



# POLK COUNTY COMMISSIONERS COURT

MAY 25, 2004

10:00 A.M.

2004-051

Polk County Courthouse, 3rd floor

Livingston, Texas

## NOTICE

Is hereby given that a regular meeting of the Polk County Commissioners Court will be held on the date stated above, at which time the following subjects will be discussed;

### Agenda topics

1. CALL TO ORDER.
2. PUBLIC COMMENTS.
3. INFORMATIONAL REPORTS.
  - RECOGNIZE COMMISSIONERS COURT SCHOLARSHIP RECIPIENTS.
4. OLD BUSINESS

FILED FOR RECORD  
2004 MAY 19 A 9:42

CONSIDERATION AND ACTION ON AN ORDER AUTHORIZING THE ISSUANCE OF APPROXIMATELY \$1,345,000 POLK COUNTY, TEXAS GENERAL OBLIGATIONS REFUNDING BONDS, SERIES 2004 AND MATTERS RELATED THERETO.

BARBARA MIDDLETON  
COUNTY CLERK
5. CONSIDER APPROVAL OF FINAL PLAT OF BEACON BAY SUBDIVISION, SECTION TWO.
 

NEW BUSINESS
6. CONSIDER APPROVAL OF MINUTES OF SPECIAL MEETING OF MAY 10, 2004 AND REGULAR MEETING OF MAY 11, 2004, *including correction.*
7. CONSIDER RESCHEDULING OF THE JUNE 8, 2004 COMMISSIONERS COURT MEETING, DUE TO COURT ATTENDANCE AT NETCJCC CONFERENCE.
8. CONSIDER APPROVAL OF AGREEMENT FOR COURTHOUSE ELEVATOR MAINTENANCE SERVICES.
9. CONSIDER ANY/ALL NECESSARY ACTION REGARDING BID #2004-14, "RECONSTRUCTION OF APPROXIMATELY 2 MILES OF COUNTY ROADWAY IN LAKESIDE VILLAGE".
10. CONSIDER APPROVAL OF RENEWAL, BY AMENDMENT, TO LEASE AGREEMENT FOR OFFICE SPACE PROVIDED TO TEXAS DEPARTMENT OF HUMAN SERVICES, CORRIGAN.
11. CONSIDER APPROVAL TO ADVERTISE A REQUEST FOR PROPOSALS FOR INMATE TELEPHONE SERVICE.
12. CONSIDER APPOINTMENT OF POLK COUNTY REPRESENTATIVE TO RESOURCE, CONSERVATION & DEVELOPMENT BOARD.
13. CONSIDER APPROVAL OF PCT. 1 REQUEST FOR ACCEPTANCE OF JONATHANS FLIGHT PATH (400 FEET) AND KENSINGTON TRL (350 FEET) AS COUNTY ROADS.
14. CONSIDER APPROVAL OF AMENDMENT TO TEXAS DEPT. OF HUMAN SERVICES CONTRACT FOR AGING SERVICES HOME DELIVERED MEALS PROGRAM.
15. CONSIDER APPROVAL OF TEMPORARY EASEMENT AND PAYMENT FOR REQUIRED TIMBER REMOVAL RELATED TO OFF- SYSTEM BRIDGE REPLACEMENT PROJECT AT NINE BRIDGES ROAD AT PINEY CREEK, PCT. 3.
16. RECEIVE COUNTY AUDITOR'S MONTHLY FINANCIAL REPORT.
17. CONSIDER APPROVAL OF REIMBURSEMENT RESOLUTIONS FOR CAPITAL OUTLAY PURCHASES TO DATE.
18. CONSIDER APPROVAL OF BUDGET REVISIONS, AS PRESENTED BY THE COUNTY AUDITOR.
19. CONSIDER APPROVAL OF BUDGET AMENDMENTS, AS SUBMITTED AND REVIEWED BY COURT APPOINTED COMMITTEE.
20. CONSIDER APPROVAL OF SCHEDULE OF BILLS.
21. CONSIDER APPROVAL OF PERSONNEL ACTION FORMS.

### ADJOURN

By: John P. Thompson, County Judge

*John P. Thompson*

Posted: May 19, 2004

I, the undersigned County Clerk, do hereby certify that the above Notice of Meeting of the Polk County Commissioners Court is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice in the Polk County Courthouse at a place readily accessible to the general public at all times on Wednesday, May 19, 2004 and that said Notice remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

BARBARA MIDDLETON, COUNTY CLERK

BY: *Barbara Middleton*

Deputy



May 25, 2004  
10:00 a.m.

COMMISSIONERS COURT

of Polk County, Texas

County Courthouse, 3rd floor  
Livingston, Texas

ADDENDUM to Posting # 2004-051

The following will serve to amend the Agenda of the Commissioners Court Meeting scheduled for May 25, 2004 at 10:00 A.M.

AMEND TO ADD;

22. **CONSIDER APPROVAL TO ADVERTISE FOR BIDS FOR THE REPLACEMENT AND /OR REPAIRS OF HEADWALL AND CULVERT ON CRYSTAL LAKES WEST RD. , PCT. 4.**

23. **CONVENE INTO EXECUTIVE SESSION:** *For the purpose of Consultation with Attorney.*

A closed meeting will be held pursuant to Section 551.072 of Government Code regarding real property, and acquisition of site for proposed detention facility and Section 551.071 of the Government Code regarding consultation with attorney to seek advice on pending and contemplated litigation, settlements, and other matters, which are confidential under the Disciplinary Rules of the State Bar, on which the duty of the attorney of the County under the Texas Disciplinary Rules of Professional Conduct clearly conflicts with the Open meetings Act, regarding negotiation of legal responsibilities and terms of instruments relating to the financing operation and/or construction of a proposed Polk County privately operated Detention Center.

**RECONVENE INTO OPENING MEETING:** Discussion and action on the following matters concerning the proposed Detention Facility:

- a. Report from legal advisor and/or financial advisor relating to the desire to locate a privately operated county detention facility in Polk County;
- b. Site alternatives for location of proposed privately operated county detention facility;
- c. Approval and authorization for preparation of advertisement for and the issuance of Request for Proposals (RFP) and other necessary documents for the operation, development, design, financing, and construction of proposed detention facility by private vendors;
- d. Discuss and review retention of professional firms to represent the County's interest for the design, financing, construction and operation of the proposed detention facility.

Commissioners Court of Polk County, Texas

Dated: Friday, May 21, 2004.

By: \_\_\_\_\_

John P. Thompson, County Judge

I, the undersigned County Clerk, do hereby certify that the above Addendum to the Notice of Meeting of the Polk County Commissioners Court is a true and correct copy of said Addendum and that I posted a true and correct copy of said Addendum at the door of the Polk County Courthouse and at a place readily accessible to the general public at all times on Friday, May 21, 2004 and that said Addendum remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

BARBARA MIDDLETON, COUNTY CLERK

BY \_\_\_\_\_, Deputy

FILED FOR RECORD

2004 MAY 21 P 4:17

  
BARBARA MIDDLETON  
POLK COUNTY CLERK

STATE OF TEXAS }

DATE: MAY 25, 2004

COUNTY OF POLK }

REGULAR MEETING  
ALL MEMBERS PRESENT

**COMMISSIONERS COURT  
AGENDA POSTING #2004-051**

BE IT REMEMBERED ON THIS THE 25th DAY OF MAY, 2004  
THE HONORABLE COMMISSIONERS COURT MET IN "REGULAR" CALLED  
MEETING WITH THE FOLLOWING OFFICERS AND MEMBERS PRESENT, TO WIT;  
HONORABLE JUDGE JOHN P. THOMPSON, COUNTY JUDGE, PRESIDING.  
BOB WILLIS-COMMISSIONER PCT#1, BOBBY SMITH-COMMISSIONER PCT #2,  
JAMES J. "Buddy" PURVIS-COMMISSIONER PCT #3, C.T." TOMMY" OVERSTREET,  
COMMISSIONER PCT #4, BARBARA MIDDLETON - COUNTY CLERK & B.L. "BOB"  
DOCKENS COUNTY AUDITOR, THE FOLLOWING AGENDA ITEMS, ORDERS &  
DECREES WERE DULY MADE, CONSIDERED & PASSED.

1. WELCOME & CALLED TO ORDER BY JUDGE JOHN P. THOMPSON AT 10:00 A.M.  
PASTOR CHRIS BORDEN OF FIRST ASSEMBLY OF GOD CHURCH OF LIVINGSTON  
GAVE THE OPENING PRAYER.  
PLEDGES OF ALLEGIANCE TO THE U.S. & TEXAS FLAG WAS LED BY JOE ROEDER.

2. PUBLIC COMMENTS: NONE.

3. INFORMATIONAL REPORTS:

A. JUDGE THOMPSON RECOGNIZED & INTRODUCED THE STUDENTS FROM POLK  
COUNTY SCHOOLS THAT WILL RECEIVE \$500.00 SCHOLARSHIPS FROM THE  
DELINQUENT TAX ATTORNEYS OF LINEBARGER, GOGGAN, BLAIR, PENA &  
SAMPSON. THE STUDENTS HAD THEIR PICTURE TAKEN WITH THE COURT.  
THE STUDENTS SELECTED ARE AS FOLLOWS:  
LIVINGSTON ISD..... RONALD DEREK BROOKS  
BIG SANDY ISD..... JOSEPH CUDE  
CORRIGAN/CAMDEN ISD..... JEREMY FERGUSON  
GOODRICH ISD..... ROBERT ROTH  
LEGGETT ISD..... BRANDYON JEFFERSON

B. JUDGE THOMPSON ANNOUNCED THE 3<sup>rd</sup> ANNUAL FOURTH OF JULY COUNTY-WIDE  
CELEBRATION THAT WILL BE HELD AT THE LAKE IN ONALASKA. THEY WILL HAVE  
THE USUAL CHOIRS PERFORMING AS WELL AS "FIREWORKS SHOW"  
AT DARK. EVERYONE IS INVITED.

C. JUDGE THOMPSON ASKED THAT WE REMEMBER MOLLY LOCKE AND HER FAMILY  
IN PRAYER. HER HUSBAND IS IN THE HOSPITAL VERY SERIOUSLY ILL.

4. MOTIONED BY BOB WILLIS, SECONDED BY BOBBY SMITH, " **TO TABLE**" ANY ACTION  
ON AN ORDER AUTHORIZING THE ISSUANCE OF APPROXIMATELY \$1,345,000 FOR  
POLK COUNTY, TEXAS GENERAL OBLIGATION BONDS, SERIES 2004 AND MATTERS  
RELATED THERETO, BASED ON THE RECOMMENDATION OF FINANCIAL ADVISOR,  
JIM GILLEY OF COASTAL SECURITIES LTD.  
ALL VOTING YES.

5. MOTIONED BY BOB WILLIS, SECONDED BY BOBBY SMITH, **TO DELETE ITEM #5, "CONSIDER APPROVAL OF FINAL PLAT OF BEACON BAY SUBDIVISION, SECTION 2."**  
ALL VOTING YES.
6. MOTIONED BY BOBBY SMITH, SECONDED BY TOMMY OVERSTREET, TO APPROVE MINUTES FOR MAY 10<sup>th</sup> (SPECIAL) AND MAY 11<sup>th</sup> (REGULAR) MEETINGS, WITH NOTED CORRECTIONS/ADJUSTMENTS.  
ALL VOTING YES.
7. MOTIONED BY BOBBY SMITH, SECONDED BY TOMMY OVERSTREET, **TO CANCEL THE JUNE 8, 2004 (REGULAR) COMMISSIONERS COURT MEETING, DUE TO COURT MEMBERS ATTENDING THE (NETCJCC) ANNUAL CONFERENCE, AND AUTHORIZE PAYMENT OF BILLS BY THE COUNTY AUDITOR.**  
ALL VOTING YES.
8. MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOB WILLIS, **"TO TABLE" ITEM #8 "CONSIDER APPROVAL OF AGREEMENT FOR COURTHOUSE ELEVATOR MAINTENANCE SERVICES."**  
ALL VOTING YES.
9. MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOB WILLIS, **"TO REJECT" ALL BIDS REGARDING BID #2004-14, RECONSTRUCTION OF APPROXIMATELY 2 MILES OF COUNTY ROADWAY IN LAKESIDE VILLAGE.**  
ALL VOTING YES.
10. MOTIONED BY JAMES J. "Buddy" PURVIS, SECONDED BY BOBBY SMITH, **TO APPROVE RENEWAL BY AMENDMENT, TO LEASE AGREEMENT FOR OFFICE SPACE PROVIDED TO THE TEXAS DEPARTMENT OF HUMAN SERVICES IN CORRIGAN.**  
ALL VOTING YES. (SEE ATTACHED)
11. MOTIONED BY BOBBY SMITH, SECONDED BY BOB WILLIS, **APPROVAL TO ADVERTISE A REQUEST FOR PROPOSALS (RFP'S) FOR INMATE TELEPHONE SERVICE.**  
ALL VOTING YES.
12. MOTIONED BY BOBBY SMITH, SECONDED BY TOMMY OVERSTREET, **TO APPOINT RICHARD "DICK" COOLEY AS POLK COUNTY'S REPRESENTATIVE TO RESOURCE, CONSERVATION & DEVELOPMENT BOARD.**  
ALL VOTING YES.
13. MOTIONED BY BOB WILLIS, SECONDED BY BOBBY SMITH, **APPROVAL OF PCT#1 REQUEST FOR ACCEPTANCE OF JONATHAN FLIGHT PATH (400 FT) AND KENSINGTON TRAIL (350 FT) AS COUNTY ROADS.**  
ALL VOTING YES.
14. MOTIONED BY BOBBY SMITH, SECONDED BY TOMMY OVERSTREET, **APPROVAL OF AMENDMENT TO TEXAS DEPT. OF HUMAN SERVICES CONTRACT FOR AGING SERVICES HOME DELIVERED MEALS PROGRAM.**  
ALL VOTING YES. (SEE ATTACHED)

15. MOTIONED BY JAMES J. "Buddy" PURVIS, SECONDED BY BOBBY SMITH, TO APPROVE **TEMPORARY EASEMENT AND PAYMENT FOR REQUIRED FOR TIMBER REMOVAL RELATED TO OFF-SYSTEM BRIDGE REPLACEMENT PROJECT IN PRECINCT #3, LOCATED AT NINE BRIDGES ROAD AT PINEY CREEK.**  
ALL VOTING YES. (SEE ATTACHED)
16. MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOB WILLIS, TO RECEIVE THE COUNTY AUDITOR'S MONTHLY FINANCIAL REPORT.  
ALL VOTING YES.
17. MOTIONED BY JAMES J. "Buddy" PURVIS, SECONDED BY BOBBY SMITH, TO APPROVE **REIMBURSEMENT RESOLUTIONS FOR CAPITAL OUTLAY PURCHASES TO DATE.**  
ALL VOTING YES. (SEE ATTACHED)
18. MOTIONED BY BOBBY SMITH, SECONDED BY JAMES J. "Buddy" PURVIS, APPROVAL OF BUDGET REVISIONS #2004-16, AS PRESENTED BY THE AUDITOR.  
ALL VOTING YES. (SEE ATTACHED)
19. MOTIONED BY BOB WILLIS, SECONDED BY TOMMY OVERSTREET, APPROVAL OF BUDGET AMENDMENTS #2004-16(A) AS SUBMITTED AND REVIEWED BY COURT APPOINTED COMMITTEE.  
ALL VOTING YES. (SEE ATTACHED)
20. MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOB WILLIS, APPROVAL AND PAYMENT OF BILLS BY SCHEDULE, INCLUDING ADDENDUMS.  
ALL VOTING YES. (SEE ATTACHED)

DATE	AMOUNT	CHECK NUMBERS
5/5/04	\$252.00	090606 - 090647
5/5/04	\$34,133.59	186617 - 186640
5/5/04	\$13,678.58	186641 - 186644
5/6/04	\$64,982.26	ACH 424
5/6/04	\$210,033.46	ACH 425
5/6/04	\$6,239.16	186645 - 186662
5/6/04	\$3,064.76	186663 - 186664
5/7/04	\$356.00	186665
5/11/04	\$6,405.11	186666 - 186669
5/14/04	\$8,739.94	186670 - 186702
5/17/04	\$20,189.21	186703 - 186706
5/18/04	\$29,161.35	186707 - 186734
5/18/04	\$145,397.18	186735 - 186899
Total	\$542,632.60	

21. MOTIONED BY BOBBY SMITH, SECONDED BY BOB WILLIS, APPROVAL OF PERSONNEL ACTION FORMS, INCLUDING ANY ADDITIONS.  
ALL VOTING YES. (SEE ATTACHED)

22. MOTIONED BY TOMMY OVERSTREET, SECONDED BY BOBBY SMITH, APPROVAL TO **ADVERTISE FOR BIDS FOR THE REPLACEMENT AND/OR REPAIRS OF HEADWALL AND CULVERT ON CRYSTAL LAKES WEST ROAD, IN PCT #4.**  
ALL VOTING YES.

**EXECUTIVE SESSION - CANCELED**

**CONTINUED IN "OPEN SESSION"**

DISCUSSION AND CONSULTATION WITH HERB BRISTOW REGARDING ANY/ALL ACTION ON THE BUILDING OF A LOCAL PRIVATELY OPERATED COUNTY DETENTION FACILITY IN POLK COUNTY.

23. MOTIONED BY BOB WILLIS, SECONDED BY BOBBY SMITH, TO SCHEDULE A "SPECIAL" COMMISSIONERS COURT MEETING FOR JUNE 29, 2004 at 10:00 A.M, AND TO PROCEED WITH PUBLISHING A LEGAL NOTICE IN NEWSPAPER, OF REQUEST FOR QUALIFICATIONS AND FOR PROPOSALS FOR FINANCING, DESIGN, CONSTRUCTION, OPERATION & MANAGEMENT OF DETENTION FACILITY.  
ALL VOTING YES. (SEE ATTACHED)

MOTIONED BY BOB WILLIS, SECONDED BY TOMMY OVERSTREET, TO ADJOURN COURT THIS 25<sup>th</sup> DAY OF MAY, 2004 AT 10:52 A.M.  
ALL VOTING YES.

  
JOHN P. THOMPSON, COUNTY JUDGE

ATTEST:

  
BARBARA MIDDLETON, COUNTY CLERK

C:\Barbara M\COMMCRT. 2004\MAY25.2004.wpd

*Item # 10*

**EXECUTIVE DIRECTOR**  
Randall H. Riley



**CHAIRMAN**  
Tom Beard

**COMMISSIONERS**  
Stuart S. Coleman  
James S. Duncan  
Bob Jones  
Victor E. Leal  
Mary Ann Newman-Buckley  
Brenda Pejovich

**Texas Building and Procurement Commission**

**LEASE AMENDMENT**

**LEASE: 8230-Corrigan**

**Term: 11/01/1993 through 10/31/2003**

This Agreement is made and entered into on this \_\_\_\_\_ by and between Lessor County of Polk, and LESSEE, STATE OF TEXAS acting by and through the Texas Building and Procurement Commission.

With reference to Lease Contract 8230-Corrigan, the occupying agency, the Department of Human Services, continues to occupy and remains in possession of the leased premises for a period of 19 months, from November 1, 2003 through May 31, 2005. This renewal period pertains to 3,040 square feet of space, at \$0.00 annual rate, for a total of \$0.00 per month.

All future correspondence should refer to the new lease contract number 8230-Corrigan. If you have any questions, please contact the Leasing Division at 512-463-3331.

**TEXAS BUILDING AND PROCUREMENT  
COMMISSION APPROVED:**

**COPY**

\_\_\_\_\_  
Gregg Werkenthin  
Director, Facilities Leasing Division

Date: \_\_\_\_\_

Approved By:

**COPY**

\_\_\_\_\_  
The Hon. John Thompson  
County Judge

Date: \_\_\_\_\_

**STATE OF TEXAS  
COUNTY OF TRAVIS**

§ *Item # 14*  
§

**Polk County Aging Services  
1312 North Houston  
Livingston, Texas 77351  
Amendment Number: 05-2  
Vendor Number: 1000824  
UCN: 05-K-1579**

The Texas Department of Human Services (DHS), hereinafter referred to as the Department, and Polk County Aging Services, hereinafter referred to as the Provider, hereby amend the Contract for Community Care Programs as described below.

The Department and the Provider agree to the following amendment to the Contract for Community Care Programs:

**I. Section II, Item G is amended to include the following language:**

**If the contractor terminates business operations, the contractor must ensure that:**

- (1) Records are stored and accessible;**
- (2) Someone is responsible for adequately maintaining the records;**
- (3) The DHS contract manager is notified in writing about how and where the records will be maintained and who DHS will contact in order to access the records; and**
- (4) If information in item three (3) changes, the contractor provides updated information to the DHS contract manager. The information must be provided within 10 workdays and be in writing.**

**II. The effective date of this amendment is July 1, 2004.**

All other terms and conditions of the Contract for Community Care Programs remain in full force and effect.

**Texas Department of Human Services**

**Polk County Aging Services**

\_\_\_\_\_  
Signature – Ken Esene  
Regional Administrator

\_\_\_\_\_  
Date

**COPY**  
\_\_\_\_\_  
Signature – John P. Thompson  
Polk County Judge

\_\_\_\_\_  
Date



COPY

Item # 15

STATE OF TEXAS

COUNTY OF POLK

**TEMPORARY EASEMENT FOR BRIDGE CONSTRUCTION**

THIS INDENTURE made this the 25th day of May, 2004, by and between **Corrigan Timberlands LP**, a Texas limited partnership ("Grantor") and **Polk County, Texas** ("Grantee").

**WITNESSETH:**

For and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, Grantor does hereby grant, bargain, sell and convey unto Grantee, four (4) temporary easements adjacent to County Road 219 and described as parcel numbers 1E, 2E, 3E and 4E on Exhibits "A" through "D" respectively attached hereto and made a part hereof for bridge construction purposes on, over and across certain lands of the Grantor in the H. Ware Survey, Abstract 739, Polk County, Texas (The Premises).

The said Easement herein granted is subject to the following terms and conditions:

1. It is understood and agreed by and between the parties hereto that as a further consideration for the easement granted hereunder, Grantee does hereby release and discharge Grantor from any and all liability, claim or demand which Grantee may have or claim to have now or hereafter, against Grantor resulting from, arising out of or in any manner associated with any forestry operation of the Grantor in the management of its properties.
2. All property of whatever kind or nature which may be now or hereinafter placed in, on or about the Premises by or for the Grantee shall be at the sole risk of Grantee. Grantor shall not be liable to the Grantee for any damage or loss to said property or for any injury or death taking place on the premises.
3. The Grantee covenants to indemnify and hold forever harmless the Grantor and Grantor's Land Manager, Molpus Timberlands Management, LLC., a Mississippi limited liability Company ("MTM"), against each and every claim, demand or cause of action that may be made or come against Grantor and/or MTM by reason of or in any way arising out of Grantee's activities on and/or use of the premises.

4. Grantee shall comply with all laws and ordinances and with the rules and regulations of any codes of Federal, State or local authority applicable to the use of the premises, including, but not limited to, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response Compensation and Liability Act, Clean Water Act, and Clean Air Act and the National Electric Safety Code.

5. Grantee shall repair, to the satisfaction of Grantor or its representative, any damage it shall cause to Grantor's private roads, lanes or ditches.

6. Grantor hereby reserves the right to cut and reclaim the timber on the affected property. In addition, Grantor shall be allowed to conduct and continue its business operations near the easement herein granted in the ordinary and usual course of its business.

7. Grantee agrees and covenants to pay Grantor, at the then market value, for any of Grantor's timber lying outside of said easement destroyed or damaged from acts or omissions of Grantee, its employees, agents or contractors at any time during the period this grant is in force. All stumps, brush, limbs or other debris of any kind which Grantee desires to clear from said easement shall be placed, piled and burned or otherwise disposed of in such manner that there will be no increased fire or bug hazard to the timber of Grantor on or near the premises or to defacement of the timber or other property of Grantor. No stumps, brush, limbs or other debris shall be burned, piled or placed on property of Grantor lying outside the premises.

8. Grantee shall have the full responsibility for obtaining any and all federal, state and local permits or licenses and shall fully comply with all of the laws, rules, regulations and requirements of any and all federal, state or local government, authority, agency, commission or regulatory body insofar as the same may apply to Grantee's operations hereunder and particularly as such laws, rules, regulations and requirements may relate to protection of the environment, water and air.

9. The easement herein granted and all rights and privileges in connection herewith shall automatically revert to Grantor, its successors and assigns, immediately upon the completion of construction by Grantee on its adjacent bridge projects.

10. Grantee shall have thirty (30) days from and after the date of the expiration of this agreement to remove all property or fixtures placed by Grantee on the premises. Unless the time period is extended by written consent of Grantor, any property or fixtures of Grantee left on the premises after the appropriate removal date may be removed from the premises at the direction of Grantor, but at the sole risk and expense of Grantee.

11. Grantee shall, prior to cutting any fences of Grantor, secure "H" braces therein in such a manner as to prevent fence sagging. Upon expiration of this temporary agreement, Grantee will re-fence all said gaps in a good and workmanlike manner.

12. Upon Grantee's completion of construction and the expiration of this grant, Grantee shall promptly restore the premises to its original contour and install terraces and/or water bars where needed to protect the soil from erosion. Grantee shall seed, fertilize and mulch all areas of the premises

where Grantee's activities have exposed the soil. Furthermore, Grantee shall promptly remove all debris from the premises and dispose of same in a County disposal facility. The area shall be left in a condition suitable for planting and growth of pine trees.

13. THIS TEMPORARY GRANT IS MADE WITHOUT WARRANTY OF TITLE AND IS SUBJECT TO ANY AND ALL LIENS, EASEMENTS, RIGHTS OF WAY, OIL AND GAS LEASES AND/OR SERVITUDES OF WHATEVER KIND OR NATURE WHICH MAY BE PRESENTLY OF RECORD OR VISIBLE BY A PHYSICAL INSPECTION OF THE PROPERTY. GRANTOR MAKES NO WARRANTIES, EXPRESS OR IMPLIED, AS TO THE MERCHANTABILITY AND/OR FITNESS OF THE PREMISES FOR ANY USE WHATSOEVER.

14. All notices and/or payments, necessary to be given under the terms of this Easement shall be directed as follows:

GRANTOR: CORRIGAN TIMBERLANDS LP  
c/o Molpus Timberlands Management, LLC  
178 Bonhomie Road  
Hattiesburg, MS 39401  
Attention: Michael R. Cooper, Esq.

GRANTEE: POLK COUNTY, TEXAS  
Polk County Courthouse  
3<sup>rd</sup> Floor  
Livingston, Texas 77351  
Attn: Judge John P. Thompson

Except for any notices, demands, requests or other communications required under applicable law to be given in another manner, whenever Grantor and Grantee give or serve any notices, demands, requests or other communications with respect to this agreement, each such notice, demand, request or other communication shall be in writing and shall be delivered personally, mailed by certified or registered mail or sent by a nationally recognized courier service such as Federal Express and properly addressed in accordance with this section and shall be deemed given upon receipt or refusal to accept. Any party may change its address for such notices by delivering or mailing to the other party hereto, as aforesaid, a notice of such change.

TO HAVE AND TO HOLD the aforesaid rights, privileges and easement unto Grantee subject to the conditions, limitations and restrictions contained herein,

IN WITNESS WHEREOF, both parties have set their hands and seals by its duly authorized officers, this 25th day of May, 2004.

*(Signatures follow on next page)*

GRANTOR:

CORRIGAN TIMBERLANDS LP

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

GRANTEE:

POLK COUNTY, TEXAS

By: *John P. Thompson*

Name: John P. Thompson

Title: County Judge

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

PERSONALLY appeared before me, the undersigned authority in and for the said Cuntly and State, on this the \_\_\_ day of \_\_\_\_\_, 2004, within my jurisdiction, the within named \_\_\_\_\_, who acknowledged that he/she is the \_\_\_\_\_ of Corrigan Timberlands LP, a Texas limited partnership, and that for and on behalf of said Limited Partnership and as its act and deed, he/she executed the above and foregoing instrument for the purposes mentioned on the day and year therein mentioned, after first having been duly authorized so to do.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_

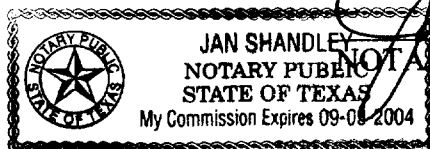
STATE OF TEXAS

COUNTY OF POLK

PERSONALLY appeared before me, the undersigned authority in and for the said County and State, on this the 25th day of May, 2004, within my jurisdiction, the within named Honorable John P. Thompson, who acknowledged that he is the County Judge of the Polk County, Texas and that for and on behalf of Polk County, Texas and as its act and deed, he executed the above and foregoing instrument for the purposes mentioned on the day and year therein mentioned, being duly authorized so to do.

My Commission Expires:

09-03-2004



*Jan Shandley*  
NOTARY PUBLIC

Exhibit "A"

County: Polk  
Highway: CR 219 (Stryker Road)  
Const. CSJ: 0911-04-038  
Row CSJ: 0911-04-039

Legal Land Description for Parcel 1-E

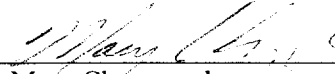
Being 0.150 of an acre of land, or (6,538 square feet), situated in the H. Ware Survey, Abstract 739, Polk County, Texas and being part of that certain tract of land conveyed to Corrigan Timberland LP, in deed recorded in Volume 1244, Page 01, of the Official Public Records Polk County, Texas; said 0.150 of an acre of land being more particularly described by metes and bounds as follows:

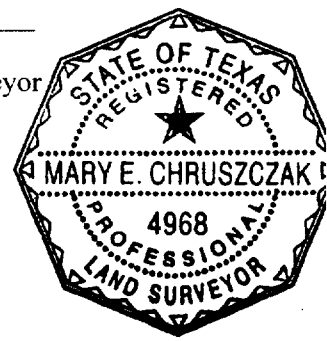
**BEGINNING** at a 5/8 inch iron rod with Aluminum TxDOT cap set on the existing west right-of-way line of C.R. 219 also known as Stryker Road(a called 60' R.O.W. Per County Commissioner), in a curve to the right, and at station 103+70.00, 30.00 feet right and perpendicular to the project baseline;

- 1.) THENCE, in a southerly direction, along the west right-of-way line of C.R. 219, with a curve to the right, having a central angle of 02°08'22", a radius of 2,834.88 feet, an arc length of 105.86 feet, a chord bearing of South 28°01'00" East, and a chord distance of 105.85 feet to the point of tangency;
- 2.) THENCE, South 26°56'48" East, continuing along the west right-of-way line of C.R. 219, a distance of 224.88 feet to a 5/8 inch iron rod with Aluminum TxDOT cap set for southeast corner of the herein described tract, and being at station 107+01.85, 30.00 feet right and perpendicular to the project baseline;
- 3.) THENCE, South 63°03'25" West, perpendicular from west right-of-way line of C.R. 219, a distance of 20.00 feet to a 5/8 inch iron rod with Aluminum TxDOT cap set for the southwest corner of the herein described tract, and being at station 107+01.85, 50.00 feet right and perpendicular to the project baseline;
- 4.) THENCE, North 26°56'49" West, parallel to west right-of-way line of C.R. 219, a distance of 330.03 feet to a 5/8 inch iron rod with Aluminum TxDOT cap set for the northwest corner of the herein described tract, and being at station 103+70.00, 48.04 feet right and perpendicular to the project baseline;
- 5.) THENCE, North 60°54'50" East, perpendicular to the west right-of-way line of C.R. 219, a distance of 18.04 feet to the POINT OF BEGINNING, containing an area of 0.150 of an acre, or 6,538 square feet of land.

Note:

All bearings are based on the centerline of C.R. 219 having an assumed bearing of South 26°56'48" East. Project coordinates are assumed. A parcel plat of even survey date accompanies this parcel description. I certify that the survey was performed on the ground under my supervision on December 3, 2003.

  
\_\_\_\_\_  
Mary Chruszczak  
Registered Professional Land Surveyor  
No. 4968



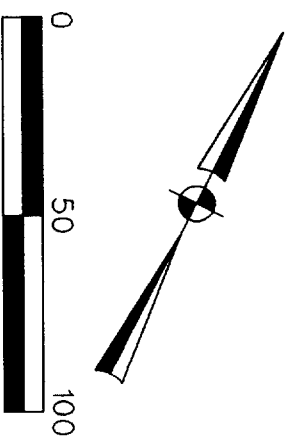
Prepared By:  
**GeoSolutions, LLC**  
15711 West Hardy Road, Suite 8  
Houston, Texas 77060  
Project No. 03008107

*12/29/03*

- SET 5/8" R W/TXDOT ALUM. CAP
- FIND 5/8" R W/TXDOT ALUM. CAP
- SET (TYPE INDICATED AT LOCATION)
- ⊙ FND. (TYPE INDICATED AT LOCATION)

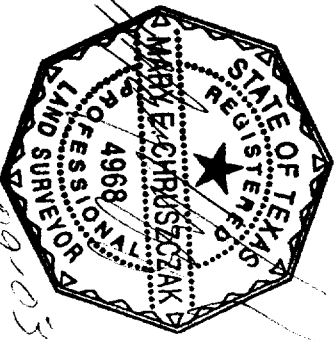
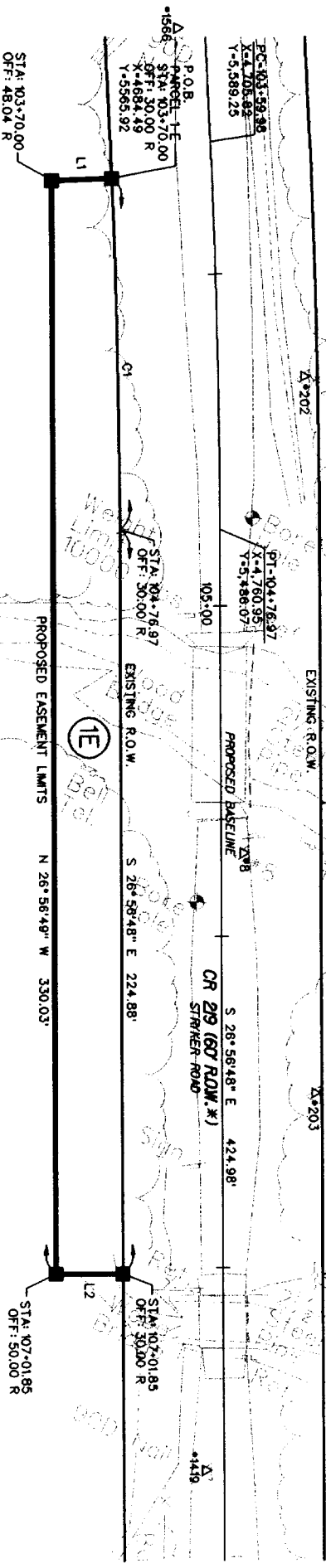
TEMPORARY BENCHMARKS			
NO.	STATION	OFFSET	DESC.
8	105+74.84	7.06 L	5/8" R W/CAP
202	104+31.30	28.35 L	5/8" R W/CAP
203	106+47.39	28.37 L	5/8" R W/CAP
147B	107+61.91	5.05 R	900 NAIL
1586	103+31.26	17.99 R	900 NAIL

# H. WARE SURVEY A-739



**BASELINE CURVE DATA**

A=02°20'23"  
 P=2,864.88'  
 L=118.99'  
 CHD=128°07'00"W  
 CHD=116.98'



12-29-03

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	2°08'22"	2834.88'	105.88'	S28°07'00"E	105.85'

LINE TABLE			
LINE	BEARING	LENGTH	REMARKS
L1	N60°54'50"E	18.04'	
L2	S63°03'25"W	20.00'	

**H. WARE SURVEY A-739**

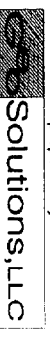
PARCEL NO.	EXIST. ACRES	STATION		LOT	BLOCK	OWNER	TYPE OF CONV.	VOL. PG.	TAKING ACRES SQ.FT.	REMAINDER	
		BEGIN	END							LEFT	RIGHT
1E	-	103+70.00	107+01.85	--	--	CORRIGAN TIMBERLAND LP	-	-	0.150	6,538	SO FT

NOTES:  
 1. ALL BEARINGS ARE BASED ON CENTERLINE OF C.R. 219 HAVING AN ASSUMED BEARING OF S 28°36'18"E. PROJECT COORDINATES ARE ASSUMED.  
 2. METES AND BOUNDS FIELD NOTES ACCOMPANY THIS PLAT.

\* PER COUNTY COMMISSIONER.

PROPOSED PARCEL PLAT SHOWING PROPERTY OF CORRIGAN TIMBERLAND LP  
 POLK COUNTY

R.O.W. C.S.J. 0911-04-039  
 CONSTRUCTION C.S.J. 0911-04-038  
 SCALE 1" = 50'  
 prepared by: DECEMBER, 2003



Tel: (281) 447-1586 Fax: (281) 447-1589

County: Polk  
 Highway: CR 219 (Stryker Road)  
 Const. CSJ: 0911-04-038  
 Row CSJ: 0911-04-039

## Legal Land Description for Parcel 2-E

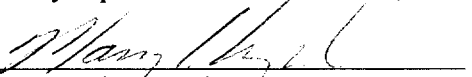
Being 0.080 of an acre of land, or (3,556 square feet), situated in the H. Ware Survey, Abstract 739, Polk County, Texas and being part of that certain tract of land conveyed to Corrigan Timberland LP, in deed recorded in Volume 1244, Page 01, of the Official Public Records Polk County, Texas; said 0.080 of an acre of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a 5/8 inch iron rod with Aluminum TxDOT cap set on the existing East right-of-way line of C.R. 219 also known as Stryker Road (a called 60' R.O.W. Per County Commissioner), and at station 105+59.67, 30.00 feet left and perpendicular to project baseline;

- 1.) THENCE, North 63°03'13" East, perpendicular from the east right-of-way line of C.R. 219, a distance of 25.00 feet to a 5/8 inch iron rod with Aluminum TxDOT cap set for northeast corner of herein described tract, and being at station 105+59.67, 55.00 feet left and perpendicular to project baseline;
- 2.) THENCE, South 26°56'49" East, parallel to east right-of-way line of C.R. 219, a distance of 142.16 feet to a 5/8 inch iron rod with Aluminum TxDOT cap set for the southeast corner of herein described tract, and being at station 107+01.83, 55.00 feet left and perpendicular to project baseline;
- 3.) THENCE, South 62°47'36" West, to a point in the east right-of-way line of C.R. 219, a distance of 25.00 feet to a 5/8 inch iron rod with Aluminum TxDOT cap set for the southwest corner of herein described tract, and being at station 107+01.83, 30.00 feet left and perpendicular to project baseline;
- 4.) THENCE, North 26°56'49" West, along east right-of-way line of C.R. 219, a distance of 142.28 feet to the POINT OF BEGINNING, containing an area of 0.080 of an acre, or 3,556 square feet of land.

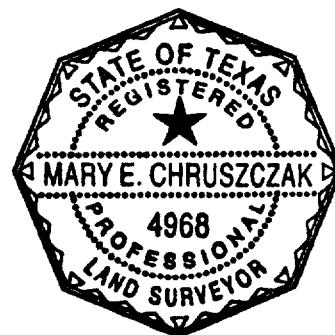
## Note:

All bearings are based on the centerline of C.R. 219 having an assumed bearing of South 26°56'48" East. Project coordinates are assumed. A parcel plat of even survey date accompanies this parcel description. I certify that the survey was performed on the ground under my supervision on December 3, 2003.

  
 Mary Chruszczak  
 Registered Professional Land Surveyor  
 No. 4968

Prepared By:  
 GeoSolutions, LLC  
 15711 West Hardy Road, Suite 8  
 Houston, Texas 77060  
 Project No. 03008107

12-29-03



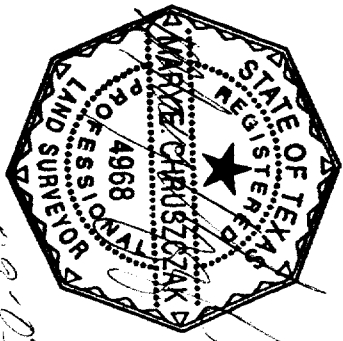
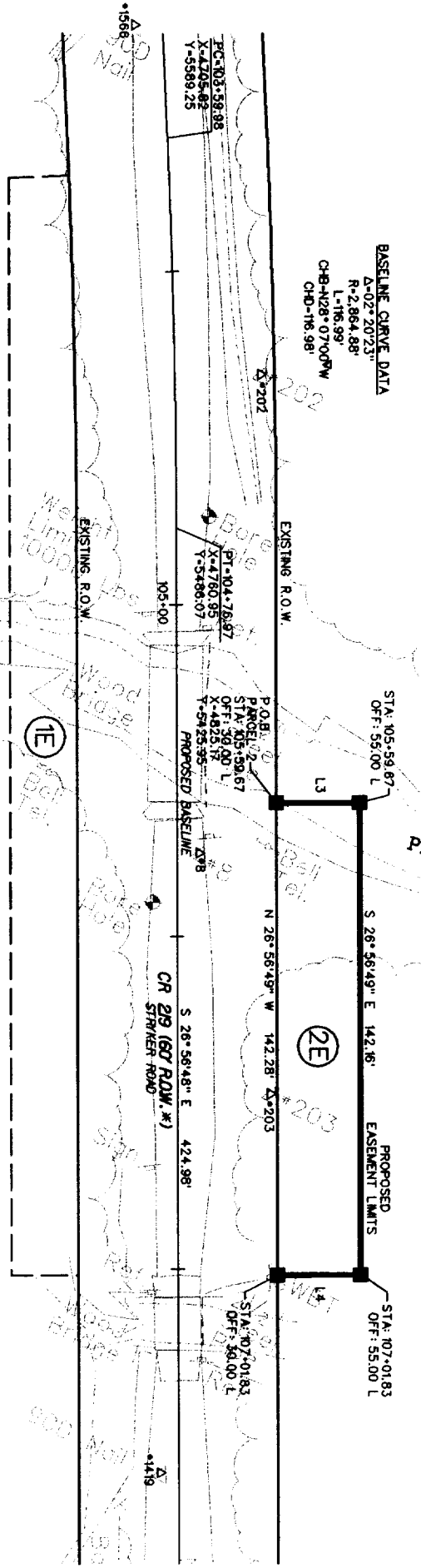
- SET 1/4" R W/TXDOT ALUM. CAP
- FNO. 1/4" R W/TXDOT ALUM. CAP
- SET (TYPE INDICATED AT LOCATION)
- ⊙ FNO. (TYPE INDICATED AT LOCATION)

# H. WARE SURVEY A-739

TEMPORARY BENCHMARKS			
NO.	STATION	OFFSET	DESC.
8	105+74.84	7.08 L	1/4" R W/CAP
202	104+31.50	26.35 L	1/4" R W/CAP
203	106+47.39	28.37 L	1/4" R W/CAP
1419	107+61.91	5.05 R	900 NAIL
1566	103+31.26	17.99 R	900 NAIL

**BASELINE CURVE DATA**

Δ-02° 20'23"  
R-2,864.86'  
L-176.99'  
CHB=128° 07'00"W  
CHD=118.98'



12-29-03

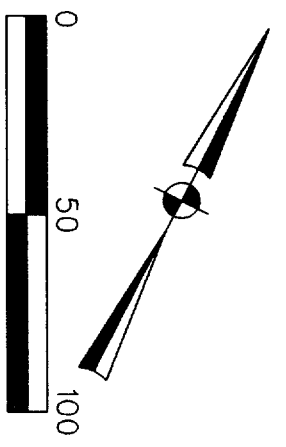
LINE TABLE		
LINE	BEARING	LENGTH
L3	N63° 03'13\"/>	
L4	S82° 47'36\"/>	

**H. WARE SURVEY A-739**

PARCEL NO.	EXIST. ACRES	STATION		LOT	BLOCK	OWNER	TYPE OF CONV.	VOL. Pg.	TAKING ACRES SOFT.	REMAINDER	
		BEGN	END							LEFT	RIGHT
2 E	-	106+58.67	107+01.94	--	--	CORRIGAN TIMBERLAND LP	-	-	0.081	3.556	30 FT

\* PER COUNTY COMMISSIONER:  
**PARCEL PLAT**  
 SHOWING PROPERTY OF  
**CORRIGAN TIMBERLAND LP**  
 POLK COUNTY  
 PARCEL 2 E

R.O.W. C.S.J. 0911-04-039  
 CONSTRUCTION C.S.J. 0911-04-038  
 SCALE 1" = 50'  
 prepared by: **Solutions, LLC**  
 Tel. (281) 447-1586 Fax (281) 447-1589  
 DATE 9 DEC 9



NOTES:  
 1. ALL BEARINGS ARE BASED ON CENTERLINE OF C.R. 219 HAVING AN ASSUMED BEARING OF S 28° 56' 49" E. PROJECT COORDINATES ARE ASSUMED.  
 2. METES AND BOUNDS FIELD NOTES ACCOMPANY THIS PLAT.



Exhibit "C"

County: Polk  
Highway: CR 219 (Stryker Road)  
Const. CSJ: 0911-04-038  
Row CSJ: 0911-04-039

Legal Land Description for Parcel 3-E

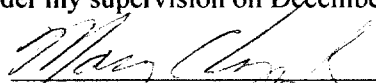
Being 0.071 of an acre of land, or (3,111 square feet), situated in the H. Ware Survey, Abstract 739, Polk County, Texas and being part of that certain tract of land conveyed to Corrigan Timberland LP, in deed recorded in Volume 1244, Page 01, of the Official Public Records Polk County, Texas; said 0.071 of an acre of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a 5/8 inch iron rod with Aluminum TxDOT cap set on the existing East right-of-way line of C.R. 219 also known as Stryker Road (a called 60' R.O.W. Per County Commissioner), and at station 114+35.05, 30.00 feet left and perpendicular to project baseline;

- 1.) THENCE, South 84°04'11" East, perpendicular from the east right-of-way line of C.R. 219, a distance of 18.75 feet to a 5/8 inch iron rod with Aluminum TxDOT cap set for the northeast corner of herein described tract, and being at station 114+35.05, 48.75 feet left and perpendicular to project baseline;
- 2.) THENCE, South 12°51'24" West, parallel to east right-of-way line of C.R. 219, a distance of 270.49 feet to a 5/8 inch iron rod with Aluminum TxDOT cap set for the southeast corner of herein described tract, and being at station 117+00.00, 40.00 feet left and perpendicular to project baseline;
- 3.) THENCE, North 77°08'37" West, perpendicular to the east right-of-way line of C.R. 219, a distance of 10.00 feet to a 5/8 inch iron rod with Aluminum TxDOT cap set for the southwest corner of herein described tract, and being at station 117+00.00, 30.00 feet left and perpendicular to project baseline;
- 4.) THENCE, North 12°51'24" East, continuing along east right-of-way line of C.R. 219, a distance of 125.94 feet to a point of curvature, and being at station 115+74.06, 30.00 feet left and perpendicular to project baseline;
- 5.) THENCE, in a northerly direction, along the east right-of-way line of C.R. 219, with a curve to the left, having a central angle of 06°55'34", a radius of 1,180.00 feet, an arc length of 142.64 feet, a chord bearing of North 09°23'37" East, and a chord distance of 142.55 feet to the POINT OF BEGINNING, containing an area of 0.071 of an acre, or 3,111 square feet of land.

Note:

All bearings are based on the centerline of C.R. 219 having an assumed bearing of South 26°56'48" East. Project coordinates are assumed. A parcel plat of even survey date accompanies this parcel description. I certify that the survey was performed on the ground under my supervision on December 3, 2003.

  
Mary Chruszczak  
Registered Professional Land Surveyor  
No. 4968

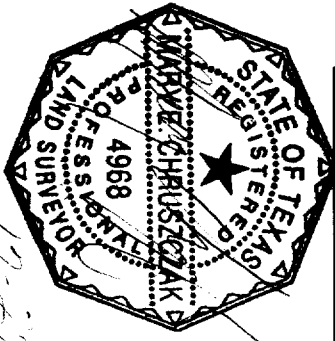
Prepared By:  
**GeoSolutions, LLC**  
15711 West Hardy Road, Suite 8  
Houston, Texas 77060  
Project No. 03008107

12-29-03



- SET 5/8" R W/TXDOT ALUM. CAP
- FND. 5/8" R W/TXDOT ALUM. CAP
- SET (TYPE INDICATED AT LOCATION)
- ⊙ FND. (TYPE INDICATED AT LOCATION)

# H. WARE SURVEY A-739

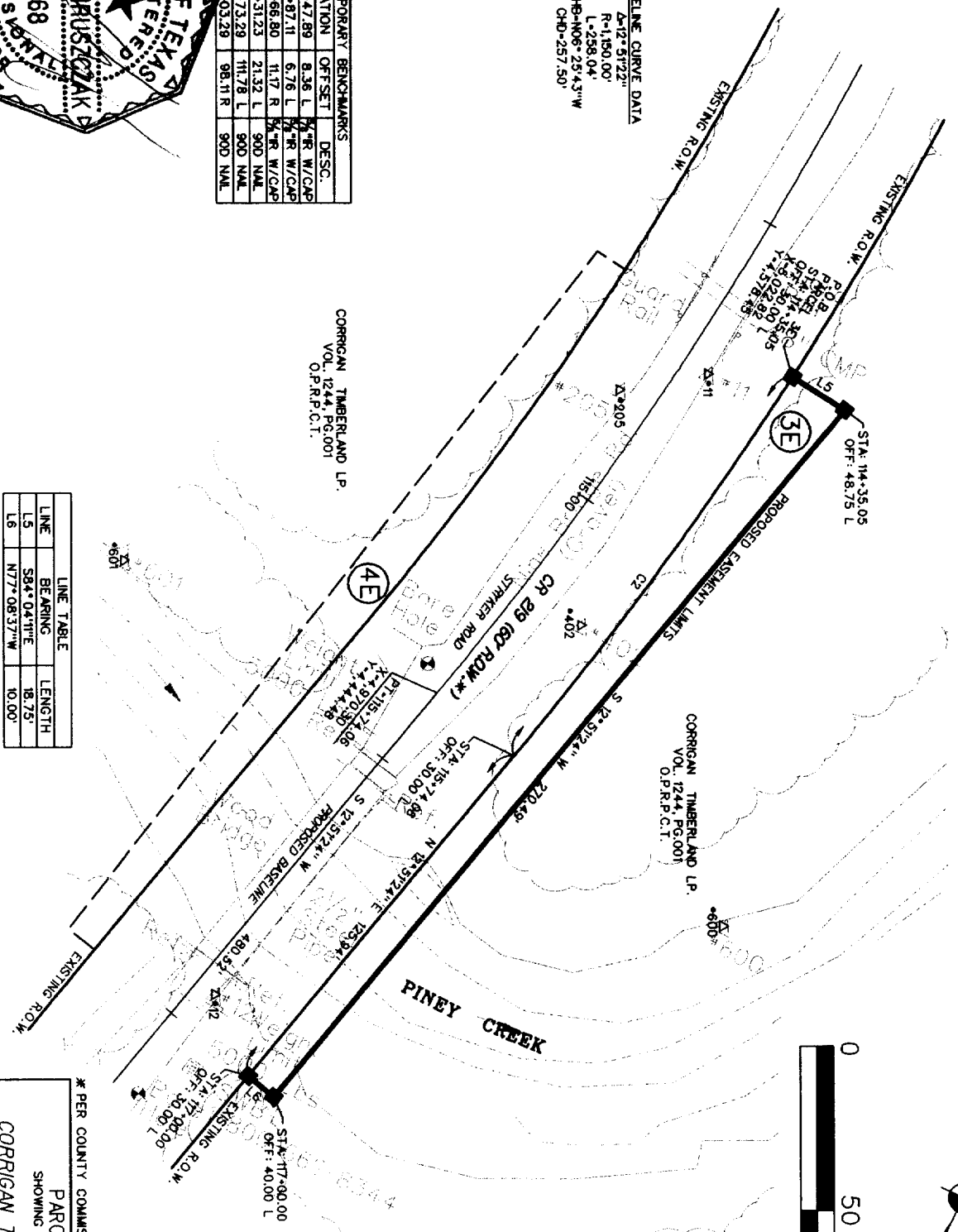


**NOTES:**

1. ALL BEARINGS ARE BASED ON CENTERLINE OF C.R. 219 HAVING AN ASSUMED BEARING OF S 28°58'48"E. PROJECT COORDINATES ARE ASSUMED. 2. METES AND BOUNDS FIELD NOTES ACCOMPANY THIS PLAT.

TEMPORARY BENCHMARKS			
NO.	STATION	OFFSET	DESC.
11	114+47.89	8.36 L	4" IR W/CAP
12	116+87.11	6.76 L	4" IR W/CAP
205	114+68.80	11.37 R	5/8" IR W/CAP
402	115+31.23	21.32 L	90D NAIL
600	115+73.28	111.78 L	90D NAIL
601	116+03.28	98.11 R	90D NAIL

**BASELINE CURVE DATA**  
 $\Delta=12.5122^\circ$   
 $R=1,150.00'$   
 $L=236.04'$   
 $CHB=106^\circ 25' 43" W$   
 $CHD=257.50'$



CORRIGAN TIMBERLAND LP.  
VOL. 1244, PG. 001  
O.P.R.P.C.T.

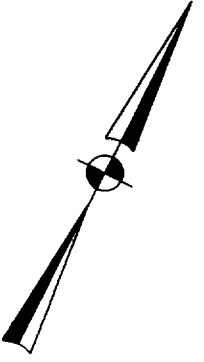
CORRIGAN TIMBERLAND LP.  
VOL. 1244, PG. 001  
O.P.R.P.C.T.

LINE	BEARING	LENGTH
L5	S84° 04' 11" E	18.75'
L6	N77° 08' 37" W	10.00'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
C2	6° 55' 34"	1180.00'	142.15'	N09° 23' 57" E	142.55'

PARCEL NO.	EXIST. ACRES	STATION		LOT	BLOCK	OWNER	TYPE OF CONV.	VOL. PG.	TAKING ACRES	REMAINDER	
		BEGN	END							LEFT	RIGHT
3 E	-	114+35.05	117+00.00	--	--	CORRIGAN TIMBERLAND LP	-	-	0.071 SQ FT	--	--

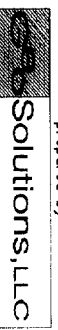
H. WARE SURVEY A-739



\* PER COUNTY COMMISSIONER.

PARCEL PLAT  
SHOWING PROPERTY OF  
**CORRIGAN TIMBERLAND LP**  
POLK COUNTY

R.O.W. C.S.J. 0911-04-039  
CONSTRUCTION C.S.J. 0911-04-038  
SCALE 1" = 50'  
Prepared by: **Solutions, LLC**  
DECEMBER, 2003



County: Polk  
 Highway: CR 219 (Stryker Road)  
 Const. CSJ: 0911-04-038  
 Row CSJ: 0911-04-039

## Legal Land Description for Parcel 4-E

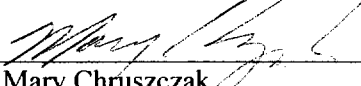
Being 0.076 of an acre of land, or (3,298 square feet), situated in the H. Ware Survey, Abstract 739, Polk County, Texas and being part of that certain tract of land conveyed to Corrigan Timberland LP, in deed recorded in Volume 1244, Page 01, of the Official Public Records Polk County, Texas; said 0.076 of an acre of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a 5/8 inch iron rod with Aluminum TxDOT cap set on the existing west right-of-way line of C.R. 219 also known as Stryker Road (a called 60' R.O.W. Per County Commissioner), being in a curve to the right and at station 114+35.05, 30.00 feet right and perpendicular to the project baseline;

- 1.) THENCE, in a southerly direction, along the west right-of-way line of C.R. 219, with a curve to the right, having a central angle of  $06^{\circ}55'34''$ , a radius of 1,120.00 feet, an arc length of 135.39 feet, a chord bearing of South  $09^{\circ}23'37''$  West, and a chord distance of 135.30 feet to the point of tangency;
- 2.) THENCE, South  $12^{\circ}51'24''$  West, continuing along the west right-of-way line of C.R. 219, a distance of 125.94 feet to a 5/8 inch iron rod with Aluminum TxDOT cap set for the southeast corner of herein described tract, and being at station 117+00.00, 30.00 feet right and perpendicular to the project baseline;
- 3.) THENCE, North  $77^{\circ}08'37''$  West, perpendicular of the west right-of-way line of C.R. 219, a distance of 10.00 feet to a 5/8 inch iron rod with Aluminum TxDOT cap set for the southwest corner of herein described tract, and being at station 117+00.00, 40.00 feet right and perpendicular to the project baseline;
- 4.) THENCE, North  $11^{\circ}04'15''$  East, continuing along westerly right-of-way line of C.R. 219, a distance of 259.91 feet to a 5/8 inch iron rod with Aluminum TxDOT cap set for the northwest corner of herein described tract, and being at station 114+35.05, 40.00 feet right and perpendicular to the project baseline;
- 5.) THENCE, South  $84^{\circ}04'14''$  East, perpendicular to the west right-of-way line of C.R. 219, a distance of 10.00 feet to the POINT OF BEGINNING, containing an area of 0.076 of an acre, or 3,298 square feet of land.

## Note:

All bearings are based on the centerline of C.R. 219 having an assumed bearing of South  $26^{\circ}56'48''$  East. Project coordinates are assumed. A parcel plat of even survey date accompanies this parcel description. I certify that the survey was performed on the ground under my supervision on December 3, 2003.

  
 Mary Chruszczak  
 Registered Professional Land Surveyor  
 No. 4968

Prepared By:  
**GeoSolutions, LLC**  
 15711 West Hardy Road, Suite 8  
 Houston, Texas 77060  
 Project No. 03008107

12-29-03



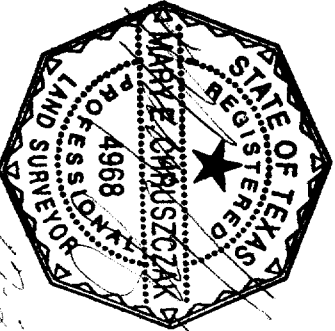
- SET 1/4" R W/1200' ALUM. CAP
- FNO. 1/4" R W/1200' ALUM. CAP
- SET (TYPE INDICATED AT LOCATION)
- ⊙ FNO. (TYPE INDICATED AT LOCATION)

# H. WARE SURVEY A-739

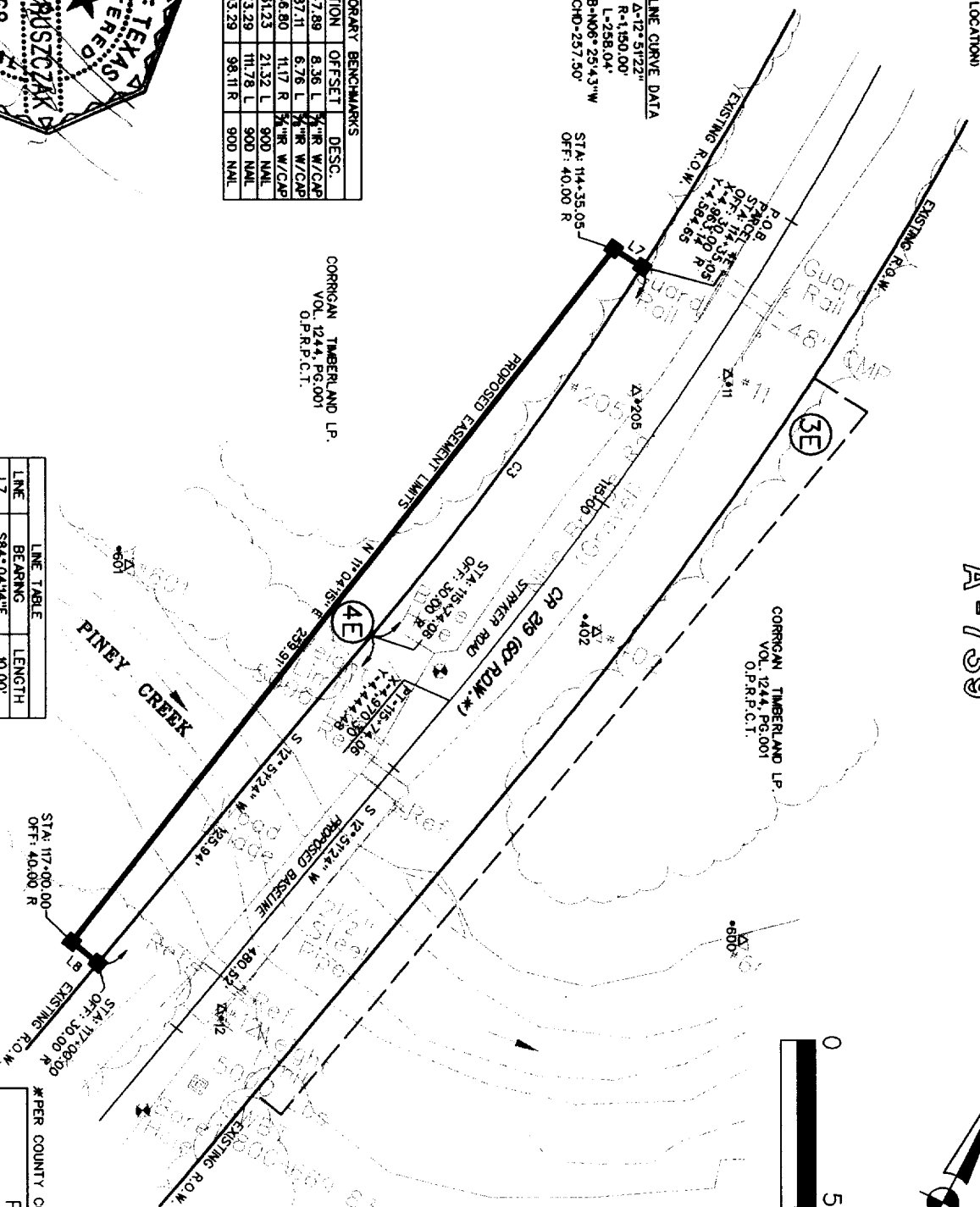
TEMPORARY BENCHMARKS

NO.	STATION	OFFSET	DESC.
11	114+47.89	8.36 L	3/4" R W/CAP
12	116+87.11	6.76 L	3/4" R W/CAP
205	114+86.80	11.17 R	3/4" R W/CAP
402	115+31.23	21.32 L	900 NAIL
600	115+73.29	111.78 L	900 NAIL
601	115+03.29	98.11 R	900 NAIL

BASELINE CURVE DATA  
 Δ-123.5122"  
 R+1150.00'  
 L=258.04'  
 CHB-N06+29.43"W  
 CHD-257.50'  
 STA: 114+35.05  
 OFF: 40.00 R



NOTES:  
 1. ALL BEARINGS ARE BASED ON CENTERLINE OF CR 219 HAVING AN ASSUMED BEARING OF S 7°26'59" 49"E. PROJECT COORDINATES ARE ASSUMED. 2. METES AND BOUNDS FIELD NOTES ACCOMPANY THIS PLAT.



CORRIGAN TIMBERLAND LP.  
 VOL. 1244, PG. 001  
 O.P.R.P.C.T.

CORRIGAN TIMBERLAND LP.  
 VOL. 1244, PG. 001  
 O.P.R.P.C.T.

CURVE TABLE

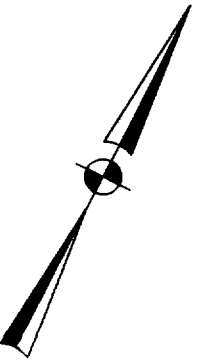
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD DISTANCE
C3	6°55'34"	1120.00'	135.39'	S09°23'37"W	135.30'

LINE TABLE

LINE	BEARING	LENGTH
L7	S84°04'14"E	10.00'
L8	N77°08'37"W	10.00'

H. WARE SURVEY A-739

PARCEL NO.	EXIST. ACRES	STATION BEGN	STATION END	LOT BLOCK	OWNER	TYPE OF CONV.	VOL. PG.	TAKING ACRES S.Q.F.T.	REMAINDER ACRES	LEFT	RIGHT
4 E	-	114+35.05	117+00.00	--	CORRIGAN TIMBERLAND LP	-	-	0.076	3,398 S.Q. FT.	--	--



\*PER COUNTY COMMISSIONER:

PROPOSED PARCEL PLAT  
 SHOWING PROPERTY OF  
**CORRIGAN TIMBERLAND LP**  
 PARCEL 4 E  
 POLK COUNTY

R.O.W. C.S.J. 0911-04-039  
 CONSTRUCTION C.S.J. 0911-04-038  
 SCALE 1" = 50'  
 prepared by: **Solutions, LLC**  
 DECEMBER, 2003

Item #17

**RESOLUTION**

**RESOLUTION EXPRESSING INTENT TO REIMBURSE EXPENDITURES  
TO BE INCURRED BY POLK COUNTY, TEXAS**

**WHEREAS**, Polk County, Texas (the "Issuer") is a Texas County and a political subdivision of the State of Texas authorized to issue obligations to finance its activities pursuant to various Texas statutes, including anticipation notes pursuant to Chapter 1431, Texas Government Code, the interest on which is excludable from gross income for federal income tax purposes ("tax-exempt obligations") pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code");

**WHEREAS**, the Issuer will make, or has made not more than 60 days prior to the date hereof, payments with respect to the acquisition, construction, repair and equipping of the projects listed on Exhibit "A" attached hereto;

**WHEREAS**, the Issuer has concluded that it does not currently desire to issue tax-exempt obligations to finance the costs associated with the projects listed on Exhibit "A" attached hereto;

**WHEREAS**, the Issuer desires to reimburse itself for the costs associated with the projects listed on Exhibit "A" attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof; and,

**WHEREAS**, the Issuer reasonably expects to issue tax-exempt obligations to reimburse itself for the costs associated with the projects listed on Exhibit "A" attached hereto.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

**Section 1.** The Issuer reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof and that are to be paid in connection with the acquisition, construction, repair and equipping of the projects listed on Exhibit "A" attached hereto from the proceeds of tax-exempt obligations to be issued subsequent to the date hereof.

**Section 2.** This resolution is also made to evidence the intent of the Issuer to make such reimbursements under Treas. Reg. § 1.150-2 and Section 1201.042, Texas Government Code.

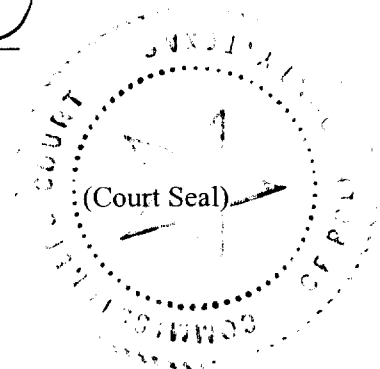
**Section 3.** The Issuer reasonably expects that the maximum principal amount of tax-exempt obligations issued to reimburse the Issuer for the costs associated with the projects listed on Exhibit "A" attached hereto will not exceed \$ 196,166.00.

**ADOPTED** this 25<sup>th</sup> day of May, 2004, by the Polk County Commissioners Court.

*John P. Thompson*  
**John P. Thompson**  
County Judge, Polk County, Texas

Attest;

*Barbara Middleton*  
**Barbara Middleton, County Clerk**



**EXHIBIT "A"**

**DESCRIPTION OF PROJECTS**

**The acquisition of vehicles;**

Maintenance Engineering	Asbestos Abatement		
	TDH	\$	500.00
	Abatement Remediation		8,875.00
	TLI Environmental		2,770.00
Road & Bridge, Pct. ____	Motorgrader		
	ROMCO	\$	184,021.00

**Such financing to be in an amount not to exceed \$ 196,166.00 from the General Fund of Polk County, Texas.**

*Item # 18*

REVISION CHANGES BY FUND

FUND DESCRIPTION	INCREASE/DECREASE
010 GENERAL FUND	21,963.00
015 ROAD & BRIDGE ADM	125,225.92
032 ENVIRONMENTAL SERVICES	5,906.40

*Budget Revisions # 2004-16*

THE PRECEDING LIST OF REVISION WAS REVIEWED AND APPROVED.

B. L. DOCKENS

*B. L. Dockens*

COUNTY AUDITOR

JOHN P. THOMPSON

COUNTY JUDGE

*John P. Thompson*

ACCOUNT NUMBER	ACCOUNT NAME	DATE	AMDT NUMBER	OLD BUDGET AMOUNT	AMOUNT	AMOUNT OF CHANGE	DESCRIPTION	CLK
2004 010-342-477	OTHER VICTIM ASSIS	05/12/2004	2K4A15	.00	5,192.00-	5,192.00-	RECORD GRANT REIMBURSEMENT	K
2004 010-342-570	DETCOG-REIMBURSE S	05/12/2004	2K4A15	.00	345.00-	345.00-	RECORD CK FROM DETCOG-REIMB	K
2004 010-342-570	DETCOG-REIMBURSE S	05/12/2004	2K4A16	345.00-	4,549.32-	4,204.32-	RECORD CK FROM DETCOG REIMB	K
	TOTAL AMENDMENTS			3	TOTAL CHANGES	9,741.32-		
2004 010-457-572	FURNISHINGS/EQUIP	05/12/2004	2K4A15	3,600.00	5,600.00	2,000.00	PURCHASE ONE COMPUTER;JP#3;	K
	TOTAL AMENDMENTS			1	TOTAL CHANGES	2,000.00		
2004 010-499-105	SALARIES	05/11/2004	2K4A15	260,876.88	282,260.49	21,383.61	AMOUNT SHOULD HAVE BEEN IN	K
	TOTAL AMENDMENTS			1	TOTAL CHANGES	21,383.61		
2004 010-501-105	SALARIES	05/11/2004	2K4A15	83,726.85	87,843.24	4,116.39	AMOUNT SHOULD HAVE BEEN ON	K
	TOTAL AMENDMENTS			1	TOTAL CHANGES	4,116.39		
2004 010-512-333	GROCERIES	05/18/2004	2K4A16	87,800.00	78,500.00	9,300.00-	MOVE FUNDS TO MEDICAL SUPPL	K
2004 010-512-391	MEDICAL SUPPLIES/S	05/18/2004	2K4A16	80,000.00	89,300.00	9,300.00	MOVE FUNDS FROM GROCERIES;W	K
	TOTAL AMENDMENTS			2	TOTAL CHANGES	.00		
2004 010-553-423	MOBILE PHONE/BAGER	05/10/2004	2K4A16	500.00	875.00	375.00	MOVE FUNDS FROM TRAVEL;R,MY	K
2004 010-553-427	TRAVEL/TRAINING	05/10/2004	2K4A16	1,500.00	1,125.00	375.00-	MOVE FUNDS TO MOBILE PHONES	K
	TOTAL AMENDMENTS			2	TOTAL CHANGES	.00		
2004 010-560-422	RADIO/COMMUNICATIO	05/12/2004	2K4A16	7,000.00	11,204.32	4,204.32	RECORD CK FROM DETCOG REIMB	K
	TOTAL AMENDMENTS			1	TOTAL CHANGES	4,204.32		
2004 015-612-000	PRECINCT #2-PERM RD EXP	05/12/2004	2K4A15	.00	19,782.40-	19,782.40-	REMAINING FY 2003 CARRYOVER	K
	TOTAL AMENDMENTS			1	TOTAL CHANGES	19,782.40-		
2004 015-613-000	PRECINCT #3-PERM R	05/12/2004	2K4A15	436,112.63	323,289.31	112,823.32-	REMAINING FY 2003 CARRYOVER	K
2004 015-613-000	PRECINCT #3-PERM R	05/17/2004	2K4R16	323,289.31	322,533.38	755.93-	MOVE FUNDS TO SALARY/BENEFIT	K
2004 015-613-108	SALARIES - PART TI	05/17/2004	2K4R16	23,584.53	24,331.31	646.78	MOVE FUNDS FROM CARRYOVER;B	K
2004 015-613-201	SOCIAL SECURITY	05/17/2004	2K4R16	1,840.14	1,907.23	67.09	MOVE FUNDS FROM CARRYOVER;B	K
2004 015-613-203	RETIREMENT	05/17/2004	2K4R16	446.52	488.58	42.06	MOVE FUNDS FROM CARRYOVER;B	K
	TOTAL AMENDMENTS			5	TOTAL CHANGES	112,823.32-		
2004 015-621-100	PRECINCT #1 - EXPENSE SUMMARY	05/11/2004	2K4A15	.00	4,726.06	4,726.06	REMAINING FY 2003 CARRYOVER	K
	TOTAL AMENDMENTS			1	TOTAL CHANGES	4,726.06		
2004 015-622-100	PRECINCT #2 - ROAD & BRIDGE	05/10/2004	2K4A15	79,737.78	65,737.78	14,000.00-	MOVE FUNDS TO CULVERTS;PCT#	K
2004 015-622-100	PRECINCT #2 - ROAD & BRIDGE	05/10/2004	2K4A15	65,737.78	91,929.50	26,191.72	REMAINING FY 2003 CARRYOVER	K
	TOTAL AMENDMENTS			3	TOTAL CHANGES	26,191.72		
2004 015-623-100	PRECINCT #3 EXPENSE SUMMARY	05/12/2004	2K4A15	.00	11,197.73	11,197.73	REMAINING FY 2003 CARRYOVER	K
2004 015-623-571	ROAD MACHINERY/EQU	05/12/2004	2K4A15	4,120.00	188,141.00	184,021.00	PURCHASE OF MOTOR GRADER;RE	K
	TOTAL AMENDMENTS			2	TOTAL CHANGES	184,021.00		
2004 015-624-100	PRECINCT #3 EXPENSE SUMMARY	05/12/2004	2K4A15	87,900.00	119,595.13	31,695.13	REMAINING FY 2003 CARRYOVER	K
2004 015-624-100	PRECINCT #3 EXPENSE SUMMARY	05/12/2004	2K4R16	119,595.13	119,531.13	64.00-	MOVE FUNDS TO TOWER RENT;T	K
2004 015-624-100	PRECINCT #3 EXPENSE SUMMARY	05/12/2004	2K4R16	119,531.13	118,031.13	1,500.00-	MOVE FUNDS TO ELECTRICITY;T	K
2004 015-624-100	PRECINCT #3 EXPENSE SUMMARY	05/12/2004	2K4R16	118,031.13	83,031.13	35,000.00-	MOVE FUNDS TO CONST MATERIA	K
2004 015-624-100	PRECINCT #3 EXPENSE SUMMARY	05/12/2004	2K4R16	83,031.13	68,031.13	15,000.00-	MOVE FUNDS TO FUEL/OIL;T.OV	K
2004 015-624-100	PRECINCT #3 EXPENSE SUMMARY	05/12/2004	2K4R16	68,031.13	63,031.13	5,000.00-	MOVE FUNDS TO TIRES/TUBES;T	K
2004 015-624-330	FUEL/OIL	05/12/2004	2K4R16	33,158.50	48,158.50	15,000.00	MOVE FUNDS FROM CARRYOVER;T	K
2004 015-624-339	CONSTRUCTION CONTR	05/12/2004	2K4R16	120,000.00	155,000.00	35,000.00	MOVE FUNDS FROM CARRYOVER;T	K



05/18/2004 09:43:33

REPORT OF GENERAL LEDGER AMENDMENTS

GEL122 PAGE 2

ACCOUNT NUMBER	ACCOUNT NAME	DATE	AMDT NUMBER	OLD BUDGET AMOUNT	AMOUNT OF CHANGE	DESCRIPTION	CLK
2004 015-624-354	TIRES/TUBES	05/12/2004	2K4R16	5,000.00	5,000.00	MOVE FUNDS FROM CARRYOVER,T K	
2004 015-624-440	ELECTRICITY	05/12/2004	2K4R16	1,500.00	1,500.00	MOVE FUNDS FROM CARRYOVER,T K	
2004 015-624-463	TOWER RENT	05/12/2004	2K4R16	332.00	64.00	MOVE FUNDS FROM CARRYOVER,T K	
	PRECINCT #4 EXPENSE SUMMARY		TOTAL AMENDMENTS	11	31,695.13		
2004 032-595-490	MISCELLANEOUS	05/11/2004	2K4A15	.00	5,906.40	RECORD SETTLEMENT,VANCO INS K	
	TOTAL AMENDMENTS		1	TOTAL CHANGES	5,906.40		

*Handwritten signature*

Fund Account	Description	Increase	Decrease	Comments	Current Budget	Amended Budget
010-511-450	REPAIR/REPLACEMENT BUILDINGS	12,145.00		Invoices for Asbestos Abatement of Pedigo building	107,739.87	119,884.87
015-342-570	SALARIES	2,124.50		Record check from State that reimburses a Road & Bridge project that was cancelled	0.00	2,124.50
010-370-697	CLASS ACTION ASBESTOS SETTLEMENT	5,000.00		Settlement in Texas Political Entities Asbestos Class Action suit	0.00	5,000.00
010-501-201	SOCIAL SECURITY	314.90		Increase benefit line items related to amount of salary not included in original budget as it should have been.	6,405.10	6,720.00
010-501-203	RETIREMENT	283.21		Increase benefit line items related to amount of salary not included in original budget as it should have been.	5,760.41	6,043.62
010-501-204	WORKERS COMPENSATION	20.56		Increase benefit line items related to amount of salary not included in original budget as it should have been.	1,208.77	1,229.33
010-501-206	UNEMPLOYMENT	12.35		Increase benefit line items related to amount of salary not included in original budget as it should have been.	267.93	280.28
010-342-550	DELO. TAX-PERSONNEL REIMBURSEMENT	4,747.41		Record amount in delinquent tax department to be reimbursed by Linebarger	116,643.70	121,391.11
* 010-691-467	CAPITAL CREDIT EXPENDITURE	5,000.00		FY2004 commitment to Polk County Industrial Development Corporation	10,000.00	15,000.00
<b>TOTALS</b>		<del>19,999.17</del>	0.00			

\* Added 5-30-04

Approved By:

Date:

SCHEDULE OF BILLS BY FUND

**VOL 50 PAGE 591**

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	252.00
	-----
TOTAL OF ALL FUNDS	252.00

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

B. L. DOCKENS



COUNTY AUDITOR

JOHN P. THOMPSON



COUNTY JUDGE

FUND	DESCRIPTION	DISBURSEMENTS
010	GENERAL FUND	32,544.33
015	ROAD & BRIDGE ADM	1,110.52
027	SECURITY	60.00
049	DISTRICT ATTY HOT CHECK FUND	33.28
051	AGING	185.81
088	JUDICIARY FUND	186.15
093	CO CLERK RECORDS MGMT FUND	13.50
TOTAL OF ALL FUNDS		34,133.59

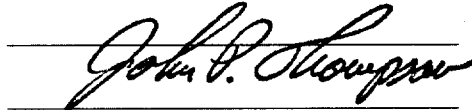
THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

B. L. DOCKENS



COUNTY AUDITOR


JOHN P. THOMPSON



COUNTY JUDGE


FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	35.64
090 DRUG FORFEITURE FUND	13,642.94
	-----
TOTAL OF ALL FUNDS	13,678.58

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

B. L. DOCKENS 

COUNTY AUDITOR \_\_\_\_\_

JOHN P. THOMPSON \_\_\_\_\_

COUNTY JUDGE 

FUND	DESCRIPTION	DISBURSEMENTS
010	GENERAL FUND	40,747.35
015	ROAD & BRIDGE ADM	10,287.06
027	SECURITY	426.63
049	DISTRICT ATTY HOT CHECK FUND	604.72
051	AGING	1,097.29
083	MUSEUM OPERATING FUND	82.52
101	ADULT SUPERVISION	6,827.31
108	CCP - SURVEILLANCE	1,760.82
109	SPECIALIZED CASELOAD CCP	371.49
184	JUVENILE PROBATION	892.24
185	CCAP - JUVENILE PROBATION	1,884.83
TOTAL OF ALL FUNDS		64,982.26

*ACH 424*

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

B. L. DOCKENS *B. L. Dockens*  
COUNTY AUDITOR  
JOHN P. THOMPSON *John P. Thompson*  
COUNTY JUDGE

SCHEDULE OF BILLS BY FUND

FUND	DESCRIPTION	DISBURSEMENTS
010	GENERAL FUND	130,985.83
015	ROAD & BRIDGE ADM	37,083.65
027	SECURITY	1,630.68
049	DISTRICT ATTY HOT CHECK FUND	1,794.50
051	AGING	4,696.60
083	MUSEUM OPERATING FUND	345.53
101	ADULT SUPERVISION	20,288.85
108	CCP - SURVEILLANCE	3,964.80
109	SPECIALIZED CASELOAD CCP	848.73
184	JUVENILE PROBATION	2,534.20
185	CCAP - JUVENILE PROBATION	5,860.09
-----		
	TOTAL OF ALL FUNDS	210,033.46

*ACH 425*

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

B. L. DOCKENS

*B. L. Dockens*

COUNTY AUDITOR

JOHN P. THOMPSON

*John P. Thompson*

COUNTY JUDGE

FUND	DESCRIPTION	DISBURSEMENTS
010	GENERAL FUND	3,070.31
015	ROAD & BRIDGE ADM	766.62
027	SECURITY	30.00
101	ADULT SUPERVISION	1,496.28
108	CCP - SURVEILLANCE	291.66
184	JUVENILE PROBATION	125.00
185	CCAP - JUVENILE PROBATION	459.29
	TOTAL OF ALL FUNDS	6,239.16

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

B. L. DOCKENS



COUNTY AUDITOR

JOHN P. THOMPSON




COUNTY JUDGE

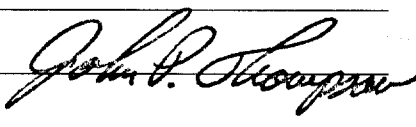


FUND	DESCRIPTION	DISBURSEMENTS
010	GENERAL FUND	1,825.79
015	ROAD & BRIDGE ADM	616.95
101	ADULT SUPERVISION	189.12
108	CCP - SURVEILLANCE	68.00
109	SPECIALIZED CASELOAD CCP	66.90
184	JUVENILE PROBATION	45.00
185	CCAP - JUVENILE PROBATION	253.00
TOTAL OF ALL FUNDS		3,064.76

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

B. L. DOCKENS 

COUNTY AUDITOR \_\_\_\_\_

JOHN P. THOMPSON 

COUNTY JUDGE \_\_\_\_\_

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	356.00
	-----
TOTAL OF ALL FUNDS	356.00

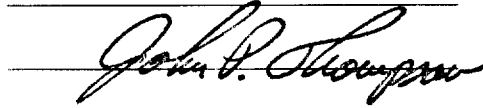
THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

B. L. DOCKENS



COUNTY AUDITOR

JOHN P. THOMPSON



COUNTY JUDGE

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	6,405.11
	-----
TOTAL OF ALL FUNDS	6,405.11

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

B. L. DOCKENS



COUNTY AUDITOR

JOHN P. THOMPSON



COUNTY JUDGE

SCHEDULE OF BILLS BY FUND

**VOL 50 PAGE 600**

FUND	DESCRIPTION	DISBURSEMENTS
010	GENERAL FUND	7,758.15
015	ROAD & BRIDGE ADM	363.70
049	DISTRICT ATTY HOT CHECK FUND	32.80
051	AGING	71.09
088	JUDICIARY FUND	514.20
TOTAL OF ALL FUNDS		8,739.94

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

B. L. DOCKENS



COUNTY AUDITOR

JOHN P. THOMPSON



COUNTY JUDGE

SCHEDULE OF BILLS BY FUND

**VOL 50 PAGE 601**

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	20,189.21
	-----
TOTAL OF ALL FUNDS	20,189.21

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

B. L. DOCKENS



COUNTY AUDITOR

JOHN P. THOMPSON



COUNTY JUDGE

SCHEDULE OF BILLS BY FUND

FUND DESCRIPTION	DISBURSEMENTS
010 GENERAL FUND	29,161.35
	-----
TOTAL OF ALL FUNDS	29,161.35

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

B. L. DOCKENS



COUNTY AUDITOR

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JOHN P. THOMPSON



COUNTY JUDGE

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FUND	DESCRIPTION	DISBURSEMENTS
010	GENERAL FUND	72,926.16
015	ROAD & BRIDGE ADM	35,328.50
027	SECURITY	71.33
040	LAW LIBRARY FUND	75.00
049	DISTRICT ATTY HOT CHECK FUND	674.80
051	AGING	3,850.86
061	DEBT SERVICE FUND	32,470.53
	TOTAL OF ALL FUNDS	145,397.18

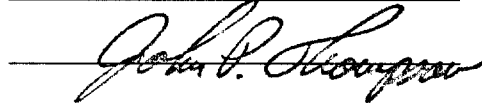
THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

B. L. DOCKENS



COUNTY AUDITOR

JOHN P. THOMPSON



COUNTY JUDGE





*Helm # 21*

**DATE: MAY 12 THROUGH MAY 25, 2004**

NO.	EMPLOYEE	DEPT	JOB DESCRIPTION	TYPE OF EMPLOYMENT	GROUP	STEP & WAGE	ACTION TAKEN
(1)	JESSICA LEIGH SUTHERLAND	SHERIFF	1043 - TELECOMMUNICATIONS OPERATOR	REGULAR FULL-TIME	1302	\$20,862.06	RECLASSIFY TO LABOR POOL (-900) 1043 - TELECOMMUNICATIONS OPERATOR, 13(01), \$9.79/HR EFFECTIVE 05/21/2004
(2)	LAURALEE JERNIGAN	SHERIFF	1043 - TELECOMMUNICATIONS OPERATOR	LABOR POOL (-900)	13(01)	\$9.79/HR	NEW HIRE EFFECTIVE 05/26/2004
(3)	CAROLYN S. TAYLOR	JAIL	1055 - CORRECTIONS OFFICER	REGULAR FULL-TIME	1301	\$20,353.23	RESIGNATION EFFECTIVE 05/13/2004
(4)	KENNETH F. HAMBRICK	EMERGENCY	1231 - EMERGENCY MANAGEMENT COORDINATOR	LABOR POOL (-900)	21(01)	\$14.53/HR	NEW HIRE EFFECTIVE 05/27/2004
(5)	SHELBY KING CLAMON	ROAD & BRIDGE	0113 - ROAD & BRIDGE MAINTENANCE WORKER	REGULAR PART-TIME	11(01)	\$8.86 HR.	DISMISSAL 5/24/2004
(6)	REBECCA A. RIVERA	JUDICIAL	1105 - COURT REPORTER	DISTRICT	UNCLASSIFIED	\$47,267.00	RESIGNATION 5/27/2004 <i>Additional</i>
(7)							
(8)							
(9)							
(10)							
(11)							
(12)							
(13)							
(14)							
(15)							
(16)							
(17)							
(18)							
(19)							
(20)							



Item #21

**REQUEST FOR QUALIFICATIONS AND FOR PROPOSALS  
FOR FINANCING, DESIGN, CONSTRUCTION, OPERATION AND  
MANAGEMENT OF DETENTION FACILITY  
(Polk County Commissioners Court)**

Sealed Responses to Request for Qualifications addressed to the Polk County Commissioners Court will be received on or before ~~9:00 a.m.~~ on June ~~28~~, 2004, at the office of the County Judge, Polk County Courthouse, 101 W. Church, Livingston, Texas 77351, for the financing, design, construction, operation and management of a 500 bed adult detention center/facility. The Response shall be based on the County's Request for Qualification form available at the Office of the County Judge. Sealed Proposals for the Project will, thereafter, be received from qualified Respondents on July 20, 2004, at the Office of the County Judge. The proposal shall be in conformance with the Request for Proposal Specifications available at the above address.

Price or cost-related information is not to be submitted with the Response to Request for Qualifications, but will be required in the Proposal.

Significant bond, indemnification and insurance requirements will be placed on the successful respondent, including the provision of performance and payment bonds. All contract requirements of the Request for Proposal Specifications and Section 351.103 of the Local Government Code (V.T.C.A.) will be required to be agreed to and met by the successful respondent.

The financing proposal shall provide for lease-purchase of the Facility by the County, with an option to purchase, and transfer of legal title upon payment of all lease payments. The County shall have no liability or cost for the Facility financing except to the extent of prisoner housing contract revenues actually generated by the Facility and received. The financing proposal shall include all costs of planning, financing, design, construction, equipping, furnishing and start-up of the Facility, including all costs of land and professional fees.

The operation and management proposed will be required to be in conformance with the rules and regulations of the Texas Commission on Jail Standards, the Operation and Management Agreement between the successful respondent and the County, and rules of jurisdictions housing prisoners at the Facility to the extent made applicable by the terms of the prisoner housing contracts with those jurisdictions; and any applicable Federal regulations regarding the housing of federal prisoners. The compensation for the operation and management of the Facility will be paid on the basis of a per prisoner, per day fee, payable solely out of the net revenues of the Facility, and from no other source, after first application of gross revenues to the Lease obligations.

Design of the Facility must be by competent design professionals licensed in the State of Texas with significant experience in the design of detention facilities. The design and construction of the Facility must be in accordance with the standards of the Texas Commission on Jail Standards, and the successful respondent must obtain all

required approvals and certifications of the Texas Commission on Jail Standards. Respondents shall present a firm bid for the design, construction, equipping, and furnishing of the Facility in accordance with the requirements of the Request for Proposal Specifications.

The successful respondent will be required to provide all development and project management services necessary to assure timely financing, design and construction of the Facility in accordance with the successful proposal, the plans and specifications, applicable contracts, and the project budget.

The County will not obligate its funds or tax revenues to pay for any component of this project, including the operation and management of the Facility, and the sole source of funding for repayment of financing, design, construction, operation and management or other associated costs and expenses shall be the revenues actually generated by the Facility and received. The financing shall not be a debt or obligation of the County, and, upon termination of or default on the financing, the County must have no liability or obligation for repayment of the financing.

This Request for Qualifications and Proposals is for submittals from respondents that are able to provide the entire comprehensive project either on their own or as part of a respondent team. The separate elements of the overall project will not be separately submitted for proposals. Only respondents having the ability to provide all parts of the project (financing, design, construction and operation) should respond.

The Response to the Request for Qualifications, and consideration thereof, shall be considered Phase I of the process. The Proposal submission, and consideration thereof, shall be considered Phase II of the process.

PHASE I (Qualifications)

- |    |   |     |
|----|---|-----|
| 1. | Respondent's (and team's) experience            | 40% |
| 2. | Respondent's (and team's) technical competence  | 25% |
| 3. | Respondent's (and team's) capability to perform | 15% |
| 4. | Respondent's (and team's) past performance      | 20% |

If a Respondent is unable to provide all elements requested, it is disqualified.

[Phase I information only will be used for the initial selection/ranking of finalists for further consideration.]

PHASE II

1. Respondent's (and team's) experience (Category 1)
2. Respondent's (and team's) technical competence (Category 1)
3. Respondent's (and team's) capability to perform (Category 2)

4. Respondent's (and team's) past performance (Category 1)
5. Ability to also provide financing and operations as requested (Category 2)
6. Safety and long-term durability (Category 4)
7. Feasibility of implementing project as proposed (Category 2)
8. Ability of respondent to meet schedules and estimated time for completion (Category 2)
9. The price/cost for the services requested under the Request for Proposals and discounts, number of free beds and administrative fees to the County (Category 3)
10. The method and cost of financing (Category 3)
11. The reputation of the respondent and its team members (Category 1)
12. The quality of the services provided by the respondent (Category 1)
13. The extent that the respondent's proposal complies with the requirements of the Request for Proposals and proposes to meet the County's needs (Category 2)
14. The respondent's past relationship, if any, with the County (Category 4)
15. The long-term cost to the County (Category 3)

The relative weighting of these criteria shall be as follows:

Category 1 Criteria	30%
Category 2 Criteria	25%
Category 3 Criteria	40%
Category 4 Criteria	5%

The Polk County Commissioners Court reserves the right to reject any or all proposals, or to select the proposal most advantageous to the County, and reserves the right to waive any irregularity in the proposals received.

