

THE STATE OF TEXAS

July 1, 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, Lorene Moreland, County Auditor, J. C. Bennett, Assistant County Auditor, John A. James, District Judge, Jim Ferguson, Byron Crosier, John MacLean, Gean Turner, John Butner, Johnson Co., Bar Association and Louis B. Lee, County Clerk.

A motion was made by Commissioner Roland and seconded by Commissioner Boteler that the County adopt the Jury Wheel system in selection of Juries in District and County Courts. Purchase of Jury Wheel and other equipment needed, effective July 1, 1969.

All voted aye

A motion was made by Commissioner Roland and seconded by Commissioner Boteler that the following Resolution be approved.

All voted aye

RESOLUTION

BE IT RESOLVED that the Commissioners' Court of Johnson County, Texas, in regular session, on this the 1st day of July, 1969, all members being present, do unanimously adopt the proposed Bill transferring criminal and civil jurisdiction from the 18th Judicial District Court to the County Court of Johnson County, Texas, as set forth in said attached proposed Bill; that all interested officials affected by the transfer have been contacted; that is, the District Judge, County Judge, County Attorney, County Clerk, District Clerk, Sheriff, the Justices of the Peace and Constables, as well as the Johnson County Bar Association, and all have indicated their approval of the proposed Bill:

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to our State Senator, Honorable J. P. Word, and to our State Representative, Honorable J. E. Ward, requesting that, if possible, they have it placed on the agenda of the special session of the legislature to be called by the Governor this month as a matter to be considered as emergency legislation.

SIGNED at Cleburne, Texas, this the 1st day of July, 1969.

Thomas E. Ball, County Judge

C. W. Atwood, Commissioner Prec. 1

W. R. Bryant, Commissioner Prec. 2

W. I. Boteler, Commissioner Prec. 3

M. W. Roland, Commissioner Prec. 4

ARTICLE 1970-335. JOHNSON COUNTY: TRANSFER OF JURISDICTION FROM THE DISTRICT COURT OF JOHNSON COUNTY TO THE COUNTY COURT OF JOHNSON COUNTY OF CAUSES INVOLVING EMINENT DOMAIN AND OTHER CIVIL AND CRIMINAL JURISDICTION WHICH COME WITHIN COUNTY COURT JURISDICTION UNDER THE GENERAL LAWS OF THIS STATE: PROVIDING FOR THE TRANSFER OF CLERICAL DUTIES FROM THE DISTRICT CLERK TO THE COUNTY COURT: AND DECLARING AN EMERGENCY

ARTICLE 1970-335 is hereby amended so as to hereafter read as follows:

Section 1. The County Court of Johnson County shall have and exercise the general jurisdiction of a probate court, shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration; settle the accounts of executors, administrators and guardians; transact all business pertaining to the estates of deceased persons, minors idiots, lunatics, persons non compos mentis, and common drunkards, including the partition, settlement and distribution of estates of deceased persons pending in such Court; to conduct lunacy hearings; to apprentice minors as provided by law, and to issue all writs necessary for the enforcement of its own jurisdiction; to punish contempt under such provisions as now or may be provided for by General Law governing County Courts throughout the State; and in addition thereto, said County Court shall have jurisdiction over matters of eminent domain as well as other original civil and criminal jurisdiction, and other appellate civil and criminal jurisdiction as is conferred upon and as may in the future be conferred upon County Courts by General Laws of this State.

SECTION 2. All causes involving eminent domain and other civil and criminal causes, both of original and appellate nature, pending in the District Court of Johnson County as of the effective date of this Act, over which the County Court of Johnson County would normally have jurisdiction under the General Laws of this State, are hereby transferred to the County Court of Johnson County as of the effective date of this Act; and all writs

and processes relating to such causes heretofore issued by or out of said District Court of Johnson County are hereby made returnable to said County Court of Johnson County after this Act takes effect in the same manner as such writs and processes would have been returnable to said District Court but for this Act; and provided further, that as to any such civil or criminal case on appeal from said District Court, Should a judgment be entered by the Court of Civil Appeals or the Supreme Court or the Court of Criminal Appeals, remanding such cause for a new trial or for other further proceedings, same shall be remanded to the County Court of Johnson County, and all jurisdiction in respect to said particular case shall thereafter vest in the County Court of Johnson County, Texas.

SECTION 3. The District Clerk of Johnson County shall continue to perform all the clerical functions of and for the County Court of Johnson County insofar as all matters and causes affected by this Act are concerned, until January 1, 1971; and at said last named date, all such clerical functions shall be transferred to and assumed by the County Clerk of Johnson County. It is further provided that at said last named date, the District Clerk of Johnson County is hereby required to file with the County Clerk of Johnson County all original papers in all causes affected by this Act then pending, as well as all Judge's dockets, pertaining to such causes. It is further provided that at said last named date it shall not be necessary that the County Clerk refile any papers heretofore filed by the District Clerk, but papers in any such causes bearing the file mark of the District Clerk prior to January 1, 1971 shall be held to have been filed in any such causes without the necessity of being refiled by the County Clerk. Said District Clerk in causes so transferred shall accompany the papers with a certified bill of cost; and against all cost deposits, if any, said District Clerk shall charge accrued fees due him, and the remainder of the deposit he shall pay to said County Clerk as a deposit in the particular cause for which same was deposited. Credit shall be given litigants for all jury fees theretofore paid to said District Clerk.

SECTION 4. This act shall not be construed to in any manner affect final judgments heretofore rendered by the District Court of Johnson County pertaining to matters and causes affected by this Act; but said District Court shall retain jurisdiction to enforce said final judgments, and said District

Clerk shall issue all writs of execution and orders of sale and proceedings thereunder and his act in so doing shall be valid and binding to all intents and purposes.

SECTION 5. The duties of the County Attorney of Johnson County shall not be in any manner changed or affected by this Act; and said County Attorney shall have and perform the same duties as were had and performed prior to the passage of this Act.

SECTION 6. The purpose of this Act is to vest in the County Court of Johnson County all jurisdiction of every kind and character which it would have otherwise had under the General Laws of this State pertaining to such matters. This Act shall not be so construed as to deprive the District Court of Johnson County of any jurisdiction that it would otherwise have and exercise under the General Laws of this State. The transfer of the clerical functions from the District Clerk to the County Clerk as provided for by Section 3 herein was made effective January 1, 1971 in order to enable said County Clerk to provide suitable facilities to accommodate such transfer.

SECTION 7. The crowded conditions of the docket of the District Court of Johnson County established and creates an imperative public necessity and emergency requiring the Constitutional Rule that bills be read on three several days in each house be suspended, and said Rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

A motion was made by Commissioner Bryant and seconded by Commissioner Atwood that the following Resolution pertaining to new plat in Johnson County be approved.

All voted aye

RESOLUTION

WHEREAS, the development of land lying outside of incorporated cities and towns in Johnson County, Texas has created economic and health problems for Johnson County, due to lack of planned development, and in order to avoid these problems and to insure continued orderly development it is necessary for the Commissioners' Court to take the following action:

THEREFORE, BE IT RESOLVED by the Commissioners' Court of Johnson County that before the County will assume future maintenance of new roads within the County

(1) The land owner or developer will convey fee simple title to sixty (60) feet of right of way for use as public roads, said deed to the County properly describing said right of way by metes and bounds:

(2) The land owner or developer shall furnish a plat showing a lay-out of the addition and/or the land to be developed with a metes and bounds legal description typed in the upper left-hand corner of the plat, and such plat will show the lot and block numbers of each lot and block, with the streets and alleys shown in said plat, together with their size; that such plat shall not exceed the following size: 9 ½" x 15 ½"; that the utility easements shall be shown in said plat, together with the name of said addition, and with appropriate space for the approval of the Commissioners' Court of Johnson County, Texas, and the date of such approval; said plat shall be prepared by a registered surveyor of the State of Texas;

(3) Any drainage easements will likewise be shown on said plat;

(4) If said addition or land development is located within five (5) miles of any incorporated city or town in Johnson County, the approval of said city or town must be secured prior to the time said plat is submitted to the Commissioners' Court for approval, with the approval signature of the mayor and attested by the city secretary, with the date of such approval being shown therein;

(5) That the land owner or developer shall furnish the County with a percolation test from a registered engineer, showing the capacity of the soil to handle a septic sewer system, if no public sewer system, if no public sewer system is installed;

(6) The land owner or developer shall furnish a statement showing whether or not the land to be developed is on a community water system; if not on a community water system, a letter will be addressed to the Commissioners' Court as to the source of water; if individual wells will be utilized, then a statement from an engineer as to the depth of the wells where water may be found; and in all cases a statement as to the purity and volume of water available will be furnished;

(7) That all streets and lots shown on the plat must meet the following specifications:

(A) The land owner or developer will grade up the road bed to an approval level and said road must have V-type bar ditches;

(B) That the road bed, after it has been graded, will be covered with a minimum width of 24 feet of a good grade of gravel six inches in depth;

(C) That all of the grading and gravel must meet the inspection and approval of the County Commissioner in whose precinct such addition or development is located;

(D) The land owner or developer will be required to install culverts on all entrances and across drainage structures, where required by the County Commissioner;

(E) The land owner or developer will be required to apply one primer coat of asphaltic material to the six inches of gravel and a single asphalt surface treatment consisting of a minimum of 3/10ths (.3) gallon of asphalt per square yard and covered with crushed rock or gravel aggregate 100% which will pass the three-quarter inch (3/4") square; the aggregate shall be rolled to firmly embed it in the asphalt;

(F) The land owner or developer will be required to contact the County Commissioner in whose precinct the addition and/or development is located, for an on-site inspection prior to the commencement of any work in the development of the addition, in order that he may approve the same or make specific recommendations as to any drainage structures that may be required for the addition.

Prior to the filing of a plat and commencement of any work the land owner or developer will be required to enter into a contract with the County covering the aforementioned requirements. A copy of such contract is marked Exhibit "A" and attached hereto and made a part hereof.

APPROVED this the 1st day of July, 1969.

Thomas E. Ball, County Judge

C. W. Atwood, Commissioner Prec. 1

W. R. Bryant, Commissioner Prec. 2

W. I. Boteler, Commissioner Prec. 3

M. W. Roland, Commissioner Prec. 4

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 & properly endorsed.

All voted aye

Upon a motion made by Commissioner Boteler and seconded by Commissioner Atwood 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
Dean Scott	Jr. Livestock show barn at Sheriff's Posse Grounds	Prec. No. 1
P. Y. Whitt	Gravel off H. W. 174	Prec. No. 1
Milton E. Straughan	14 yrd load gravel and drag Drive off C.R. 1102	Prec. No. 1
H. H. Johnson-Captain Johnson Co. Sheriff's Posse	Ditch work and gravel for drive off H. W. 174	Prec. No. 1
Mrs. F. D. Andrews	Grade up driveway off C.R. 803	Prec. No. 2
Malcolm E. Wade	Grade driveway, C.R. 1023	Prec. No. 2
Mrs. R. W. Corley	Haul gravel for private drive Way off C.R. 830B, 3 miles S. E. of Burleson	Prec. NO. 3
Hugh Couch	Haul 1 yd gravel for private Driveway in City of Alvarado	Prec. No. 3
Billy L. Metcalf	Haul and gravel private drive Way off Highway 67; 3/10 mile East of Cleburne	Prec. No. 3
James E. Wright	Haul 1 load gravel & spread 1 mile east of Cleburne on C. R. 316A	Prec. No. 3
H. J. Harris	Maintain and grade private road Off C. R. 525 3 miles S. W. of Mansfield also put on gravel	Prec. No. 3
Tom F. Head	100 yards gravel - one mile North of Grandview on Head Farm	Prec. No. 4
C. E. Cox	Approx 150 ____ crushed rock Bladed off smooth, off C.R. 316	Prec. No. 4

A motion was made by Commissioner Atwood and seconded by Commissioner Roland that a Commission of 3 be appointed to work with the City Council on improvements of the Library.

All voted aye

A motion was made by Commissioner Boteler and seconded by Commissioner Bryant that County Judge Thomas E. Ball be given authority by the Commissioners' Court to contact the City Tax Office and the Cleburne

Independent School Tax Office to work out a plan to copy their tax records for use of the County Tax Office.

All voted aye

A motion was made by Commissioner Boteler and seconded by Commissioner Bryant that the plat of the Briarwood County Estate & Happy Hill acres be approved.

All voted aye

A motion was made by Commissioner Roland and seconded by Commissioner Bryant that the County reimburse the City of Cleburne in payment for repairs to boat damage, caused by Flood rescue work.

All voted aye

EXHIBIT "A"

A G R E E M E N T

STATE OF TEXAS

COUNTY OF JOHNSON

THIS CONTRACT made and entered into this the ____day of _____, 19__, by and between the COMMISSIONERS' COURT OF JOHNSON COUNTY, TEXAS a political subdivision of the State of Texas, hereinafter called COUNTY, and _____ Of _____, of the County of _____, State of Texas, hereinafter called LANDOWNER.

WITNESSETH, that COUNTY and LANDOWNER for and in consideration of the mutual covenants and agreements contained herein, do hereby covenant and agree as follows:

I.

Whereas, LANDOWNER desires to develop the property shown in attached plat for the purpose of selling the said property in lots. LANDOWNER agrees to improve his said property as follows:

A. LANDOWNER will, by deed, with proper metes and bounds description, convey title in fee simple to JOHNSON COUNTY on a minimum width of sixty feet (60') of right of way;

B. LANDOWNER will grade up the roadbed to a level approved by the Commissioner of the Precinct in which the said road is located;

C. The said road must have V-type bar ditches;

D. the roadbed, after it has been graded, will be covered with a minimum width of twenty-four feet (24') of good grade, gravel, six inches (6")

in depth, one primer coat of asphaltic material to the six inches (6") of gravel, and a single asphalt surface treatment consisting of a minimum of 3/10ths (.3) gallon of asphalt per square yard and covered with crushed rock or gravel aggregate, 100% which will pass the three quarter inch (3/4") square; the aggregate shall be rolled to firmly embed it in the asphalt;

E. The LANDOWNER will install the drainage structures as required by the County Commissioner in whose precinct the addition and/or development is located; and on all entrances requiring culverts, the culvert will be furnished by the LANDOWNER or his assigns;

F. The LANDOWNER will furnish a plat showing a lay-out of the addition and/or the land to developed, with a metes and bounds legal description typed in the upper left-hand corner of the plat, and such plat will show the lot and block numbers of each lot and block, with the streets and alleys shown in said plat, together with their size; the utility and drainage easements shall be shown in said plat, together with the name of said addition, and with appropriate space for the approval of the Commissioners' Court of Johnson County, Texas, and the date of such approval; said plat shall be prepared by a registered surveyor of Texas and the date of such approval; said plat shall be prepared by a registered surveyor of Texas and shall not exceed 9 1/2" x 15 1/2" in size;

G. If said addition or land development is located within five (5) miles of any incorporated city or town in Johnson County, the approval of said city or town must be secured prior to the time said plat is submitted to the Commissioners' Court for approval, with the approval signature of the mayor and attested by the city secretary, with the date of such approval being shown therein;

H. The LANDOWNER will furnish the COUNTY with a percolation test from a registered engineer, showing the capacity of the soil to handle a septic sewer system, if no public sewer system is installed.

I. The LANDOWNER will furnish a statement showing whether or not the land to be developed is on a community water system; if not on a community water system, a letter will be addressed to the Commissioners' Court as to the source of water; if individual wells will be utilized, then a statement from an engineer as to the depth of the wells where water may be found; and in all

cases, a statement as to the purity and volume of water available will be furnished;

J. The LANDOWNER will contact the County Commissioner in whose precinct the addition and/or development is located, for an on-site inspection prior to the commencement of any work in the development or the addition, in order that he may approve the same or make specific recommendations as to any drainage structures that may be required for the addition.

K. All work will be done subject to approval of the COUNTY.

II.

After LANDOWNER had developed the roads as set out above, and county has approved all work, then COUNTY will designate said road as a County Road, giving the same a County Road number, place it upon the County Road map, and will assume the future maintenance of the roads shown in the plat, treating them as public roads, dedicated for the public use.

III.

SPECIAL CONDITIONS:

WITNESS our hands this the ____ day of _____, 19__.

COUNTY OF JOHNSON

County Judge

ATTEST:

COUNTY CLERK

LANDOWNER

LANDOWNER