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VOL. 54 PAGE 689

Resolution and Order authorizing purchase of and/or litigation to condemn certain property needed for construction of the Polk County Jail Project at 1733 North Washington, Livingston, Texas:

**WHEREAS**, Polk County, Texas, a body Corporate and Politic under the laws of the State of Texas is vested with the power of eminent domain to acquire land for jail purposes under the law of the State of Texas, Chapter 261.001 of the Local Government Code of Texas and Chapter 21 Eminent Domain of the Property Code of Texas.

**WHEREAS**, a necessity exists for acquisition of land to construct additional jail facilities and add on to the existing jail situated in Livingston, Texas at 1733 North Washington Street.

**WHEREAS**, the Commissioners Court of Polk County, Texas passed a resolution at its regular business meeting on February 27, 2007, of its intention to issue certificates of obligation for the purpose of acquisition of a jail site and construction of a new County Law Enforcement Center (jail) and for payment of professional services and costs related thereto not to exceed \$19,000,000.00, and **WHEREAS**, notice of intention to issue certificates of obligation were duly given under Government Code Section 271.041 et seq., on March 8, 2007 and March 15, 2007 and **WHEREAS**, pursuant to the resolution and notice, Polk County, Texas Certificates of Obligation Series 2007 were authorized and issued on March 27, 2007; and

**WHEREAS**, it is necessary to use such funds to acquire, and/or condemn, additional lands for expansion and addition to the law enforcement center; and

**WHEREAS**, in accordance with Texas Law, offers to purchase various tracts of land have been duly made and Landowner Bill of Rights have been given to the respective landowners who own the land to be acquired and/or condemned; and

**WHEREAS**, certain landowners have not accepted the offer made to purchase their tract and have not made a counter offer to Polk County which is acceptable to Polk County and negotiations have failed; and

**WHEREAS**, under the circumstances it is necessary to obtain the services of an attorney to represent Polk County in the condemnation of property under the Eminent Domain Law of Texas, and Polk County has retained the services of Jake Lyon and Associates and Ernest L. McClendon, Jr., Attorney, PLLC to handle the Eminent Domain and condemnation proceedings for the new jail project; and

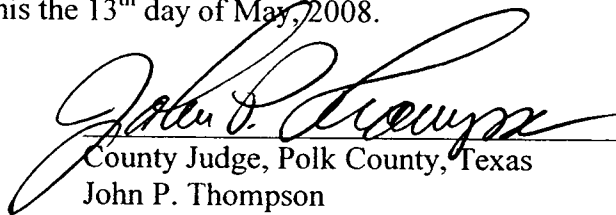
**WHEREAS**, Judge Thompson, Jake Lyon and Ernest L. McClendon, Jr., Attorney, PLLC have made reports on the progress of negotiations and purchase of the various tracts which are to be included in the improvements and additions to the law enforcement center at 1733 North Washington Street, Livingston, Texas.

WHEREAS, it is necessary to hire the services of a Certified Appraiser to establish the value of the tracts of land to be purchased and/or condemned by the County for expansion and improvement to the Polk County Law Enforcement Center.

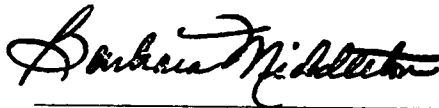
WHEREAS, B.L. Clarke Appraisal Firm in Livingston, Texas has shown an interest in providing appraisal services and has been recommended by Jake Lyon as qualified and willing to perform appraisal services in Eminent Domain condemnation cases.

NOW, THEREFORE, the hiring of the B.L. Clarke Appraisal Firm to provide appraisal services for the Eminent Domain proceedings is hereby approved.

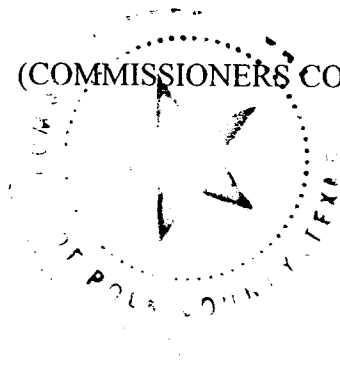
PASSED AND APPROVED this the 13<sup>th</sup> day of May, 2008.

  
County Judge, Polk County, Texas  
John P. Thompson

ATTEST:

  
County Clerk, Polk County Texas  
Barbara Middleton

(COMMISSIONERS COURT SEAL)



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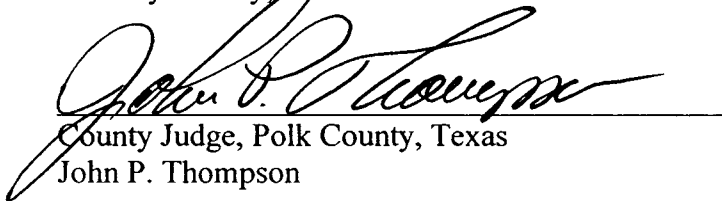
**WHEREAS**, certain landowners have not accepted the offer made to purchase their tract and have not made a counter offer to Polk County which is acceptable to Polk County and negotiations have failed; and

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**WHEREAS**, Judge Thompson, Jake Lyon and Ernest L. McClendon, Jr., Attorney, PLLC have made reports on the progress of negotiations and purchase of the various tracts which are to be included in the improvements and additions to the law enforcement center at 1733 North Washington Street, Livingston, Texas.

**RESOLVED** that the County purchase of Tract 2, an 0.786 acre of land in the M.L. Choate League from Richard C. Jones, Gregerio Pecero and Maria Pecero for \$30,000.00 on April 29, 2008, to be used for the expansion, additions and improvements to the County Law Enforcement Center located on North Washington Street, in Livingston, Polk County, Texas, is hereby acknowledge, ratified and approved in all aspects.

PASSED AND APPROVED this the 13<sup>th</sup> day of May, 2008.

  
County Judge, Polk County, Texas  
John P. Thompson

ATTEST:

  
County Clerk, Polk County Texas  
Barbara Middleton



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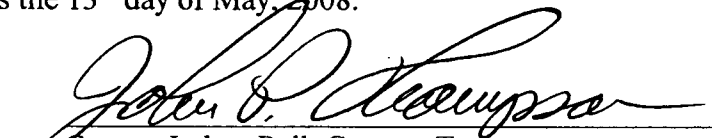
WHEREAS, Commissioners Court, through its duly appointed agents, Jake Lyon and Ernest L. McClendon, Jr., Attorney, PLLC has made offers, and attempted to negotiate settlements for purchase of the Tract Six a tract of land owned by Jo Ann Starghill and Jessie Lee White Frazier which Property is needed for expansion of the Polk County Jail Project in Livingston, Polk County, Texas; and WHEREAS, through negotiations an agreement for the purchase and sale of the Tract Six owned by Jo Ann Starghill and Jessie Lee White Frazier has been reached, and WHEREAS, it is in the best interest of Polk County to accept the counter offer made by the landowner;

NOW, THEREFORE, IT IS ORDERED and DECREED that the County Judge, Jake Lyon and Ernest L. McClendon, Jr., Attorney, PLLC are hereby authorized and directed to perform any and all necessary acts toward the final acquisition of the Tract Six together with improvements, if any, and to acquire the tract referred as tract #6 a .56 acre tract owned by Jo Ann Starghill and Jessie Lee White Frazier in accordance with the counter offer.

Further resolved that all actions heretofore taken by the County Judge, Jake Lyon and Ernest L. McClendon Jr., Attorney, PLLC, are hereby ratified and approved, including but not limited to the following:

The negotiation, offer to purchase, acceptance of counter offer and closing of the transition to purchase tract six a .56 acre tract depicted on Exhibit A.

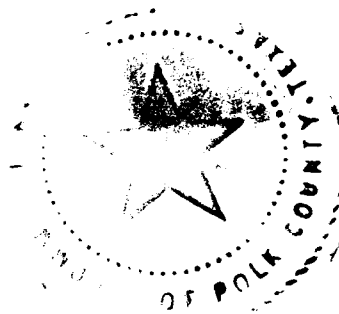
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