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COPY

October 18, 2016

John D. Stover
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Honorable Sydney Brown Murphy
Polk County Judge
101 W. Church Street, Room 300
Livingston, Texas 77351

In re: Cause No. CIV30048; Polk County, Texas v. John Wayne
Martin; In the County Court at Law of Polk County,
State of Texas

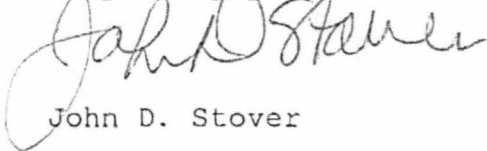
Dear Judge Murphy:

Enclosed is a copy of the Award of Commissioners approved by Judge Brown. The Special Commissioners awarded Mr. Martin \$1,114 as compensation for the property involved in the above matter. A part of the award includes the conditional order granting writ of possession of the property. By virtue of this provision, the County can go ahead and take possession of the property after it deposits \$1,114 with the District Clerk. The Judge also set the fees for the Special Commissioners to be \$500 each.

Please send me two checks, both payable to the District Clerk of Polk County, one in the amount of \$1,114 and the other in the amount of \$1,500 in payment of the Commissioners' fees.

Please call me if you have any questions regarding this matter.

Very truly yours,



John D. Stover

JDS/rc

NO: 4831-2774-6107, v. 1

Enclosure

POLK COUNTY, TEXAS	§	IN THE COUNTY COURT
Plaintiff,	§	
	§	
v.	§	AT LAW
	§	
JOHN WAYNE MARTIN,	§	
Defendant	§	POLK COUNTY, TEXAS

AWARD OF COMMISSIONERS

October 17

On September 12, 2016, at Polk County Commissioners'

Courtroom, Polk County, Texas, this proceeding was heard by the persons whose names and signatures appear at the bottom of this award for the purpose of assessing the damages resulting from this proceeding in eminent domain. Plaintiff appeared through its duly authorized representatives and attorney, John D. Stover. Defendant did/did not appear in person or by representative.

All parties to the proceeding were properly before the special commissioners. The special commissioners find:

I.

On June 30, 2016, Polk County, Texas, Plaintiff, filed a written petition with the district clerk of Polk County, Texas, seeking judgment for fee simple title to the surface of 0.3275 acres, more or less, situated in the J. Allbritton Survey, A-91, Polk County, Texas, and being out of a 7.06 acre tract (calculated) (called 7.62 acres) as conveyed from Willie Frank Martin and Dennis Clint Martin to John Wayne Martin by deed dated

September 7, 2003 and recorded in Volume 1485, Page 107 of the Official Public Records of Polk County, Texas, described by metes and bounds on **Exhibit A**.

II.

On July 25, 2016, the judge of the County Court at Law of Polk County, Texas, appointed Judy Cochran, Dan Ellis, and Henry Ager, three disinterested freeholders of Polk County, Texas, as special commissioners to assess the damages resulting from this proceeding in eminent domain.

III.

These special commissioners were duly qualified, and each took the oath prescribed by law in which each swore to assess the damages fairly and impartially and in accordance with law. Copies of these oaths are on file with the papers in this proceeding.

IV.

The special commissioners, on August 11, 2016, set September 12, 2016, at 2:00 o'clock, p.m., at the Polk County Commissioners' Courtroom, Polk County Courthouse, 3rd Floor, Livingston, Polk County, Texas, as the time and place for hearing the parties. (But rescheduled to Oct. 17)

V.

After the hearing and considering such evidence, the Special Commissioners found and determined and accordingly assessed damages to be paid by Plaintiff to Defendant, John Wayne Martin, for this Condemnation according to the rules of damages set forth

in Section 21.042 of the Texas Property Code, in the total amount

of:
One thousand one hundred fourteen and ⁰⁰/₁₀₀
Dollars (\$1114.00).

RENDERED this the 17th October day of September, 2016.

Judy Cochran
Judy Cochran

Dan Ellis
Dan Ellis

Henry Ager
Henry Ager

The costs of this proceeding are adjudged against Polk County, Texas. Such costs are to be paid to the District Clerk of Polk County, Texas.

The costs which have accrued to date are as follows:

Fees due Special Commissioners as set by the Court:

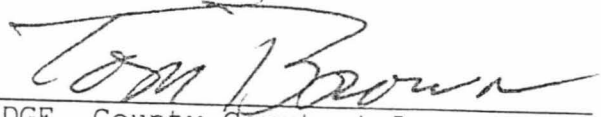
\$ 500 to Judy Cochran

\$ 500 to Dan Ellis

\$ 500 to Henry Ager

The Clerk of this Court is hereby ORDERED to notify all parties or their attorneys of record, as listed in Exhibit "B" attached hereto, of the filing date of this Award by certified mail, return receipt requested, at their addresses of record pursuant to Section 21.049, Texas Property Code.

The foregoing decision and Award was filed with me this the
17 day of October, 2016.



JUDGE, County Court at Law
Polk County, Texas

2016 OCT 17 PM 3:26
CLERK OF DISTRICT COURT
POLK COUNTY TEXAS

CONDITIONAL ORDER GRANTING WRIT OF POSSESSION

Pursuant to Texas Property Code Section 21.021, Polk County, Texas is entitled to immediate possession of the property described in Exhibit "A," pending the results of further litigation, upon its deposit of the amount of damages awarded by the Special Commissioners, and the costs awarded to the property owner(s), if any, with the court subject to the order of the property owner(s).

In addition, Polk County, Texas is granted a writ of possession to the property described in Exhibit "A," pending the results of further litigation, upon its deposit of the amount of damages awarded by the Special Commissioners, and the costs awarded to the property owner(s), if any, with the court.

Once Polk County, Texas makes said deposit, the Clerk of this court is ordered to issue a writ of possession to the property described in Exhibit "A" if requested by Polk County, Texas.

Signed this the 17 day of October, 2016.

Tom Brown
JUDGE, County Court at Law
Polk County, Texas

2016 OCT 17 PM 3:26

CLERK OF DISTRICT COURT
POLK COUNTY, TEXAS

EXHIBIT A

County: Polk County
Highway: Dick Skinner Road
Project Limits: Tributary of Neches River
CSJ No.: 0911-04-059
Parcel Limits from Sta. 102+10.00 to Sta. 106+19.84

PROPERTY DESCRIPTION FOR PARCEL NO. 1

BEING a 0.3275 of one acre (14,265 square feet) parcel of land located in the J. Allbritton Survey, A-91 in Polk County, Texas, and being out of a 7.06-acre tract (calculated) (called 7.62-acres) as conveyed from Willie Frank Martin and Dennis Clint Martin to John Wayne Martin by deed dated September 7, 2003 and recorded in Volume 1485, Page 107 of the Official Public Records of Polk County, Texas, said 0.3275-acre parcel being more particularly described by metes and bounds as follows:

COMMENCING at a set 5/8-inch iron rod with yellow cap stamped "Cobb Fendley & Associates" located in the west line of a 7.162-acre tract (calculated) (called 8.000-acres) as conveyed unto Joseph F. Martino and wife, Virginia E. Martino by deed recorded in Volume 1179, Page 261 of the Official Public Records of Polk County, Texas, for the northeast corner of said 7.06-acre tract, thence as follows;

THENCE, South 18° 14' 35" West, with the east line of said 7.06-acre tract and the west line of said 7.162-acre tract, a distance of 61.00 feet to an angle point;

THENCE, South 14° 15' 25" East, continuing with the east line of said 7.06-acre tract and the west line of said 7.162-acre tract, a distance of 170.47 feet to a set 5/8-inch iron rod with TxDOT aluminum cap located in the proposed north right-of-way line of Dick Skinner Road (width varies) for the northeast corner of said parcel herein described and for the POINT OF BEGINNING having surface coordinates of N = 10,406,618.25 and E = 4,042,392.97;

- 1) THENCE, South 14° 15' 25" East, continuing with the east line of said 7.06-acre tract and the west line of said 7.162-acre tract, a distance of 17.53 feet to an angle point;
- 2) THENCE, South 01° 45' 25" East, continuing with the east line of said 7.06-acre tract and the west line of said 7.162-acre tract, a distance of 25.91 feet to a point located in the existing north right-of-way line of Dick Skinner Road (40 foot wide) for the southeast corner of said 7.06-acre tract, for the southwest corner of said 7.162-acre tract, for the southeast corner of said parcel herein described and for the beginning of a curve to the left;

EXHIBIT _____

- 3) THENCE, in a southwesterly direction with said existing north right-of-way line of Dick Skinner Road, the south line of said 7.06-acre tract and with said curve to the left whose radius is 577.00 feet and whose central angle is $16^{\circ} 17' 39''$ (chord bears South $78^{\circ} 05' 04''$ West, a distance of 163.54 feet) a curve length of 164.09 feet to the point of tangency;
- 4) THENCE, South $69^{\circ} 56' 15''$ West, continuing with said existing north right-of-way line of Dick Skinner Road and the south line of said 7.06-acre tract, a distance of 56.61 feet to a point for the beginning of a curve to the right;
- 5) THENCE, in a southwesterly direction continuing with said existing north right-of-way line of Dick Skinner Road, the south line of said 7.06-acre tract and with said curve to the right whose radius is 550.00 feet and whose central angle is $17^{\circ} 13' 48''$ (chord bears South $78^{\circ} 33' 09''$ West, a distance of 164.77 feet) a curve length of 165.40 feet to the point of tangency;
- 6) THENCE, South $87^{\circ} 10' 03''$ West, continuing with said existing north right-of-way line of Dick Skinner Road and the south line of said 7.06-acre tract, a distance of 19.69 feet to a set 5/8-inch iron rod with TxDOT aluminum cap located in said proposed north right-of-way line of Dick Skinner Road for the west corner of said parcel herein described;
- 7) THENCE, North $67^{\circ} 41' 53''$ East, with said proposed north right-of-way line of Dick Skinner Road, a distance of 338.00 feet to a set 5/8-inch iron rod with TxDOT aluminum cap for an angle point in the north line of said parcel herein described;

Revised: July, 2015
May, 2015
Parcel No. 1
Page 3 of 7

EXHIBIT _____

8) THENCE, North 88° 53' 45" East, continuing with said proposed north right-of-way line of Dick Skinner Road, a distance of 76.53 feet to the POINT OF BEGINNING and containing 0.3275 acre (14,265 square feet) of land.

Notes:

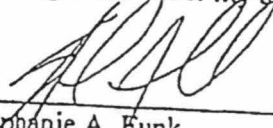
1. All bearings and coordinates are based on the Texas Coordinate System, Central Zone No. 4203, NAD83 (2011); all distances and coordinates shown are surface and may be converted to grid by dividing by a combined adjustment factor of 1.00012.

2. Access will be permitted to the remainder property abutting the highway facility.

3. A parcel plat of even date was prepared in conjunction with this property description.

Revised: July, 2015, adjoiner ownership change.

I, Stephanie A. Funk, a Registered Professional Land Surveyor, hereby certify that this legal description hereon and the accompanying plat of even survey date represent an actual survey made on the ground under my supervision.


Stephanie A. Funk
Registered Professional Land Surveyor
Texas Registration No. 5375
TBPLS Firm Registration No. 100467
Cobb, Fendley & Associates, Inc.
13430 Northwest Freeway, Suite 1100
Houston, Texas 77040
(713) 462-3242

07-07-2015
Date

