

THE STATE OF TEXAS

FEB. 1, 1971

COUNTY OF JOHNSON

BE IT REMEMBERED AT A REGULAR MEETING OF THE COMMISSIONERS' COURT in and for Johnson County, Texas, on the above mentioned date at the Courthouse at Cleburne, Texas, with the following members present: Thomas E. Ball, County Judge, C. W. Atwood, Commissioner of Precinct No., O. B. Hadley, Commissioner of Precinct No. 2, W. I. Boteler, Commissioner of Precinct No. 3, B. B. Aldridge, Commissioner of Precinct No. 4 and Joe L. Townes, County Clerk.

A motion was made by Commissioner Atwood and seconded by Commissioner Hadley to approve the minutes of the January 4, 1971, meeting.

All voted aye.

A motion was made by Commissioner Atwood and seconded by Commissioner Aldridge to approve the minutes of the January 11, 1971, meeting:

All voted aye.

A motion was made by Commissioner Atwood and seconded by Commissioner Boteler to pass the letter of resignation of K. Epperson, Registrar of Vital Statistics, at this time for further evaluation.

All voted aye.

A motion was made by Commissioner Boteler and seconded by Commissioner Aldridge to approve the returns of the election of incorporation of Briaroaks, held January 23, 1971, as follows:

All voted aye.

THE STATE OF TEXAS :
:
COUNTY OF JOHNSON :

WHEREAS, on the 29th day of December, 1970, the application of more than twenty qualified voters of the proposed town of Briaroaks, County of Johnson, State of Texas, residing within the boundaries are hereinafter described in detail, was duly signed, presented, and filed with me, Thomas E. Ball, County Judge of Johnson County, Texas, praying that an election be ordered held within the proposed town of Briaroaks, Texas, within the boundaries described in said application, for the purpose of determining whether said town of Briaroaks, Texas, should be incorporated to include the territories described in said application said town to be incorporated by the name of Briaroaks, Texas, under and by virtue of the constitution and laws of the State of Texas,

and specifically pursuant to Chapter 11 of Title 28 in Vernon's Annotated Civil Statutes of Texas, and

WHEREAS, on the 7th day of January, 1971, there was upon evidence held and proof submitted, found, adjudged and determined, by me Thomas E. Ball, County Judge of Johnson County, Texas, that said town of Briaroaks, Texas, so proposed to be incorporated and the territories included within the boundaries thereof, was wholly within Johnson County, Texas, and that no portion thereof was within a municipal corporation, and that said application was filed by more than twenty qualified voters and residents within the boundaries described in said application, and it was further found and adjudged that the territory embraced therein was suitable for town purposes and contained more than 200 and less than 10,000 inhabitants, and that the said petitioners were entitled to have the proposition as prayed for in their said application submitted to vote of the people as provided by Article 1136 of Chapter 11, Title 28, Vernon's Annotated Civil Statutes of Texas, and there upon said day, I, Thomas E. Ball, County Judge of Johnson County, Texas, ordered that an election be held on the 23rd day of January, 1971, in said proposed town of Briaroaks, Texas, and at a place within the boundaries described in said application, for the purpose of determining whether the town of Briaroaks, Texas, should be incorporated as prayed for; and

WHEREAS, and after notice of said election was duly posted in three public places for at least 10 days prior to the holding of said election and upon my order, the question of incorporation was submitted to the voters at such time and at such place as designated in my order; and

WHEREAS, it further appearing that all prerequisites of the law were met under the election code of the State of Texas and under and by virtue of my order entered on the 7th day of January, 1971, calling said election; and

WHEREAS, returns of said election of January 23, 1971, were duly made and filed with me, and thereafter duly opened and canvassed by me and said returns being so canvassed, it was found and determined that there were cast at said election a total of 59 votes, of which number there were cast;

For Incorporation 52 votes

Against Incorporation 7 votes

Majority for Incorporation 45 votes

WHEREAS, the said returns of said election were in all respects in conformity with law, it was thereafter adjudged that a majority of the qualified voters and electors of the said town of Briaroaks, Texas, voting at said election voted in favor of incorporating the town of Briaroaks, Texas, under the laws of the State of Texas.

NOW, THEREFORE, I, Thomas E. Ball, County Judge of Johnson County, Texas, by virtue of the authority vested in me by law and in pursuance of Title 28, Chapter 11, Article 1139, Vernon's Annotated Civil Statutes of Texas, do hereby declare and make known to all persons that the town of Briaroaks, Texas is legally incorporated under the name of Briaroaks, Texas, including all the inhabitants and territories within the boundaries described hereinafter and shall henceforth be entitled to exercise all of the rights, powers, immunities, privileges and franchises as conferred by Chapter 11, Title 28, Vernon's Annotated Civil States of Texas, relating to towns and villages, and the constitution and general laws of the State of Texas, to include and embrace the following territory and lands being the same as described in said application and in said order and notice of election and plat thereto, and described as follows:

All that land situated in Johnson County, Texas and bounded on the East by Interstate Highway 35W and West line of the E. C. Leonard Survey, A-532, and bounded on the South by the South line of the David R. Jackson survey, A-451, the Jesse Douglas Survey A-216, and part of the East line and the North line of the Matthew Graham Survey A-304 and bounded on the West by the East right-of-way line of Johnson County Road No. 805, and bounded on the North by the East-West extension of the North line of Briarwood Country Estates and the South lines of Lots 18 and 4 of the Oakwood Addition; said land being more particularly described as follows:

BEGINNING at the most Northerly corner of Lot 5 in the Oakwood Addition, a subdivision in the James Wallace Survey, A-862; said corner being in the West right-of-way line of Interstate Highway 35W;
THENCE -- Southeasterly along the said West right-of-way line of Interstate Highway 35W to the West line of the E. C. Leonard Survey, A-532;
THENCE -- Southerly along the West line of the E. C. Leonard Survey, A-532, to the Southwest corner of said E. C. Leonard Survey; said corner being common with the Southeast corner of the David Jackson Survey, A-451;
THENCE -- Westerly along the South line of the David R. Jackson Survey, A-451, to the Southwest corner of said David R. Jackson Survey; said corner being common with the Southeast corner of the Jesse Douglass Survey, A-216;
THENCE -- Westerly along the couth line of the Jesse Douglass Survey, A-216, to the Southwest corner of the said Jesse Douglass Survey; said corner being in the East line of the Matthew Graham Survey, A-304;
THENCE -- Northerly along the common line between the Matthew Graham Survey and the Jesse Douglass Survey to the Northeast corner of the said Matthew Graham Survey, A-304; said corner being common to the Southeast corner of the James Wallace Survey, A-864;
THENCE -- Westerly along the South line of the James Wallace Survey, A-864, to the East right-of-way line of Johnson County Road No. 805;
THENCE -- Northerly along the East right-of-way of Johnson County Road No. 805 Through the James Wallace Survey, A-964, and into the Thomas

Jones Survey, A-468, to the intersection of the East right-of-way line of Johnson County Road No. 805 and the East-West extension of the North line of Briarwood Country Estates, a subdivision in the Thomas Jones Survey, A-468;

THENCE -- Easterly along the said East-West extension of the North line of Briarwood Country Estates to the East right-of-way line of Johnson County road No. 809;

THENCE -- Easterly along the North lines of Lot 17 and Lot 5 of the said Oakwood Addition to the PLACE OF BEGINNING

Said tract of land containing 1170 acres, more or less.

Said area is further defined on the attached plat marked Exhibit "A" and incorporated by reference as fully as though copied verbatim herein.

This order is made and entered by me in the record of the Commissioner's Court of Johnson County, Texas, this 1 day of February, 1971, and the County Clerk is ordered to prepare and duly certify a full and complete copy of this order, together with a plat of said town of Briar Oaks, Texas, and to record the same in the proper Deed Records of Johnson County, Texas.

IN WITNESS WHEREOF my official hand this the 1 day of Feb. 1971.

/s/ Thomas E. Ball
Thomas E. Ball, County Judge of Johnson
County, Texas."

All voted aye.

No action was taken on the deposit offer of \$850.00 from Mr. James Paul, representative of Lo-Vaca Gathering Pipeline Co. to cover damage on seventeen (17) proposed road crossings - 5 black-top and 12 gravel.

A motion was made by Commissioner Hadley and seconded by Commissioner Atwood that the following be named to the Child Welfare board: Frank Proctor, Burlson, Charles Head, Alvarado, Dr. R. W. Kimbro, Cleburne, and Mrs. Ann Baldwin-Price, Cleburne, and Mrs. Floyd Carroll.

All voted aye.

A motion was made by Commissioner Atwood and seconded by Commissioner Hadley that the annual dues to the Texas Association of Counties from January 1, 1971, to January 1, 1972, be paid.

All voted aye.

A motion was made by Commissioner Boteler and seconded by Commissioner Atwood to include the Johnson County Soil & Water Conservation District #541, and the Hill County Blackland Soil & Water Conservation District #540 in its matching funds in the appropriation for the State Soil and Water Conservation Board, and to delete the Nolan-Aquilla Soil & Water Conservation District #536 from the list of Texas Districts, as follows:

"WHEREAS; The Legislative Budget Board left out the Matching Fund Item in its recommendation for the State Soil & Water Conservation Board for 1972 and 1973;

WHEREAS, The Matching Fund in the State Appropriation for 1970 and 1971 was a life-saver for soil and water conservation districts and served as an incentive for local financial support of districts;

WHEREAS; The Johnson County Commissioners Court is providing financial assistance to the Johnson County Soil & Water Conservation District;

WHEREAS; The Nolan-Aquilla Soil & Water Conservation District #536 was terminated effective January 25, 1971 and its successors, the Johnson County Soil & Water Conservation District #541 and the Hill County-Blackland Soil & Water Conservation District #540, were established effective January 25, 1971;

BE IT RESOLVED: That the Johnson County Commissioners Court urges its representative in the Legislature: Senator J. P. Word, Vice-Chairman Senate Finance Committee and Representative J. E. Ward to strongly support (1) the inclusion of the sorely needed matching fund item in the appropriation for the State Soil & Water conservation Board and (2) the deletion of the Nolan-Aquilla Soil & Water Conservation District #536 from the list of Texas districts and the insertion of the Johnson County Soil & Water Conservation District #541 and the Hill County-Blackland Soil & Water Conservation District #540.

All voted aye.

A motion was made by Commissioner Atwood and seconded by Commissioner Aldridge to decline request by Cleburne National Bank for substitution or withdrawal of securities held by Mercantile National Bank at Dallas under joint safekeeping receipt.

All voted aye.

A motion was made by Commissioner Boteler and seconded by Commissioner Aldridge that Fay Tackett attend a two day school in Waco with all expenses paid.

All voted aye.

Fay Tackett requested \$50.00 monthly expenses and secretary. No action taken.

The following is a letter from County Attorney, John R. MacLean setting forth his opinion rejecting work application for proposed Mental Retardation School - No action taken -

JOHNSON COUNTY

Feb. 1, 1971

"Johnson County Texas
Commissioners Court

Re: Improvement of lot for Mental Retardation Facility

Gentlemen:

It is my opinion that the County may not expend County funds or use it's personnel or equipment in the improvement of a lot upon which a group of private citizens wish to construct a mental retardation facility.

The County has only those powers or duties that are clearly set forth in the constitution and statutes, and those powers granted to the Counties are strickly construed. There is no statutory authorization to legally expend County funds or allow the use of it's equipment or personnel for the above unless it is done under compliance with Article 5547-203 Vernon's Civil Statutes. This article relates to community centers for mental health and mental retardation services, and a copy of said law is attached hereto.

Yours very truly

John R. Maclean
County Attorney, Courthouse
Cleburne, Texas"

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

All voted aye.

A motion was made by Commissioner Atwood and seconded by Commissioner Aldredge to release Gulf Insurance Company on bonds of John R. Maclean, Jr., Clifford E. Benson and Oran Smith, Jr. #90-06-60 from further liability February 1, 1971, if secured by bonds of another County.

All voted aye.

A motion was made by Commissioner Aldredge and seconded by Commissioner Hadley with motion passing 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 6821b, Texas Statutes, to-wit:

PERSON REQUESTING WORK	DESCRIPTION OF WORK AND LOCATION OF JOB	COMMISSIONER AUTHORIZED TO DO THE WORK
Gean B. Turner	Gravel Drive-Off HW 1192	Prec. No. 1
Sam Bigham, Rio Vista School	Blade Work- Off CR 1206	Prec. No. 1

A. E. Smith, Sr.	Blade Work-Off CR 1109A	Prec. No. 1
David Jackson	Grade & Maintain private Private road off CR 531; East of Burleson	Prec. No. 3
Mrs. R. A. Hearrell	Haul gravel for private Driveway off C.R. 806	Prec. No. 3
Bethany Methodist Church By Byron Bast	Haul gravel & spread same for private driveway off CR 810; Approximately 4 miles west of Alvarado	Prec. No. 3
G. Pipes	Grade & gravel driveway-CR 307	Prec. No. 4
Hugh Q. Buck By Edw. E. G. --- Mgr.	Grade roadbed and spread gravel	Prec. No. 4
Calvin O. White	5 yards crushed rock in drive	Prec. No. 4

All voted aye.

A motion was made by Commissioner Hadley and seconded by Commissioner Atwood that the Personal property rendition schedule for 1971, be accepted, as follows:

"February 1, 1971.

TRACTORS

1970 - 1971 - 50% of cost	Take original cost-depreciate 67 ½% Tax 25% of balance on new tractors-lifetime.
1969 40% of cost	Used on appraised basis-(20% current value)
1968 35% of cost	
1967 30% of cost	

AUTOMOBILES

List your car by year and name, we will compute value at 50% of RED BOOK National Market Value.

Render 1966 or later. (6 or 8 Cylinder)

HORSES

Saddle, gaited	150.00
Studs	200.00
Work	50.00
Sheep - Goats	5.00

MERCHANDISE

20% of Inventory Value
FIXTURES
20% of original cost (or estimate)
HOGS - 30% of market value

CATTLE - GRADE

Cows	50.00
Yearlings (steers & heifers)	25.00
Calves	20.00
Stocker	35.00
Steers (Range)	70.00

CATTLE-REGISTERED

Cows	100.00
Yearlings	50.00
Calves	40.00
Bull (Herd)	150.00
Bulls - imported	500.00

Bulls 70.00

All voted aye.

Received yearly report from Adult Probation Officer, Ralph Garrett, from February 1, 1970 to January 31, 1971. Total Probation fees and Restitution \$28,068.37.

There being no further business, Court is hereby adjourned.

COUNTY CLERK

COUNTY JUDGE

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