seconded by James A. Speight to allow the hiring of two full time employees in the Tax Office on March 1, 1976, with Connie Woods starting at \$436.00 per month to replace Ann Gray who will be removed from the payroll effective March 1 and the second employee will be starting at \$436.00 per month to replace Penny Dooley who will be leaving April 1, 1976. Also the hiring of three part-time employees to work for one week was approved. Motion carried with all members of the Court voting AYE.

S. D. Shields and D. F. Shields appeared before the Court presenting an agreement stating the County would maintain a drainage Ditch on the Shields property in Commissioner Precinct 1 off Highway 36 west of Floyd. Judge Terrell told the gentlemen of a state law prohibiting the County from doing any work on private property. Commissioner Lyon agreed to check on the location of their drainage problem to determine whether the County might be able to alleviate drainage problems on County right of way adjoining their property.

There being no further business, Judge Ed Terrell adjourned the Court.

Minutes read and approved this the 8th day of March, 1976.

Attest: Mrs. Bloom Johnson

County Clerk, Hunt County, Texas

By Candace Patterson Deputy

Ed Terrell
County Judge, Hunt County, Texas