

THE STATE OF TEXAS

MAY 11, 1959

COUNTY OF JOHNSON

BE IT REMEMBERED at a regular meeting of the Commissioners Court on the above mentioned date at the Courthouse in Cleburne, Texas, the following members were present: H. G. Littlefair, County Judge; W.M. Coward, Commissioner of Precinct No.1; S. W. Evans, Commissioner of Precinct No.2; Jimmie L. Walters, Commissioner of Precinct No. 3; M. W. Roland, Commissioner of Precinct No. 4, Louis B. Lee, County Clerk and J. T. Epperson, Jr., County Auditor.

A motion was made by Commissioner Walters and seconded by Commissioner Coward that all bills against Johnson County be allowed and ordered paid as Submitted and properly endorsed and examined in open court.

All voted aye

ORDER AUTHORIZING THE ISSUANCE OF REFUNDING BONDS

THE STATE OF TEXAS                    ( )

COUNTY OF JOHNSON                    ( )

On this the 11<sup>th</sup> day of May, 1959, the Commissioners Court of Johnson County, Texas, convened in regular session at a Regular Term thereof, at the Courthouse in Cleburne, Texas, will all members of the Court present, to-wit:

- |                   |                              |
|-------------------|------------------------------|
| H. G. Littlefair, | County Judge                 |
| W. M. Coward,     | Commissioner Precinct No. 1, |
| S. W. Evans,      | Commissioner Precinct No. 2, |
| J. L. Walters,    | Commissioner Precinct No.3,  |
| M. W. Roland,     | Commissioner Precinct No. 4, |
| Louis B. Lee,     | County Clerk,                |

and, among other proceedings had were the following:

Commissioner Roland introduced an order and moved its adoption. The motion was seconded by Commissioner Evans. The motion, carrying with it the adoption of the order, prevailed by the following vote:

AYES: Commissioners     Coward,     Evans,  
  
                                 Walters,     Roland,

NOES: None

The County Judge announced that the order had been finally passed. The order is as follows:

WHEREAS, the Commissioners Court of Johnson County, Texas, has heretofore authorized the issuance of Johnson County Road and Bridge Warrants, Series of 1956, dated April 1, 1956, Numbers 1 to 100, inclusive, of the denomination of \$1,000.00 each, aggregating \$100,000.00, bearing 3 ½% interest per annum, and maturing on April 1<sup>st</sup>, \$10,000 in each of the years 1966 to 1975, inclusive; of which issue there are now outstanding and unpaid Warrants Nos. 21 to 40, inclusive, aggregating \$20,000.00; and

WHEREAS, The Commissioners Court deems it advisable and to the best interest of said County to cancel the above described outstanding warrants by the issuance of refunding bonds in lieu thereof; and

WHEREAS, The County Judge has been heretofore directed to give notice of the intention of the Commissioners Court to refund said warrants, as required by Article 2368a, Vernon's Civil Statutes, as amended; and

WHEREAS, said notice was duly given by publication of said notice of intention to refund said warrants in a newspaper of general circulation published in said County, and which notice was published once a week for three consecutive weeks, the date of first publication thereof being at least (30) days prior to May 11, 1959, the date set for the passage of the order authorizing the issuance of the refunding bonds; and

WHEREAS, the Commissioners Court affirmatively finds that no petition was presented to the Court to submit the question as to the issuance of said refunding bonds for such purpose to a referendum vote; and

WHEREAS, it is now in order that the Commissioners Court proceed with the issuance of said refunding bonds;

THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED BY THE COMMISSIONERS COURT  
OF JOHNSON COUNTY, TEXAS:

I.

That the bonds of said county, to be known as JOHNSON COUNTY ROAD AND  
BRIDGE REFUNDING BONDS, SERIES OF 1959, be issued under and in strict  
conformity with the Constitution and laws of the State of Texas, in the  
principal sum of Twenty Thousand (\$20,000.00) Dollars, for the purpose of  
canceling, refunding and in lieu of a like amount of outstanding warrants  
hereinabove described.

II.

That said bonds shall be numbered consecutively from 1 to 20, inclusive,  
and shall be of the denomination of One Thousand (\$1,000.00) Dollars each,  
aggregating Twenty Thousand (\$20,000.00) Dollars.

III.

That said bonds shall bear interest from date until paid at the rate of  
three and one-half (3 ½%) per cent per annum, interest payable April 1, 1960,  
and semi-annually thereafter on October 1<sup>st</sup> and April 1<sup>st</sup> in each year; that  
principal of and interest on said bonds shall be payable in lawful money of and  
interest on said bonds shall be payable in lawful money of the United States of  
America, upon presentation and surrender of bonds or proper coupons at the  
Mercantile National Bank at Dallas, Dallas, Texas, without exchange or  
collection charges to the owner or holder.

IV.

That said bonds shall be dated April 1, 1959, and shall become due and  
payable on April 1, 1967.

The Commissioners Court hereby affirmatively adjudges that the financial  
condition of said County will not permit the issuance of said refunding bonds  
in such installments as will make the burden of taxation to support the same  
approximately uniform throughout the term of said bond issue, save and except

as said object is accomplished by the maturity hereinabove set out, which maturity if found to be necessitated by the financial condition of said county.

V.

That the form of said bonds shall be substantially as follows:

NO. \_\_\_\_\_

\$1,000

UNITED STATES OF AMERICA

STATE OF TEXAS

COUNTY OF JOHNSON

JOHNSON COUNTY ROAD AND BRIDGE REFUNDING BOND

SERIES OF 1959

THE COUNTY OF JOHNSON, a duly organized and existing political subdivision of the State of Texas, acknowledges itself indebted to, and FOR VALUE RECEIVED, hereby promises to pay to bearer the sum of ONE THOUSAND DOLLARS (\$1,000.00), in lawful money of the United States of America, on the 1<sup>st</sup> day of April, 1967, with interest thereon from date hereof at the rate of three and one-half (3 ½%) per cent per annum, interest payable April 1, 1960. and semi-annually thereafter on October 1<sup>st</sup> and April 1<sup>st</sup> in each year, as evidenced by proper coupons attached hereto, until the principal sum shall be paid.

BOTH PRINCIPAL AND INTEREST of this bond are payable at the Mercantile National Bank at Dallas, Dallas, Texas, without exchange or collection charges to the owner or holder.

THIS BOND is one of a series of twenty (20) bonds, numbered consecutively from one (1) to twenty (20), inclusive, of the denomination of One Thousand (\$1,000.00) Dollars each, aggregating Twenty Thousand (\$20,000.00) Dollars, issued for the purpose of refunding, canceling and in lieu of like par amount of outstanding indebtedness of Johnson County, Texas, chargeable against its Road and Bridge Fund; and this bond, and the series of which it is a part, is issued in strict conformity with the Constitution and Laws of the State of Texas, and in pursuance of an order duly passed by the Commissioners Court of

Johnson County, Texas, which order is duly recorded in the Minutes of said Court.

The date of this bond, in conformity with the order above referred to, is April 1, 1959.

IT IS HEREBY CERTIFIED, RECITED AND REPRESENTED that all acts, conditions and things necessary to be done precedent to and in the issuance of this bond, and the series of which it is a part, in order to make them legal, valid and binding obligations of said County, have been done, have happened and been performed in regular and due time, form and manner as required by law; that the faith and credit of said County are hereby irrevocably pledged for the prompt payment of the principal of and interest on these bonds at maturity; that due provision has been made for levying and collecting annually by taxation an amount sufficient to pay the interest on these bonds as it falls due and to provide a sinking fund for the final redemption of said bonds at maturity; and that the issue of bonds of which this is one, together with all other indebtedness of said County, is within every debt and other limit prescribed by the Constitution and Laws of the State of Texas.

IN ADDITON to all other rights, the holder or holders of this bond, and of the series of which it is a part, is and are subrogated to all the rights and has and have all of the remedies of the holders of the original indebtedness refunded by this issue of bonds.

IN WITNESS WHEREOF, the Commissioners Court of Johnson County, Texas, has caused the seal of said Court to be affixed hereto, and this bond and its appurtenant coupons to be executed with the imprinted facsimile signatures of the County Judge and County Clerk, and to evidence the registration of this bond by the County Treasurer the facsimile signature of the County Treasurer has been imprinted hereon, in accordance with the provisions of Article 717j, Vernon's Civil Statutes of Texas, 1925, as amended.

\_\_\_\_\_  
County Judge, Johnson County, Texas

\_\_\_\_\_  
County Clerk, Johnson County, Texas

REGISTERED:

\_\_\_\_\_  
County Treasurer, Johnson County, Texas.

VI.

That the form of interest coupons to be attached to each of said bonds shall be substantially as follows:

No. \_\_\_\_\_ \$\_\_\_\_\_

ON THE 1<sup>ST</sup> DAY OF  
\_\_\_\_\_, 19\_\_\_\_,

THE COUNTY OF JOHNSON, in the State of Texas, hereby promises to pay to bearer, in lawful money of the United States of America, at the Mercantile National Bank at Dallas, Dallas, Texas, without exchange or collection charges to the owner of holder, the sum of \_\_\_\_\_ (\$\_\_\_\_\_) Dollars, being \_\_\_\_ month's interest then due on JOHNSON COUNTY ROAD AND BRIDGE REFUNDING BOND, SERIES OF 1959, dated April 1, 1959.

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
County Judge

VII.

That substantially the following certificate shall be printed on the back of each bond:

OFFICE OF COMPTROLLER ( )

REGISTER NO. \_\_\_\_\_

STATE OF TEXAS ( )

I HEREBY CERTIFY that there is on file and of record in my office a certificate of the Attorney General of the State of Texas to the effect that this bond has been examined by him as required by law and that he finds that it has bee issued in conformity with the Constitution and Laws of the State of

Texas, and that it is a valid and binding obligation upon said Johnson County, Texas, and said bond has this day been registered by me.

WITNESS MY HAND and seal of Office at Austin, Texas, this \_\_\_\_\_.

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Comptroller of Public Account of  
The State of Texas.

VIII.

THAT said bonds and interest coupons appurtenant thereto shall be executed by the imprinted facsimile signatures of the County Judge and County Clerk of Johnson County, with the seal of the Commissioners Court affixed, and execution in such manner shall have the same effect as if such bonds and coupons had been signed by the County Judge and County Clerk in person by their manual signatures; that each of said bonds shall be registered by the County Treasurer, that each of said bonds shall be registered by the County Treasurer, and to evidence such registration, the facsimile signature of the County Treasurer shall be imprinted on each of said bonds and shall have the same effect as if such bonds had been signed in person and by the manual signature of the County Treasurer. In as much as such bonds are required to be registered by the Comptroller of Public Accounts, of the State of Texas, only his signature, or that of a deputy designated in writing to act for the Comptroller, shall be required to be manually subscribed to such bonds in connection with his registration certificate to appear thereon as above provided, all in accordance with the provisions of Article 717j, Vernon's Civil Statutes of Texas, 1925, as amended.

IX.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Commissioners Court of Johnson County, Texas, that while said bonds, or any of them, are outstanding and unpaid, there shall be, and it is hereby ordered that there be levied, assessed and collected in due time, form and manner a tax upon each \$100 valuation of taxable property in Johnson County, Texas, out of the Constitutional Road and Bridge Tax of said County sufficient to pay the current interest on said bonds and create a sinking fund for the payment of the principal at maturity, and there is hereby levied for the year 1959 out of the

Constitutional Road and Bridge Tax of said County, a sufficient tax on each \$100 valuation of taxable property in said county, and the same shall be assessed and collected and applied to the purpose named; and while said bonds, or any of the, are outstanding and unpaid, a tax for each year at a rate from year to year, as will be ample and sufficient to provide funds to pay the interest on said bonds, and to provide the necessary sinking fund to pay the principal, full allowance being made for delinquencies and costs of collection, or to provide at least two (2%) per cent of the principal as a sinking fund, whichever amount is greater, shall be, and is hereby levied for each year, respectively, while said bonds, or any of them, are outstanding and unpaid, and said tax shall be assessed and collected and applied to the payment of the interest on and principal of said bonds.

X.

That all moneys in the sinking fund and all taxes heretofore levied or in process of collection for the benefit of the warrants being refunded by said refunding bonds, shall be, and the same are hereby appropriated and transferred to the benefit of said refunding bonds.

XI.

That the County Judge of Johnson County shall be and he is hereby authorized to take and have charge of all necessary orders and records pertinent to said refunding bonds pending their investigation by the Attorney General, and the County Judge shall also take and have charge and control of the bonds herein authorized pending their approval by the Attorney General and their registration by the Comptroller of Public Accounts. The State Comptroller is hereby authorized to accept from McClung & Knickerbocker, or their duly authorized agent, in installments or otherwise, the obligations hereby refunded, and, after cancellation thereof, register a like amount of the bonds herein authorized and deliver same to McClung & Knickerbocker, or their agent.

PASSED AND APPROVED, this the 11<sup>th</sup> day of May, 1959.



H. G. Littlefair, County Judge

W.M. Coward, Commissioner Pct. No. 1    J.L. Walters, Commissioner Pct. No.3

S.W. Evans, Commissioner Pct. No. 2    M.W. Roland, Commissioner Pct. No. 4

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THE STATE OF TEXAS        ( )

COUNTY OF JOHNSON        ( )

BEFORE ME, the undersigned authority, on this day personally appeared William Rawland, who, after being by me first duly sworn, deposes and upon his oath says that he is the publisher of the Cleburne Times-Review, a newspaper of general circulation published in Johnson County, Texas, and that he published a true copy of the NOTICE OF INTENTION TO ISSUE REFUNDING BONDS hereto attached in said paper on the following dates:

April 2, 1959

April 9, 1959

April 16, 1959

the date of its first publication being not less than thirty (30) days prior to the date fixed for the passage of the order authorizing the issuance of said refunding bonds.

Wm. Rawland

SUBSCRIBED AND SWORN TO before me by William Rawland, on this the 17<sup>th</sup> day of April, 1959.

(seal)

Peyton Lawson, Notary Public,

Johnson County, Texas

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STATEMENT OF INDEBTEDNESS

THE STATE OF TEXAS       ()

COUNTY OF JOHNSON       ()

I, the undersigned authority, County Treasurer of Johnson County, Texas,  
DO HEREBY CERTIFY THAT THE FOLLOWING is a true and correct statement of all  
indebtedness outstanding against Johnson County, Texas, incurred under Section  
9, Article 8, of the Texas Constitution:

I.       OUTSTANDING BONDS:

Purpose	DATE	INT. RATE	DUE	AMOUNT OUTSTDG.
R & B Refdg.	2-1-1951	3 ½%	\$18,000 2-1-1960	
			15,000       1961	\$33,000
R & B Refdg.	11-15-1952	3 ½%	\$ 5,000 11-15-1961	
			20,000       1962	\$25,000
R & B Refdg.	7-1-1955	3 ½%	\$ 7,000 7-1-1963	
			8,000       1964	
			10,000       1965	\$25,000
R & B Refdg.	7-15-1957	3 ½%	\$ 5,000 7-15-1959/62	
			10,000       1963/64	
			15,000       1965	
			25,000       1966	\$80,000
Hospital	8-1-1946	1 ¼%	\$23,000 8-1-1959/60	
			24,000       1961	\$70,000

II.       OUTSTANDING WARRANTS:

R & B	4-1-1956	3 ½%	\$10,000	4-1-1968/69	\$20,000
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WITNESS MY OFFICIAL SIGNATURE, this the 11<sup>th</sup> day of May, 1959.

Mable Massey, County Treasurer,  
  
Johnson County, Texas.

STATEMENT OF TAXABLE VALUES

THE STATE OF TEXAS     ()

COUNTY OF JOHNSON     ()

I, the undersigned authority, Tax Assessor-Collector for Johnson County, Texas, DO HEREBY CERTIFY that the assessed value of property in said county for the year 1958, as shown by the tax rolls of said County for said year, the same being the last approved tax rolls of Johnson County, Texas, is \$24,973,200.00.

WITNESS MY HAND and seal of office, this the 11<sup>th</sup> day of May, 1959.

(seal) Dennis McWilliams, Tax Assessor-Collector  
Johnson County, Texas

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THE STATE OF TEXAS     ()

COUNTY OF JOHNSON     ()

WE, the undersigned authorities, do hereby certify that none of the warrants being refunded by the \$20,000, JOHNSON COUNTY ROAD AND BRIDGE REFUNDING BONDS, SERIES OF 1959, were ever held in or purchased by the sinking fund created for the payment of said warrants; that none of said warrants being refunded are now held in or owned by the sinking fund created for the purpose of paying off or redeeming any of said warrants; that none of said warrants will be taken up and paid for with money from said sinking fund; and that there is no money in said sinking fund with which to pay the principal of any of said warrants.

WE FURTHER CERTIFY that there has never been and there is not now pending any litigation in anywise affecting the validity of said warrants being refunded, nor has thereever been nor is there now pending any litigation affecting the power of the Commissioners Court to levy and collect taxes to pay the principal of and interest on same.

WITNESS OUR HANDS and seal of the Commissioners Court of Johnson County, Texas, this the 11<sup>th</sup> day of May, 1959.

Louis B. Lee, County Clerk,

Johnson County, Texas

Mable Massey, County Treasurer,

(seal)

Johnson County, Texas

A motion was made by Commissioner Roland and seconded by Commissioner Evans that the financial report of the Johnson County Memorial Hospital for April 1959 be approved as submitted.

All voted aye

A motion as made by Commissioner Coward and Seconded by Commissioner Walters that the resignation of Lee Myres be accepted as of this date, May 11, 1959, as Justice of the Peace for Precinct 1, Place 2, Johnson County, Texas, and that his Bondsmen be released from further responsibility and that H. H. Johnson a resident of Justice Precinct No. 1 be appointed to serve as Justice of the Peace for Justice Precinct 1, Place 2, effect from May 12<sup>th</sup>, 1959, until the next General Election.

All voted aye

A motion was made by Commissioner Roland and seconded by Commissioner Coward tht the Commissioner Court meet as Board of Equalization to review all County Tax Rendition for Johnson County, May 25, 26 and 27, 1959, for possible adjustments in said renditions as submitted to the Tax Assessor-Collector of Johnson County, and that the Board of Equalization meet June 15, 16, and 17, 1959, in open meeting to hear any tax payer who may wish to appear before them on Tax matters.

All voted aye

A motion was made by Commissioner Roland and seconded by Commissioner Walters, that the Commissioners' Court of Johnson County, Texas, hereby agrees with the Nolan Aquilla Soil Conservation District to assist said District in clearing easements for construction of water detention dams at the following locations:

Chambers Creek, Unit Upper 6

Site No. 57

The Commissioners' Court agrees to:

1. Raise country road to an elevation where it will be inundated on few occasions; and
2. Give permission to temporarily inundate the road at flood stage and to designate an alternate route as good or better than present road, for the public to take south road out by Watt's Chapel Community.

Site No. 59

The Commissioners' Court hereby gives permission to temporarily inundate the road at flood stage and to designate an alternate route for the public to use county road west and count road east to State Farm to Market Highway No. 110.

CHAMBERS CREEK, UNIT 3

Site No. 40

The Commissioners' Court agrees to give permission to temporarily inundate the road and designate an alternate route for the public to use the north side on county road to U. S. 67, and on south side to use county road to Pecan Grove Road and then to proceed in either an east or west direction.

All voted aye

THERE BEING NO FURTHER BUSINESS COURT IS HEREBY ADJOURNED.

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COUNTY CLERK

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COUNTY JUDGE

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