

THE STATE OF TEXAS)(June 13, 1949
COUNTY OF JOHNSON)(

BE IT REMEMBERED that at a Regular Meeting of the Commissioners' Court of Johnson County, Texas, held in the Courthouse in Cleburne, the following members were present: Honorable H. G. Littlefair, County Judge, W. M. Coward, Commissioner Precinct No. 1, S. W. Evans, Commissioner Precinct No. 2, V. L. Maddox, Commissioner Precinct 3, M. W. Roland, Commissioner Precinct No. 4, and Louis B. Lee County Clerk. Among other things, they did the following:

A motion was made by Commissioner Evans, seconded by Commissioner Roland, that all due and proper and endorsed bills be allowed and ordered paid as submitted. All voted aye.

A motion was made by Commissioner Evans and seconded by Commissioner Coward, that a portion of the County road be discontinued in precinct 2 of Johnson County, Texas, containing the following meets and bounds:

PUBLIC RAOD NOTICE
FOR CHANGE OF ROAD

WE, THE UNDERSIGNED Freeholders, of the precincts through which the following described proposed Road will run, hereby give notice, according to law, that on the sixth day of June, 1949, we will petition the Honorable Commissioners Court of Johnson County, Texas, for a change of the public road in said County having its points of beginning and termination, course and intermediated points as follows:

Commencing at the southwest corner of W. P. Ball farm and the northwest corner of the J. W. McClain farm, where the road connects with road leading from the Cleburne & Godley road toward

Brushy Knob; and running east to the northeast corner of the J. W. McClain farm, south to the northwest corner of the J. G. Dunlap farm and east between the L. F. Carroll and Leslie I. Ball farms on the north and the J. G. Dunlap farm on the south, to the old Ft. Worth road.

The petition will ask for the following change to be made in said road: That the following portion be discontinued: Beginning at the northeast corner of the J. J. Ware Survey and the northwest corner of the L. F. Carroll farm; Thence running south between the farms of J. W. McClain and D. J. Evans on the west side of the L. F. Carroll farm on the east side, to the northwest corner of the J. G. Dunlap farm; thence running east between the J. G. Dunlap farm on the south and the L. F. Carroll farm on the north, crossing Buffalo Creek, to the southeast corner of the L. F. Carroll farm; Thence running north between the L. F. Carroll farm on the west and the Dunlap farm on the east, to the gate at the entrance to L. F. Carroll's residence.

in Precinct No.

Dated the sixth day of May, 1949.

PETITIONERS	PRECT. WHERE RESIDING
L. F. Carroll	2
J. G. Dunlap	1
Leslie Ball	2
W. P. Ball	4
I. G. Kennon	2
O. L. Stroud	2
C. N. Tiner	2
Paul Siegmund	2
E. W. Wilkerson	2

W. A. Ricketts 2

W. A. Moore 2

THE STATE OF TEXAS)(

COUNTY OF JOHNSON)(

I, J. G. Dunlap, being duly sworn, on my oath state on May 9, 1949, true and correct copies of the foregoing notice were by me personally posted at the following public places in Johnson County, Texas: (1) one copy was posted on the bulletin board at the Courthouse door of Johnson County, Texas; (2) one copy was posted on a light pole at the west end of the road, where it intersects or connects the road leading from the Cleburne & Godley Road toward Brushy Knob, at or near the northwest corner of the J. W. McClain farm and the southwest corner of the W. P. Ball farm; and (3) one copy was posted at the east end of the road where it connects the old Cleburne-Ft. Worth road, on a light pole at or near the southeast corner of the John Ball Farm.

Witness my hand this the 13th day of May, 1949.

J. G. Dunlap

Sworn to and subscribed before me this the 13th day of May, 1949.

Ruel C. Walker, Notary Public

(Seal)

In and for Johnson County, Texas

APPLICATION TO DISCONTINUE
USE OF ROAD

TO THE HONORABLE COMMISSIONERS COURT OF JOHNSON COUNTY, Cleburne, Texas.

Gentlemen:

We, the undersigned freeholders of Commissioners Precinct No. 2, Johnson County Texas, hereby respectfully petition you to discontinue the following portion of a public road in Commissioners Precinct No. 2, Johnson County, Texas, and further described as follows:

Beginning at the northeast corner of the J. J. Ware Survey and the northwest corner of the L. F. Carroll farm; Thence running south between the farm of J. W. McClain and D. J. Evans on the west side and the L. F. Carroll farm on the east side, to the northwest corner of the J. G. Dunlap farm; Thence running east between the J. G. Dunlap farm on the south and the L. F. Carroll farm on the north, crossing Buffalo Creek, to the southeast corner of the L. F. Carroll farm; Thence running north between the L. F. Carroll farm on the west and the Dunlap farm on the east, to the gate at the entrance to L. F. Carroll's residence.

There are no houses on the portion of the road to be closed as described above, and same is not used as an entrance or outlet to and from any farm or by any person or persons for business or other purposes. The portion of the road extending west from the place of beginning mentioned above along the north line of the J. J. Ware Survey is graded and used, and the same is true of the portion of the road extending from the L. F. Carroll gate to the old Ft. Worth road, and we understand that the same will remain open and continue to be maintained by the County.

Buffalo Creek runs north and south through the Carroll and Dunlap farms. Rain falling on a large area west of the above mentioned road is channeled by various ditches to the northwest corner of the Dunlap farm, and then flows along a ditch on the south side of the above mentioned road, and on the north side of the Dunlap farm to Buffalo Creek. There is so much water conducted to the northwest corner of the Dunlap farm by the ditches along the road and other ditches leading to that point, that the same cannot be handled by an ordinary road ditch. A tremendous ditch has been washed along the north line of the Dunlap farm, and this and all of the other ditches leading into it are being washed deeper and larger with each rain. Valuable farm land is thus being destroyed, and great damage is being done to the owners. Unless Arrangements are made to handle the water properly, the Dunlap and Carroll farms will continue to suffer great and irreparable damage.

The portion of the road which we desire discontinued is of no value or benefit to anyone; on the other hand, it is a distinct hazard and continuing source of damage to the property owners. The road from the place of beginning mentioned above to Buffalo Creek can be converted into a drainage ditch which will be capable of carrying, and will carry, the water to Buffalo Creek without further damage to any of the property owners. That portion of the road extending from Buffalo Creek, east to the Carroll gate is impassible except in dry weather because of the water which runs into it, and same should also be converted into a ditch to carry water to Buffalo Creek from the east.

Wherefore, we respectfully pray that the portion of the road described above be vacated and discontinued, and that the property owners be authorized with the assistance of the commissioner of precinct No. 2, and to take such other steps as may be deemed proper to protect themselves from any further damage.

After public notice has been given of the petition for twenty days as required by law, it will be submitted to the Commissioners Court of Johnson County, Texas.

Respectfully submitted,

L. F. Carroll

C. M. Tiner

J. G. Dunlap

Paul Siegmund

Leslie Ball

E. W. Wilkerson

W. P. Ball

W. A. Ricketts

I. G. Kennon

W. A. Moore

O. L. Stroud

In re: Petition of L. F. Carroll et al for Discontinuance of Part of Public Road in Commissioner's Precinct No. 2,

This June 13, 1949, came on to be heard the petition of L. F. Carroll, W. A. Moore, W. P. Ball, Leslie Ball, J. G. Dunlap, I. G. Kennon , O. L. Stroud, C. N. Tiner, Paul Siegmund, E. W. Wilkerson, and W. A. Ricketts to discontinue a part of the public road in Commissioner's Precinct No. 2, Johnson County hereafter described, and it appearing to the Court and the Court finds that the petition is signed by more than eight freeholders in the said precinct, that the petition is in due form of law, and that the petitioners have given twenty days notice thereof by written advertisement of such application posted at the Court House door of Johnson County, and at Two other public places in the vicinity of the route of such road, and that no objections thereto have been made, and upon and after a full investigation of the proposed change, the Court finds that the public interest will be better served by making the change, thereupon, on motion of Commissioner Evans, seconded by Commissioner Cowart, the following resolution was unanimously adopted, all the commissioners elected voting therefor, to wit:

"BE IT ORDERED that the public road in Commissioners Precinct No. 2, Johnson County, Texas, commencing at the southwest corner of the W. P. Ball farm and the northwest corner of the J. W. McClain farm, where the road connects with the road leading from the Cleburne and Godley road toward Brushy Knob; and running east to the northeast corner of the J. W. McClain farm, south to the northwest corner of the J. G. Dunlap farm and east between the L. F. Carroll and Leslie I. Ball farms on the north and the J. G. Dunlap farm on the south to the old Ft. Worth road, Be changed by Discontinuing the Following Portion of Same, to-wit:

Beginning at the northeast corner of the J. J. Ware Survey and the northwest corner of the L. F. Carroll farm; Thence running south between the farms of J. W. McClain and D. J. Evanson the west side and the L. F. Carroll farm on the east side, to the northwest corner of the J. G. Dunlap farm; Thence running east between the J. G. Dunlap farm on the south and the L. F. Carroll farm on the north, crossing Buffalo Creek, to the southeast corner of the L. F. Carroll farm; Thence running north between the L. F.

Carroll farm on the west and the Dunlap farm on the east, to the gate at the entrance to L. F. Carroll's residence;

And that portion of the road extending west from the place of beginning of the discontinued part, along the north line of the J. J. Ware Survey, and that part on the east end extending from L. F. Carroll's gate to the old Ft. Worth road, are not discontinued and shall remain open and be maintained as heretofore; and that the landowners be and they are hereby authorized to convert that portion of the road discontinued into a drainage ditch, and the Commissioner of Precinct No. 2 is hereby authorized to assist them in doing the necessary blade work and in such further respects as he may deem proper. All voted aye.

A motion was made by Commissioner Maddox, seconded by Commissioner Evans that the following contract and resolution between Texas Pipe Line Company, and Johnson County be adopted and approved:

IN THE COMMISSIONERS' COURT))
OF _____ COUNTY, TEXAS))

On the 13 day of June, 1949, came on to be considered by the Commissioner's Court of Johnson County, Texas, all members of said Court being present, the application of the Texas Pipe Line Company, a corporation of Texas, for the right to lay, operate and maintain a pipe line for the transportation of oil, gas, petroleum products, or any other material or substance which can be transported through a pipe line, or any one or more of such substances under across, and along the public roads, public road lands, and the highways in Johnson County, Texas, from a point: Entering Johnson County on the East line in the J. D. James Survey, Abst. 471; thence Northwesterly passing south of Alvarado, and East of Keene and continuing northwesterly passing south of Joshua, leaving Johnson County on the north line in the Johnson County School land Survey, Abst. 1113.

and the grantee at any and all reasonable time shall have the right of ingress to and egress from such pipe lines and may remove the same in whole or in part at will; and the said application having been duly considered by this Court, and this Court being of the opinion the same should be granted, it is ordered by the Court, so adjudged and decreed that the said right of way and easement privileges for the above purposes be, and the same are hereby granted to the said The Texas Pipe Line Company, its successors and assigns, so long as such structures are maintained, subject to the following terms and conditions, viz;

That the said The Texas Pipe Line Company shall, at its own expense, keep any pipe line or lines constructed under this grant buried at least two feet below the surface in a manner so as not to interfere with traffic along the said roads and highways or any of them, and shall maintain all pipe lines at and along all such pipe lines at and along all such highways in such condition that they will not impair such roads in or interfere with travel of the public, and shall keep all such roads at points where pipe lines are laid in as good condition as the adjacent road and shall leave no loose dirt or other material which will impair the said roads, but shall pack all dirt at such points to at least the consistency as the said road was before such excavations were made, and in the event that the said road is concrete macadamized, or graveled surfaces at such place, then the Company shall bore under the same without breaking the surface of the road and to such depth as will insure no settlement of the surface of the road. Crossings of all roads and ditches along roads of this County by the said Company to be made according to the direction of the Commissioners' Court or its legal representative.

It is also stipulated and required that the said pipe line or lines shall be constructed as to cross the public roads of Johnson County, at or near a right angle as is feasible, and it is further stipulated that except at crossings, pipe lines shall only be laid along the portion of the right of way not used for travel

and at least 15 feet from the improved section thereof and so as not to interfere with travel, drainage or the working of said roads,

It is further provided that if in making any changes of any nature whatsoever in any of said highways, roads, or the ditches thereof, it shall be found by, and in the opinion of, the Commissioner's Court, that it is necessary that such pipe line shall be placed deeper in the ground or in anywise changed as to its location the said The Texas Pipe Line Company will and shall upon notice from said court, at once proceed to deepen or change the location of such pipe line or lines, in accordance with the direction of said Court, said Court providing all necessary right of way and easements to any and all public roads, public road lands, or highways of Johnson County, further traversed by pipe line or lines by such directed changes, and if the work in making such change or changes is not begun within thirty days after such notice, and expeditiously continued thereafter, the county is, and will then be authorized to make such changes and the said Texas Pipe Line Company shall be liable to repay to the County the cost and expense of the work so done in connection therewith, including reasonable attorney's fee should it become necessary to bring suit to collect such amount or amounts.

It is expressly understood, agreed, and provided that if such pipe line shall be in any way damaged or injured by Johnson County or any of its officers, agents, representatives, or employees in performance of their duties in connection with any road work or repairs that may be done upon the roadways or highways of such County, said the Texas Pipe Line Company shall have and maintain no claim against Johnson County for damages for injuries of such character, this provision being one of the considerations moving the granting of this order and permit.

It is expressly provided and understood that the Texas Pipe Line Company, in accepting, and in operating under this franchise and permit, is and shall be bound by all of the terms and provisions of this order.

It is further ordered that the County Judge be, and he is hereby authorized, to execute on behalf of Johnson County, Texas, a franchise and permit in accordance with this order.

Done by the Board of Commissioners of Johnson County in _____ session this 13 day of June, 1949.

Johnson County, Texas

By: H. G. Littlefair, County Judge

THE STATE OF TEXAS)(

COUNTY OF JOHNSON)(

WHEREAS, on the 13 day of June, 1949, the Commissioners' Court of Johnson County, entered its order authorizing the County Judge of Johnson County, to execute for and on behalf of Johnson County, a franchise and permit to The Texas Pipe Line Company, its successors and assigns, to lay, operate and maintain a pipe line or lines under, across and along the public roads, public road lands and the highways in Johnson County, to which order and its record in the Minutes of the Commissioners Court of Johnson County reference is here made;

Now, Therefore, in accordance with said order and pursuant thereto, the County of Johnson, by and through _____ its County Judge, does hereby grant, to The Texas Pipe Line Company, its successors an assigns, a franchise and permit to lay, operate and maintain a pipe line or lines for the transportation of oil, gas, petroleum products, or any other material or substance which can be transported through a pipe line, or any one or more of such substances; under, across and along the public roads, highways and lands owned and held by Johnson County for road or highway purposes, from a point: Entering Johnson County on the east line in the J. D. James Survey, Abst. 471; thence northwesterly passing south of Alvarado and east of Keene and continuing northwesterly passing south of Joshua, leaving Johnson County, on the north line in the Johnson County School Land Survey, Abst. 1113. The franchise and

permit herein granted is, and shall be coextensive with and subject to the terms and conditions of the order of the Commissioner's Court above referred to, which order is here referred to for all purposes.

Johnson County, Texas

By: H. G. Littlefair, County Judge

THE STATE OF TEXAS)(

COUNTY OF JOHNSON)(

BEFORE ME, the undersigned authority, on this day personally appeared, _____, known to me to be the person whose name subscribed to the foregoing instrument, and acknowledged to me that _____ executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office, this 13 day of June, 1949.

Patsy Wilson, Notary Public

Johnson County, Texas All voted aye.

A motion was made by Commissioner Roland and seconded by Commissioner Coward that the Commissioner Court offer T. J. Parker an amount of \$500.00 damages for right of way for FM 916 between Grandview and Auburn. It is further order that the J. D. Parker Estate be offered \$100.00 for right of way Damages. The court agrees to remove and replace fences on both above named tracts along right of way at County Expense. All voted aye.

A motion was made by Commissioner Evans and seconded by Commissioner Roland that the salary of Mrs. Lillian Ashcraft, Deputy District Clerk be increased from \$1200.00 per year to \$1500.00 per year payable in equal monthly payments effective June 1, 1949. All voted aye.

Attest: _____ County Clerk _____ County Judge