

ORDER #2016-06

ORDER TO CLOSE PANOLA COUNTY ROAD #289

BE IT REMEMBERED, that the Commissioners' Court of Panola County, Texas met in Regular Session on the 25th of April, 2016, after due notice of meeting had been posted in the form, manner, and place required by law, with a quorum of its members present and participating in the meeting when, among other matters, the following came on to be considered, and action taken thereon, to-wit. The following were present:

LeeAnn Jones, County Judge, Panola County, Texas
Ronnie LaGrone, Commissioner of Precinct No. 1, Panola County, Texas
John Gradberg, Commissioner of Precinct No. 2, Panola County, Texas
Frank R. Langley, Jr., Commissioner of Precinct No. 3, Panola County, Texas
Dale LaGrone, Commissioner of Precinct No. 4, Panola County, Texas.

Pursuant to published Agenda of said meeting, Commissioner John Gradberg offered the following order and moved its adoption, which was seconded by Commissioner Dale LaGrone , to-wit:

WHEREAS, the Panola County Commissioners' Court, while meeting in Regular Session on the 14th day of March, 2016, voted to approve posting a petition to close Panola County Road #289; and

WHEREAS, the petition was posted as prescribed by law and has been posted for at least 20 days prior to this Order being adopted; and

WHEREAS, the Panola County Commissioners' Court has determined that the interest of the public and affected landowners have been protected as it relates to the closing of Panola County Road #289; and

WHEREAS, after due discussion and no opposition to closing of said county road the Court does authorize the closing of said county road effective immediately; and


WHEREAS, pursuant to Section 251.058 of the Texas Transportation Code the County of Panola as Grantor shall convey to the center of said county road See

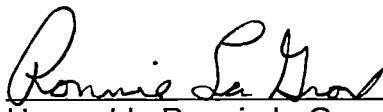
attachment "A" to Ron Briggs et. al (property owners) as grantees and by order of this court this order be entered into the deed records of the County Clerk's office of the County of Panola and shall serve as the official instrument of conveyance from the county as grantor to the property owner receiving conveyance as grantee of the abutting property.

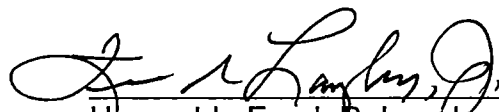
NOW, THEREFORE, BE IT ORDERED, by the Commissioners' Court of Panola County, Texas, that Panola County Road #289 be closed and Panola County from this date will no longer maintain that portion of said road.

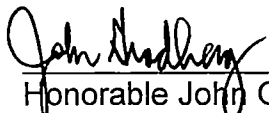
Upon vote, all voted 5 "Aye" and 0 voted "No", and the County Judge declared the Order duly adopted. The above and foregoing is true and correct.

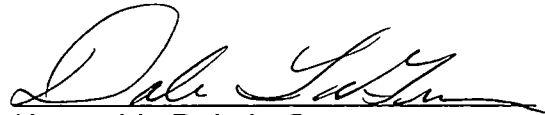
ADOPTED in Open Court this 25th day of April, 2016.


County Judge LeeAnn Jones



Honorable Ronnie LaGrone
Commissioner, Precinct One

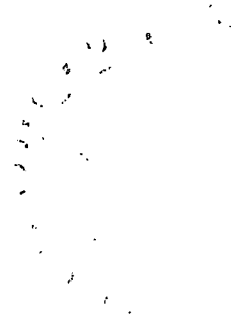

Honorable Frank R. Langley, Jr.
Commissioner, Precinct Three


Honorable John Gradberg
Commissioner, Precinct Two


Honorable Dale LaGrone
Commissioner, Precinct Four

ATTEST:


County Clerk Bobbie Davis



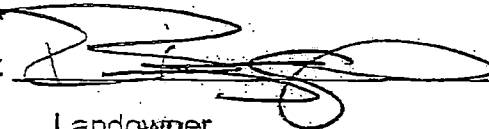
TO WHOM IT MAY CONCERN:

NOTICE OF INTENTION TO PERMANENTLY ABANDON, CLOSE AND DISCONTINUE COUNTY ROAD NO. 289 LOCATED IN PRECINCT NO. 2, PANOLA COUNTY, TEXAS

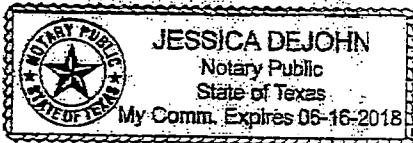
Notice is hereby given that after the expiration of twenty days from the date hereof and the posting hereof, Ron Briggs et. al owners of all the property adjoining all of County Road 289, present to the Commissioners Court of Panola County, Texas, a Petition to permanently abandon, close and discontinue Panola County Road 289 located in Precinct No. 2, Panola County, Texas all as set forth in the attached copy of the Petition to permanently discontinue and abandon Panola County Road 289 more particularly identified on the Exhibit "A" attached to the Petition.


This notice is given pursuant to the provisions of Section 251.052, Texas Transportation Code, of which the Public will take due notice.

Signed this 10 day of March, 2016.

By: 
Landowner

SUBSCRIBED AND SWORN TO, before me, the undersigned authority, this 10 Day of March, 2016.




Notary Public, State of Texas

My Commission Expires 06-16-2018

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Petition to Close County Road

I would like to have all of County Road #289 closed and changed to a private road.

Thank You

Name	Address
Clint Harris / <i>[Signature]</i>	2415 cr 289 Beckville TX 75631
M. Redding Jr. / <i>[Signature]</i>	1487R 663 Beckville TX 75631
RONNIE BRIGGS	444 CR 264 Beckville TX 75631
Clint Carson	250 CR 289 Beckville TX 75631
Kevin McQuinn	704 CR 264 Beckville TX 75631
Shawna Briggs	155 CR 289 Beckville TX 75631
<i>[Signature]</i>	1573 US Hwy 59 N Cartage TX 75633
<i>[Signature]</i>	479 W Hwy 59 N Beckville TX 75631
Alyce D. Briggs	444 CR 264 Beckville TX 75631

Robert A. Sherman

Mailing Address
P.O. Box 351
Carthage, Texas 75633

Attorney at Law
312 West Sabine
Carthage, Texas 75633

Telephone (903) 693-2206
Facsimile (903) 693-3292
robert@robertshermanlaw.com

April 15, 2016

Judge LeeAnn Jones
110 S. Sycamore, Room 216-A
Carthage, Texas 75633

Via Hand-Delivery

Commissioner Ronnie LaGrone
Precinct 1 Commissioner
110 S. Sycamore, Room 102-A
Carthage, Texas 75633

Via Hand-Delivery

Commissioner John Gradberg
Precinct 2 Commissioner
110 S. Sycamore, Room 102-A
Carthage, Texas 75633

Via Hand-Delivery

Commissioner Frank R. Langley, Jr.
Precinct 3 Commissioner
110 S. Sycamore, Room 102-A
Carthage, Texas 75633

Via Hand-Delivery

Commissioner Dale LaGrone
Precinct 4 Commissioner
110 S. Sycamore, Room 102-A
Carthage, Texas 75633

Via Hand-Delivery

Re: Protest to closure of County Road 289, Precinct 2, Panola County, Texas.

Dear Commissioners Court:

I write for Reta Briggs Gipson and John A. Gipson ("Gipsons") to protest the closure of County Road 289, Precinct No. 2, Panola County, Texas. Enclosed for your reference is the notice that was posted for the closure of County Road 289.

The Gipsons own property towards the back of County Road 289. The Gipsons use County Road 289 to access their property from U.S. Highway 59.

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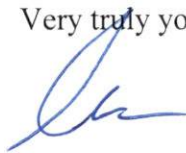
If County Road 289 is closed, the Gipsons will lose access from U.S. Highway 59 along County Road 289 to their property. The Gipsons' property does not front U.S. Highway 59. There are other property owners along County Road 289 between U.S. Highway 59 and the Gipsons' property. The Gipsons may end up landlocked, without access to their property along County Road 289, if County Road 289 is closed.

Additionally, County Road 289 is a short road which does not require much maintenance. The County will not be required to expend very much in resources to maintain County Road 289. The Gibsons further object to closing County Road 289 because they will lose a County maintained road accessing their property.

Based on the foregoing, the Gibsons object to and protest the closing of County Road 289.

Thank you for considering this matter.

Very truly yours,



Robert A. Sherman

RAS/dm
enc.: as indicated

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Access Easement Agreement

Date: April 24, 2016

Grantor and Grantor's Mailing Address:

Ronnie R. Briggs
Vicki Briggs
444 CR 264
Beckville, Texas 75631

Ron D. Briggs
Shawna T. Briggs
1573 U.S. Highway 59 North
Carthage, Texas 75633

Grantee and Grantee's Mailing Address:

John Albert Gipson
Rita Briggs Gipson
713 CR 264
Beckville, Texas 75631

James Clinton Cameron
250 CR 289
Beckville, Texas 75631

Dominant Estate Property:

All that certain 34.217 acres, more or less, located in the A. Duboise Survey, A-159, Panola County, Texas, identified in Deed from Rondal L. Briggs and wife Ethel L. Briggs to Reta Fay Briggs Cameron, dated May 19, 1983, recorded in Volume 738, Page 438, Deed Records of Panola County, Texas, that certain 20.37 acre tract, more or less, located in the A. Duboise Survey, A-159, Panola County, Texas, identified in Warranty Deed from Sherrie Arnold, Trustee, to John A. Gipson and Rita Briggs Gipson, dated May 26, 2010, recorded in Volume 1565, Page 770, Official Public Records of Panola County, Texas, that certain .37 acre tract, more or less, a part of the A. Duboise Survey, A-159, Panola County, Texas, identified in Deed from R. L. Briggs to Rita Briggs Cameron Gipson, dated September 21, 2008, recorded in Volume 1469, Page 106, Official Public Records

of Panola County, Texas, and that certain 4.0 acre tract, more or less, located in the A. Duboise Survey, A-159, Panola County, Texas, identified in Deed from John and Rita Gipson to James Clinton Cameron, dated February 1, 2014, recorded in Volume 1764, Page 755, Official Public Records of Panola County, Texas.

Subservient Estate Property:

All that certain called 34.217 acre tract, more or less, a part of the A. Duboise Survey, A-159, Panola County, Texas, being the same property identified and described in Warranty Deed from Rondal and Ethel Briggs to Ronnie and Vicki Briggs, dated June 30, 1980, recorded in Volume 761, Page 176, Deed Records of Panola County, Texas.

Location of Easement:

Twenty five feet (25') on either side of the centerline of Panola County Road 289, running across the eastern boundary of the Subservient Estate Property, with the total Easement width being fifty feet (50'), starting from U. S. Highway 59 and ending at the northeastern boundary of the Subservient Estate Property, where County Road 289 accesses the Dominant Estate Property. If Panola County Road 289 is not entirely located on the Subservient Estate Property, then in that event, the Easement is defined as a thirty foot (30') wide strip of land along the eastern boundary of the Subservient Estate Property, which runs along or parallel to Panola County 289, from U. S. Highway 59 to the Dominant Estate Property. Grantors intend to and do grant, convey and provide Grantees an easement along the eastern boundary of the Subservient Estate Property, either for the 50 foot width of the County Road or at least thirty feet (30') in width along the eastern boundary of the Subservient Estate Property.

Easement Purpose:

The purpose of this easement is to provide free, uninterrupted and unobstructed pedestrian and vehicular ingress to and egress over and across the Subservient Estate Property to and from the Dominant Estate Property and U. S. Highway 59, together with the use and access of such easement and right-of-way for waterlines, power lines, sewer lines, gas lines, telephone lines, and all other utilities for the Dominant Estate Property.

Consideration:

The sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor.

Grant of Easement: Grantor, for the Consideration, grants, sells, and conveys to Grantee and Grantee's heirs, successors, and assigns an easement over, on, and across the Subservient Estate Property for the Easement Purpose and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively, the "Easement"), to have and to hold the Easement to Grantee and Grantee's heirs, successors, and assigns forever.

Terms and Conditions: The following terms and conditions apply to the Easement granted by this agreement:

1. *Character of Easement.* The Easement is a burden on the Subservient Estate Property, for the benefit of the Dominant Estate Property, and runs with the land forever. The Easement is appurtenant to and runs with all or any portion of the Dominant Estate Property, whether or not the Easement is referenced or described in any conveyance of all or such portion of the Dominant Estate Property. The Easement is nonexclusive and irrevocable. The Easement is for the benefit of Grantee and Grantee's heirs, successors, and assigns who at any time own the Dominant Estate Property or any interest in the Dominant Estate Property (the "Holder").

2. *Duration of Easement.* The duration of the Easement is perpetual.

3. *No interference with Easement and Rights.* Grantor, its heirs and assigns, shall not interfere with the Holder's or Dominant Estate Property use of the Easement for the Easement purpose. The Easement shall remain free, open and ~~unobstructed~~.
RRB, DR, JCC, JOD, RBM, STB

4. *Utility Access and Easement.* The Easement shall include the roadway and the right of egress and ingress relating thereto and the right to place water lines, power lines, telephone lines, cable lines, and all other utilities, for the benefit of the Dominant Estate. Additionally, Grantor provides Grantee, together with the Dominant Estate Property, the right to leave in place and utilize the Subservient Estate Property for any and all such roadways, water lines, power

lines, telephone lines, cable lines, or other utilities, which are currently located on the Dominant Estate Property, whether such utility lines are located within or outside of the Easement.

5. *Closure of County Road 289.* This Access Easement Agreement contemplates closure of Panola County Road 289. This agreement is effective for all purposes upon all parties hereto signing the same. Whether County Road 289 is closed or not does not affect this Agreement or the Easement.

6. *Binding Effect.* This agreement binds and inures to the benefit of the parties hereto and their respective heirs, successors, and permitted assigns.

7. *Counterparts.* This agreement may be executed in any number of counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument.

EXECUTED this 24 day of April, 2016.

GRANTOR:

GRANTEE:

Ronnie R. Briggs
Ronnie R. Briggs

John Albert Gipson
John Albert Gipson

Vicki Briggs
Vicki Briggs

Rita Briggs Gipson
Rita Briggs Gipson

Ron D. Briggs
Ron D. Briggs

James Clinton Cameron
James Clinton Cameron

Shawna T. Briggs
Shawna T. Briggs

STATE OF TEXAS §
COUNTY OF PANOLA §



This instrument was acknowledged before me on this the 24 day of April, 2016, by Ronnie R. Briggs.

Keri L. Harris
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF PANOLA §



This instrument was acknowledged before me on this the 24 day of April, 2016, by Vicki Briggs.

Keri L. Harris
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF PANOLA §



This instrument was acknowledged before me on this the 24 day of April, 2016, by Ron D. Briggs.

Keri L. Harris
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF PANOLA §



This instrument was acknowledged before me on this the 24 day of April, 2016, by Shawna T. Briggs.

Keri L. Harris
Notary Public, State of Texas

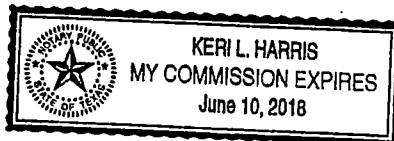
STATE OF TEXAS §
COUNTY OF PANOLA §



This instrument was acknowledged before me on this the 24 day of April, 2016, by John Albert Gipson.

Keri L. Harris
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF PANOLA §



This instrument was acknowledged before me on this the 24 day of April, 2016, by Rita Briggs Gipson.

Keri L. Harris
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF PANOLA §



This instrument was acknowledged before me on this the 24 day of April, 2016, by James Clinton Cameron.

Keri L. Harris
Notary Public, State of Texas

THIS DOCUMENT IS NOT TO BE CONSTRUED AS A TITLE OPINION. THIS DOCUMENT WAS PREPARED SOLELY FROM THE INSTRUCTIONS, INFORMATION AND INSTRUMENTS GIVEN TO US BY THE PARTIES AND WITHOUT BENEFIT OF TITLE EXAMINATION OR TITLE INSURANCE. NO TITLE OPINION OR OTHER INFORMATION HAS BEEN FURNISHED TO US OR GIVEN BY US IN CONNECTION WITH ITS PREPARATION. THE PARTIES HERETO ARE SOLELY RESPONSIBLE TO ENSURE THE TERMS HEREOF ACCURATELY REFLECT THE PARTIES' AGREEMENT. ROBERT A. SHERMAN IS ONLY ACTING AS A SCRIVENER FOR THIS INSTRUMENT AND IS NOT REPRESENTING ANY PARTY RELATING HERETO. THE PARTIES HERETO ARE ADMONISHED TO OBTAIN THEIR OWN INDEPENDENT LEGAL COUNSEL CONCERNING THIS INSTRUMENT AND ALL MATTERS RELATING HERETO.

Record & Return to:
John and Rita Gipson
713 CR 264
Beckville, Texas 75631