

NOV 13 2023

April Long
County Clerk, Johnson County Texas
BY April Long DEPUTY



THE STATE OF TEXAS
COUNTY OF JOHNSON

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§
§

ORDER #2023-96

**ORDER AUTHORIZING COUNTY ATTORNEY TO FILE
LAWSUIT AND AUTHORIZING EXPENSES**

On this the 13th day of November, 2023, the Commissioners Court of Johnson County, being duly convened at a regularly called meeting of the Commissioners Court, upon motion of Commissioner White, Pct. 3, seconded by Commissioner Howell, Pct. 2, duly put and carried, adopted the following:

1.

Whereas, Johnson County, Texas is a political subdivision of the State of Texas, and through its Commissioners Court has the authority to bring suit to enforce the statutes enacted by the Texas Legislature that affect Johnson County; and

2.

Whereas, Chapter 251 of the Texas Transportation Code provides general county authority relating to roads and bridges in a county; and

3.

Whereas, there exists in Johnson County a public road, namely, CR 603C, that an individual or individuals have placed fencing and gates across said road; and

4.

Whereas, the Commissioners Court of Johnson County has not entered any orders to abandon, vacate or close said CR 603C; and

5.

Whereas, even though Precinct #3 Commissioner does not maintain CR 603C, CR 603C has not lost its character as a public road and remains a public road of Johnson County, Texas; and

6.

Whereas, the fencing and gates across CR 603C are restricting ingress and egress to property owners who own real property adjacent to CR 603C and additionally restricts the travel of anyone who wants to travel CR 603C.

7.

IT IS THEREFORE ORDERED that the County Attorney of Johnson County, Texas is hereby authorized to file a lawsuit for a declaratory judgment declaring that CR 603C is a public road and for a permanent injunction against the person or persons who have installed fencing and gates across CR 603C in Johnson County, Texas to remove said fencing and gates in the right-of-way of CR 603C.

8.

IT IS FURTHER ORDERED that the County Attorney is authorized to expend the amount of \$4,000.00 as initial expenses in the case, which amount includes, but is not limited to, funds for court reporter fees, expert fees and expenses, discovery costs, and any other reasonable and necessary expenses.

9.

All funds necessary to accomplish the above are hereby ordered to be made.

10.

All such costs and fees should be charged to the general fund.

WITNESS OUR HAND THIS THE 13th DAY OF NOVEMBER, 2023.

Christopher Boedeker

Christopher Boedeker, Johnson County Judge

Voted: yes, no, abstained

Rick Bailey

Rick Bailey, Comm. Pct. #1

Voted: yes, no, abstained

Kenny Howell

Kenny Howell, Comm. Pct. #2

Voted: yes, no, abstained

Mike White

Mike White, Comm. Pct. #3

Voted: yes, no, abstained

Larry Woolley, Comm. Pct. #4

Voted: yes, no, abstained

ATTEST: *April Long*
April Long, County Clerk



AGENDA PLACEMENT FORM

(Submission Deadline – Monday, 5:00 PM before Regular Court Meetings)

Date: October 26, 2023
Meeting Date: November 13, 2023
Submitted By: Bill Moore
Department: County Attorney
Signature of Elected Official/Department Head:
Bill Moore

Court Decision: <small>This section to be completed by County Judge's Office</small>
COMMISSIONERS COURT
NOV 13 2023
Approved

Description:
Executive Session, Government Code Section 551.071, Consultation with
Attorney, Contemplated Litigation, Regarding obstruction of CR 603C adjacent
to Block 1, Lot 3, Songer Addition, in Precinct 3, Johnson County, Texas.

(May attach additional sheets if necessary)

Person to Present: Bill Moore

(Presenter must be present for the item unless the item is on the Consent Agenda)

Supporting Documentation: (check one) PUBLIC CONFIDENTIAL
(PUBLIC documentation may be made available to the public prior to the Meeting)

Estimated Length of Presentation: 10 minutes

Session Requested: (check one)
 Action Item Consent Workshop Executive Other _____

Check All Departments That Have Been Notified:
 County Attorney IT Purchasing Auditor
 Personnel Public Works Facilities Management

Other Department/Official (list) _____

**Please List All External Persons Who Need a Copy of Signed Documents
In Your Submission Email**