

THE STATE OF TEXAS

AUGUST 1, 1958

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 Precinct No.1; S. W. Evans, Commissioner Precinct No.2; Jimmie L. Walters, Commissioner, Precinct No. 3; Louis B. Lee, County Clerk, and J. T. Epperson, Jr., County Auditor.

A motion was made by Commissioner Walters and seconded by Commissioner Evans, that all properly endorsed bills against Johnson County be allowed and ordered paid as submitted.

All voted aye

A motion was made by Commissioner Evans and seconded by Commissioner Coward that Attorney Robert Mahanay take all necessary steps for condemnation proceedings to secure Right-of-Way from Tom N. Renfro and W. W. Seeton on F. M. Highway 917 from Lillian to Johnson County line toward Mansfield.

All voted aye:

A motion was made by Commissioner Walters and seconded by Commissioner Evans, that WHEREAS, JOHNSON County, Texas, has a portion of the surplus in the County and District Road Highway Fund as of Aug. 31, 1958, in the amount of \$41,747.68; the Commissioners' Court of Johnson County, Texas, hereby request that the Board of County and District Indebtedness refund to Johnson County in the amount of \$41,747.68 which represents Johnson County's portion of the surplus in the County and District Road Highway Fund.

This is to certify that the amount of \$41,747.68 which is to be returned to Johnson County will be placed in the Road & Bridge Fund of Johnson County, Texas to be used for the construction and improvements of County Rural Roads.

All voted aye

Texas Highway Department

Right of Way Division

Form 19-15 - CS - 2A

MODIFICATION OF CONTRACTUAL AGREEMENT

FOR RIGHT OF WAY PROCUREMENT

(COUNTY FORM)

STATE OF TEXAS ()
COUNTY OF TRAVIS ()

THIS supplemental contractual agreement entered into this 1 day of August, 1958 by and between the State of Texas, acting by and through the Texas Highway Department, hereinafter called the State, and Johnson County, Texas, acting by and through its duly authorized officers under Commissioners Court Order dated 1 day of August, 1958, hereinafter called the County.

WHEREAS, the State and County entered into Contractual Agreements for procurement of right of way on the following projects on the dates indicated:

HIGHWAY	PROJECT No.	LIMITS	DATE OF AGREEMENT
SH 171	19-2-8	1.0 mile South of Cleburne To the Hill County Line	June 16, 1958
US 67	260-1-14	A point approximately 1500' west of M. K. & T. R. R. to a point 1 mile East of Alvarado	August 6, 1957

and;

WHEREAS, the State and the County desire to modify all of the aforesaid contractual Agreements whereby in all future eminent domain proceedings conducted in the procurement of right of way on the aforesaid projects the State will assume 50 per cent of the expense of all court costs and of the State's appraisers when used by the County in eminent domain proceedings.

NOW, THEREFORE, in consideration of the premises and by mutual agreement of the parties hereto, the aforesaid original Contractual Agreements between the State and the County are hereby modified whereby the paragraph entitled "Condemnation" on page two of each of the aforesaid Contractual Agreements is changed to read as follows:

"CONDEMNATION: Condemnation proceedings will be initiated at the election of the County and will be the County's responsibility at its own expense except as hereinafter indicated, Court costs assessed against the County in either the Special Commissioners hearing or in subsequent appeals will be paid direct by the County, but will be eligible for 50 per cent State reimbursement under the established reimbursement procedure. Where the County uses the State's fee appraisers in Special Commissioners hearings or subsequent appeals, the cost of the appraiser of updating his report, preparing for court testimony, and appearing in court to testify in support of his appraisal will

be paid direct by the County, but will be eligible for 50 per cent State reimbursement under established reimbursement procedure provided prior approval for the use of such appraiser has been obtained from the State. Reimbursement for Court costs and the cost of the State's appraisers as herein set forth will not be made by the State where the property condemned involves an excess taking. Eligibility for State reimbursement of values determined by such condemnation proceedings shall be subject to the conditions as hereinafter outlined under the section "reimbursements".

It is expressly understood and agreed that under the terms of this supplemental agreement, the State will pay 50 per cent of the court costs assessed against the County Subsequent to the date hereof, and all court costs assessed against the County prior to the date hereof will remain in County's responsibility. It is further understood that in the event the State's fee appraisers are used in any eminent domain proceedings, the fee due the appraiser for work performed prior to the date of this supplemental contract, and which work was the County's responsibility under terms of the original contract between the County and the State, shall remain the County's responsibility, and any fee for such work after this date will be the State's responsibility to the extent of 50 per cent of such cost in accordance with the procedure outlined above.

COMMISSIONERS COURT OF JOHNSON COUNTY, TEXAS	RECOMMENDED FOR APPROVAL:
By H. G. Littlefair, County Judge	R. A. Bossy, District Engineer
By W. M. Coward Commissioner, Precinct Number 1	Program Engineer
By S. W. Evans Commissioner, Precinct Number 2	Engineer of Road Design
By J. L. Walters Commissioner, Precinct Number 3	Right of Way Engineer
By M. W. Roland Commissioner, Precinct Number 4	Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies, or work programs heretofore approved and authorized by the State Highway Commission:

By:

Executed as State Highway
Engineer and approved for
State Highway Commission.

There being no further business, court is hereby adjourned.

COUNTY CLERK

COUNTY JUDGE

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