

THE STATE OF TEXAS

June 9, 1969

COUNTY OF JOHNSON

BE IT REMEMBERED AT A REGULAR MEETING of the Commissioners Court of Johnson County, Texas, on the above mentioned date at the Courthouse in Cleburne, Texas, with the following members present: Thomas E. Ball, County Judge, C. W. Atwood, Commissioner of Precinct No. 1, W. R. Bryant, Commissioner of Precinct No. 2, W. I. Boteler, Commissioner of Precinct No. 3, M. W. Roland, Commissioner of Precinct No. 4, Louis B. Lee, County Clerk, Lorene Moreland, County Auditor and J. C. Bennett, Assistant County Auditor.

A motion was made by Commissioner Boteler and seconded by Commissioner Bryant that all bills against Johnson County be allowed & ordered paid as submitted, examined in open court and properly endorsed.

All voted aye

Upon a motion made by Commissioner Atwood and seconded by Commissioner Roland with motion passed unanimously the Commissioners Court of Johnson County hereby authorizes the Commissioner shown below to use County employees and equipment to construct and/or maintain a private road within his precinct as shown below, as authorized by Article 6812b, Texas Civil Statutes, to-wit:

PERSON REQUESTING WORK	DESCRIPTION OF WORK AND LOCATION OF JOB	COMMISSIONER AUTHORIZED TO DO WORK
Burch Wilfong	Gravel off Highway 174	Prec. No. 1
J. Murrel Moran	Grade driveway-F.M. 110	Prec. No. 4

THERE BEING NO FURTHER BUSINESS COURT IS HEREBY ADJOURNED.

COUNTY CLERK

COUNTY JUDGE

. . . 000o000 . . .

MINUTES PERTAINING TO AN ORDER APPROVING  
ESTIMATE NO. 5 TO A CONTRACT BETWEEN THE  
COUNTY OF JOHNSON, TEXAS, AND CAIN & CAIN  
INC., CONTRACTOR, CONTRACT BEING DATED AS  
ON JANUARY 17, 1969

THE STATE OF TEXAS

COUNTY OF JOHNSON

ON THIS, the 9 day of June, 1969, the Commissioners' Court of Johnson County, Texas, convened in Regular session, being open to the public, at the

regular meeting place of said Court in the Courthouse in Cleburne, Texas, the following members of the Court being present, to-wit:

THOMAS E. BALL	COUNTY JUDGE, Presiding; and
C. W. ATWOOD	COMMISSIONER, Precinct No. 1
W. R. BRYANT	COMMISSIONER, Precinct No. 2
W. I. BOTELER	COMMISSIONER, Precinct No. 3
M. W. ROLAND	COMMISSIONER, Precinct No. 4

and with the following absent: none, constituting a quorum; and among other proceedings had were the following:

The County Judge submitted the following order to the Court:

"ORDER APPROVING ESTIMATE NO. 5 TO A CONTRACT  
BETWEEN THE COUNTY OF JOHNSON, TEXAS, AND CAIN  
& CAIN, INC., CONTRACTOR, CONTRACT BEING DATED  
AS ON JANUARY 17, 1969."

The order having been read in full, it was moved by Commissioner Boteler and seconded by Commissioner Roland that the same be adopted. Thereupon, the question being called for, the following members of the Court voted "AYE"; County Judge Ball and Commissioners Atwood, Bryant, Boteler and Roland; and none voted "NO".

The County Judge declared the motion carried and the order passed, and the Clerk was instructed to record same in the proper minutes of the Court.

ATTEST: THOMAS E. BALL  
LOUIS B. LEE COUNTY JUDGE, JOHNSON COUNTY, TEXAS  
County Clerk and Ex-Officio Clerk of  
the Commissioners' Court of  
Johnson County, Texas  
(COMM. SEAL)

ORDER APPROVING ESTIMATE NO. 6 TO A CONTRACT  
BETWEEN THE COUNTY OF JOHNSON, TEXAS, AND CAIN  
& CAIN, INC., CONTRACTOR, CONTRACT BEING DATED  
AS ON JANUARY 17, 1969

WHEREAS, under date of January 17, 1969, this Commissioners' Court ratified and confirmed the execution of a contract with Cain & Cain, Inc., Contractor, Fort Worth, Texas, and under said Contract the County is to deliver \$500,000 "JOHNSON COUNTY, TEXAS, HOSPITAL IMPROVEMENT WARRANTS," dated February 1, 1969, and the balance of the contract in cash; thereafter, said contract was amended by Change Order No. 1 so that the contract price is

\$1,935,019.00, of which amount \$500,000 is to be paid through the issuance and delivery of the above described warrants and the balance is to be paid in cash by the County out of funds now on hand and legally available for the purpose—including \$500,000 which the County is to receive as a grant under the Hill-Burton program; and,

WHEREAS, Estimate No. 5 of the Contractor has been presented, such estimate showing that the work has been completed as shown in the estimate and the \$108,117.90 is the amount that should be paid to the Contractor at this time; and,

WHEREAS, this Court now finds and determines that the amount now due the Contractor should now be paid in the following manner;

\$108,117.90 by the payment of cash out of funds on hand  
legally available for the purpose and here-  
tofore appropriated;

AND WHEREAS, the said estimate so submitted to this Court is as follows:

M. M. MOSELEY, ARCHITECT  
215 West Main  
Fredericksburg, Texas

PROJECT:  
Johnson County Memorial Hospital  
Cleburne, Texas

ESTIMATE NO. 5

DATE: June 2, 1969

ITEM	CONTRACT PRICE	COMPLETE TO DATE
Aluminum Entrances-Glass-Glazing	5,580.00	
Ceramic Tile	19,100.00	
Cubical Track	2,900.00	
Drill Piers	3,800.00	3,800.00
Drywall-Acoustical Tile-Insulation	148,000.00	14,800.00
Electrical	293,314.00	109,360.00
Elevators	69,200.00	
Excavation	3,600.00	1,200.00
Fence	300.00	
Finish Hardware	12,900.00	
I. V. Track-Carriers	1,600.00	
Laboratory Equipment	19,800.00	
Lath & Plaster	5,870.00	
Masonry-cast Stone	56,200.00	43,910.00
Metal Doors-Frames	7,800.00	400.00
Metal Sidings	7,200.00	
Metal Windows	5,920.00	5,920.00
Millwork	22,800.00	
Painting	20,300.00	
Paving	2,900.00	
Plumbing-Heating-Air Conditioning	730,102.00	100,856.00
Precast Wall Panels	87,270.00	57,900.00
Resilient Tile-Covering	30,200.00	
Roofing-Sheet Metal-Waterproofing	23,200.00	7,200.00
Steel: Struct.-Reinf.-Misc.	98,300.00	96,320.00
Toilet Accessories	2,700.00	
Toilet Partitions	500.00	
Vinyl Wall Covering	16,300.00	
Weatherstripping	520.00	
X Ray Protection	3,010.00	
Bonds	19,350.00	19,350.00
Lumber	3,200.00	910.00
Rough Hardware	4,980.00	2,810.00

Concrete	20,320.00	12,200.00
Insurance-Building	5,200.00	970.00
Labor	151,290.00	49,900.00
Insurance & Taxes-Labor	22,693.00	7,575.00
Form Lumber	6,800.00	6,200.00
	<u>1,935,019.00</u>	<u>541,581.00</u>

ORIGINAL CONTRACT	2,225,890.00	Total Estimate to Date	541,581.00
Change Order #1	290,871.00	Less 10% Retainage	54,158.10
Sub Total Contract	<u>1,935,019.00</u>	Amount Due	<u>487,422.90</u>
Deductions		Less Previous Estimates	379,305.00
Total Contract	1,935,019.00		
Total Paid with this Estimate	<u>487,422.90</u>	AMOUNT DUE this estimate	<u>\$108,117.90</u>

BALANCE 1,447,596.10

M. M. MOSELEY, ARCHITECT

CAIN & CAIN, INC.

\_\_\_\_\_

Wilburn Burns, Secretary

\_\_\_\_\_

Date

AND WHEREAS, it has been determined by this Court that said estimate should be approved and payment made in the manner hereinafter set forth; therefore,

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

SECTION 1: That it has specifically found and determined that this Court has received full value for the work done and performed and the materials, etc. supplied for which the aforesaid estimate is submitted, and said estimate is hereby approved and allowed in accordance with the order authorizing same.

SECTION 2: That is appears to this Commissioners' Court upon due investigation that no person, firm corporation or trust estate has given notice in writing or otherwise to the Court or to any officer whose duty it is to pay said Contractor, of any lien for any materials, apparatus, fixtures, machinery or labor furnished to the said Contractor, as provided by Article 5472a, V. A. T. C. S., or any other law; and, further, that neither the court nor any person, holds a claim of any king or character which might be properly charged or interposed as an offset or counterclaim to the payment of the estimate herein approved.

SECTION 3: That the amount due the Contractor under the aforesaid estimate shall be paid as set forth in the preamble.

SECTION 4: That the cash payment herein authorized to be made is hereby found to be valid, subsisting and binding obligations of the County of

Johnson, Texas, and it is hereby specifically and affirmatively adjudged and declared that this County has received full value and consideration under the contract for which payment has been authorized by the payment of cash, authorized herein to be made to the amount of the estimate, and all things required by law to be done by the payment of cash have happened and been performed in due time, form and manner as required by law. This ascertainment is expressly made for the use, benefit and protection of the aforesaid Contractor, the Attorney General of the State of Texas, and any other attorney who shall pass upon the legality and validity of the proceedings, and the same shall be binding upon said County and the members of the Commissioners' Court and their successors in office.

SECTION 5: That the County shall carry out the provisions of this order by causing the foregoing cash payment to be made to said Contractor, and it is specifically provided that all acts of the County regarding the payment of cash shall be prima facie evidence that the official acts of the County have been completed in all respects in the proper manner.

PASSED AND APPROVED, this the 9 day of June, 1969.

ATTEST:	THOMAS E. BALL
LOUIS B. LEE	County Judge,
County Clerk and Ex-Officio Clerk of the	Johnson County, Texas
Commissioners' Court of Johnson County, Texas	
(COM. CRT. SEAL)	

. . . 0000000 . . .

CASH RECEIPT

THE STATE OF TEXAS  
COUNTY OF TARRANT

I, Owen E. Cain, of CAIN & CAIN, INC., Contractor, DO HEREBY CERTIFY that I have received payment of \$108,117.90 in payment of Estimate No. 5 submitted to the Commissioners' Court of Johnson County, Texas, in accordance with an order approving said estimate and authorizing said cash payment in the amount of \$108,117.90, which order was passed and adopted by the Commissioners' Court of Johnson County, Texas, on the 13<sup>th</sup> day of June, 1969.

TO CERTIFY WHICH, witness my hand this the 13<sup>th</sup> day of June, 1969.

CAIN & CAIN, INC., Contractor  
By Owen E. Cain

SWORN TO AND SUBSCRIBED BEFORE ME, this the 13<sup>th</sup> day of June, 1969.

Wilburn Ray Burns, Notary Public

(seal)

in and for Tarrant County, Texas

. . . ooo0ooo . . .