

#9.

Resolution and Order authorizing purchase 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, particularly the owners of Tract 1, a .440 acre tract of land, more or less, in the M.L. Choate Survey, A-15, Polk County, Texas; and

WHEREAS, said 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, the County has obtained 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, 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 Eugene DeWalt Estate Tract needed for construction of the Polk County Jail Project

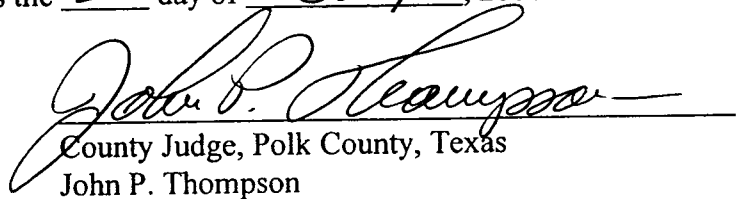
in Livingston, Polk County, Texas; and **WHEREAS**, negotiations have failed and no agreement for the purchase and sale of the Eugene DeWalt Estate Tract can be reached, and **WHEREAS**, a public necessity exist and time is of the essence to commence construction of the jail additions and renovations; and **WHEREAS**, the best alternative for the County is to commence condemnation litigation procedures.


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 Eugene DeWalt Estate Tract together with improvements, if any, for the expansion, additions and improvements to the Law Enforcement Center, including but not limited to commencement of litigation proceedings in condemnation to acquire the tract referred as Tract 1, a .440 acre tract owned by Eugene DeWalt heirs and defisees, namely the unknown heirs of Inell Dewalt, Lorene Horn, Tilda Osaw Smith, Betty Jo King, Eugene Osaw, Charles Etta Osaw and Leotis Dewalt or his unknown heirs.

IT IS ORDERED and DECREED that E. L. McClendon, Jr., Attorney, PLLC, as legal counsel for Polk County, Texas, is hereby directed to proceed with litigation to condemn Tract 1, being the Eugene DeWalt Estate Tract under the law of condemnation of the State of Texas including but not limited to filing a Petition in Condemnation, appointment of Special Commissioners, setting a hearing, giving Notice of Lis Pendens, hiring a certified appraiser and all steps and procedures necessary to acquire fee title to the .440 acre tract known as the Eugene DeWalt Estate Tract as expediently as possible through eminent domain condemnation procedure.

Further resolved that all actions heretofore taken by the County Judge, Jake Lyon and Ernest L. McClendon Jr., Attorney, PLLC, concerning the negotiations to purchase the Eugene DeWalt Estate Tract are hereby ratified and approved including, but not limited to the following: Negotiating offers to purchase said Tract 1 and the rejection of the offer, if any, made by the heirs of Eugene DeWalt and Lorene Horn, Tilda Smith, Betty Jo King, Eugene Osaw and Charles Etta Osaw.

PASSED AND APPROVED this the 22 day of July, 2008.


County Judge, Polk County, Texas
John P. Thompson

ATTEST:

County Clerk, Polk County, Texas
Barbara Middleton

COMMISSIONERS COURT SEAL

Resolution and Order authorizing purchase 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, particularly the owners of Tract 5, being the South One-Half (S ½) of a One and One-Half (1 ½) acre tract, more or less, in the M.L. Choate Survey, A-15, Polk County, Texas, and being more particularly described in deed dated October 15, 1953, from Jessie Lee Slade to Booker T. Netherly, recorded in Volume 160, Page 90 et seq., Deed Records, Polk County, Texas; and

WHEREAS, said landowners or unknown heirs or Booker T. Netherly and Cynthia Osaw John^{son}, whereabouts are unknown, negotiations are possible, 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, the County has obtained 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.

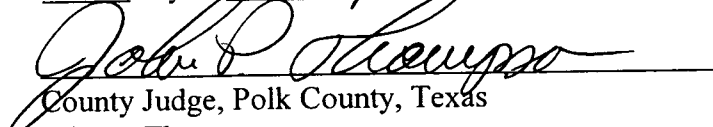
WHEREAS, Commissioners Court, through its duly appointed agents, Jake Lyon and Ernest L. McClendon, Jr., Attorney, PLLC has attempted to make offers, and attempted to negotiate settlements for purchase of the Booker T. Netherly Tract needed for construction of the Polk County Jail Project in Livingston, Polk County, Texas; and WHEREAS, negotiations have failed and no agreement for the purchase and sale of the Booker T. Netherly Tract can be reached, and WHEREAS, a public necessity exist and time is of the essence to commence construction of the jail additions and renovations; and WHEREAS, the best alternative for the County is to commence condemnation litigation procedures.

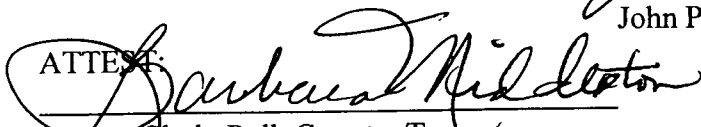
NOW, THEREFORE, IT IS ORDERED and DECREED that the County Judge, Jake Lyon and Ernest L. McClendon, Jr., Attorney, PLLC are hereby authorized and directed to perform any and all necessary acts toward the final acquisition of the Booker T. Netherly Tract together with improvements, if any, for the expansion, additions and improvements to the Law Enforcement Center, including but not limited to commencement of litigation proceedings in condemnation to acquire the tract referred as Tract 5, being the South One-Half (S 1/2) of a One and One-Half (1 1/2) acre tract, more or less, in the M.L. Choate Survey, A-15, Polk County, Texas owned by Booker .T Netherly.

IT IS ORDERED and DECREED that E. L. McClendon, Jr., Attorney, PLLC, as legal counsel for Polk County, Texas, is hereby directed to proceed with litigation to condemn Tract 5, being the Booker T. Netherly Tract under the law of condemnation of the State of Texas including but not limited to filing a Petition in Condemnation, appointment of Special Commissioners, giving notice by publication to the unknown heirs of Booker T. Netherly and Cynthis Osaw Johnson, setting a hearing, giving Notice of Lis Pendens, hiring a certified appraiser and all steps and procedures necessary to acquire fee title to the South One-Half (S 1/2) of a One and One-Half (1 1/2) acre tract, more or less, in the M.L. Choate Survey, A-15, Polk County, Texas known as the Booker T. Netherly Tract as expediently as possible through eminent domain condemnation procedure.

Further resolved that all actions heretofore taken by the County Judge, Jake Lyon and Ernest L. McClendon Jr., Attorney, PLLC, concerning the negotiations to purchase the Booker T. Netherly Tract are hereby ratified and approved including, but not limited to the following: Negotiating offers to purchase said Tract 5 to parties in possession and the heirs of Booker T. Netherly, and the rejection of the offer, if any, made by Booker T. Netherly or his heirs, executors or assigners.

PASSED AND APPROVED this the 22 day of July 2008.


County Judge, Polk County, Texas
John P. Thompson

ATTEST:

County Clerk, Polk County, Texas
Barbara Middleton

COMMISSIONERS COURT SEAL

Resolution and Order authorizing purchase 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, particularly the owners of Tract 6, a 0.56 acre tract of land, more or less, in the M.L. Choate Survey, A-15, Polk County, Texas; and

WHEREAS, said 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, the County has obtained 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.

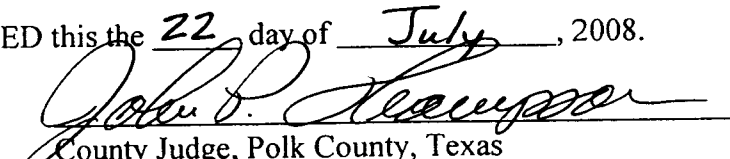
WHEREAS, Commissioners Court, through its duly appointed agents, Jake Lyon and Ernest L. McClendon, Jr., Attorney, PLLC has made offers, and attempted to negotiate settlements for purchase of the Jo Ann Starghill Estate and Jessie Lee White Frazier Tract needed for construction of the Polk County Jail Project in Livingston, Polk County, Texas; and WHEREAS, negotiations have failed and no agreement for the purchase and sale of the Jo Ann Starghill Estate and Jessie Lee White Frazier Tract can be reached, and WHEREAS, a public necessity exist and time is of the essence to commence construction of the jail additions and renovations; and WHEREAS, the best alternative for the County is to commence condemnation litigation procedures.

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 Jo Ann Starghill Estate and Jessie Lee White Frazier Tract together with improvements, if any, for the expansion, additions and improvements to the Law Enforcement Center, including but not limited to commencement of litigation proceedings in condemnation to acquire the tract referred as Tract 6, a 0.56 acre tract owned by Jo Ann Starghill Estate and Jessie Lee White Frazier.

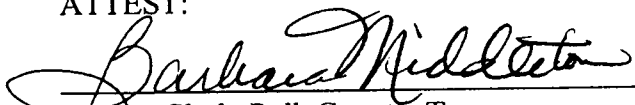
IT IS ORDERED and DECREED that E. L. McClendon, Jr., Attorney, PLLC, as legal counsel for Polk County, Texas, is hereby directed to proceed with litigation to condemn Tract 6, being the Jo Ann Starghill Estate and Jessie Lee White Frazier Tract under the law of condemnation of the State of Texas including but not limited to filing a Petition in Condemnation, appointment of Special Commissioners, setting a hearing, giving Notice of Lis Pendens, hiring a certified appraiser and all steps and procedures necessary to acquire fee title to the 0.56 acre tract known as the Jo Ann Starghill Estate and Jessie Lee White Frazier Tract as expediently as possible through eminent domain condemnation procedure.

Further resolved that all actions heretofore taken by the County Judge, Jake Lyon and Ernest L. McClendon Jr., Attorney, PLLC, concerning the negotiations to purchase the Jo Ann Starghill Estate and Jessie Lee White Frazier Tract are hereby ratified and approved including, but not limited to the following: Negotiating offers to purchase said Tract 6 and the rejection of the offer, if any, made by the heirs of Jo Ann Starghill, deceased and Jessie Lee White Frazier.

PASSED AND APPROVED this the 22 day of July, 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, 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, particularly the owners of Tract 8, a one and one-half (1½) acre tract of land, more or less, in the M.L. Choate Survey, A-15, Polk County, Texas; and

WHEREAS, said 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, the County has obtained 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, 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 Tract 8 now known as the Eunice Alona Jordan-Tilda Joyce Smith Property needed for

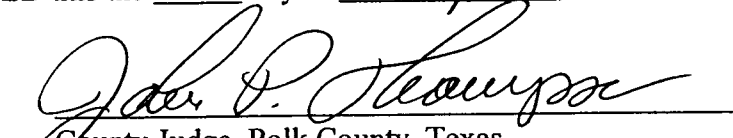
construction of the Polk County Jail Project in Livingston, Polk County, Texas; and **WHEREAS**, negotiations have failed and no agreement for the purchase and sale of the Eunice Alona Jordan-Tilda Joyce Smith Property can be reached, and **WHEREAS**, a public necessity exist and time is of the essence to commence construction of the jail additions and renovations; and **WHEREAS**, the best alternative for the County is to commence condemnation litigation procedures.

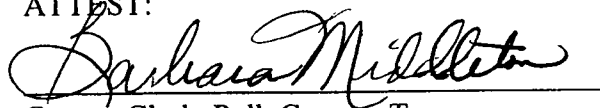
NOW, THEREFORE, IT IS ORDERED and DECREED that the County Judge, Jake Lyon and Ernest L. McClendon, Jr., Attorney, PLLC are hereby authorized and directed to perform any and all necessary acts toward the final acquisition of the Eunice Alona Jordan-Tilda Joyce Smith Property together with improvements, if any, for the expansion, additions and improvements to the Law Enforcement Center, including but not limited to commencement of litigation proceedings in condemnation to acquire the tract referred as Tract 8, a one and one-half (1 ½) acre tract owned by Eunice Alona Jordan-Tilda Joyce Smith.

IT IS ORDERED and DECREED that E. L. McClendon, Jr., Attorney, PLLC, as legal counsel for Polk County, Texas, is hereby directed to proceed with litigation to condemn Tract 8, being the Eunice Alona Jordan-Tilda Joyce Smith Property under the law of condemnation of the State of Texas including but not limited to filing a Petition in Condemnation, appointment of Special Commissioners, setting a hearing, giving Notice of Lis Pendens, hiring a certified appraiser and all steps and procedures necessary to acquire fee title to the one and one-half (1 ½) acre tract known as the Eunice Alona Jordan,-Tilda Joyce Smith Property as expediently as possible through eminent domain condemnation procedure.

Further resolved that all actions heretofore taken by the County Judge, Jake Lyon and Ernest L. McClendon Jr., Attorney, PLLC, concerning the negotiations to purchase the Eunice Alona Jordan-Tilda Joyce Smith Property are hereby ratified and approved including, but not limited to the following: Negotiating offers to purchase said Tract 8 and the rejection of the offer, if any, made by Eunice Alona Jordan, Tilda Joyce Smith, Betty O. King, the Estate of Sim Osaw and the unknown heirs of Sim Osaw.

PASSED AND APPROVED this the 22 day of July, 2008.


County Judge, Polk County, Texas
John P. Thompson

ATTEST:

County Clerk, Polk County, Texas
Barbara Middleton

COMMISSIONERS COURT SEAL