

JOHNSON COUNTY COMMISSIONERS COURT

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SEP 13 2016

Becky Ivey
County Clerk, Johnson County Texas
BY md DEPUTY
JERRY D. STRINGER
Commissioner Pct. #3
LARRY WOOLLEY
Commissioner Pct. #4

RICK BAILEY
Commissioner Pct. #1

KENNY HOWELL
Commissioner Pct. #2

ROGER HARMON
County Judge

Alison Hitchcock
Assistant to Commissioner's Court

THE STATE OF TEXAS

COUNTY OF JOHNSON

§
§
§

ORDER #2016-27

**ORDER AUTHORIZING COUNTY ATTORNEY TO FILE
LAWSUIT AND AUTHORIZING EXPENSES**

On this the 12th day of September, 2016, the Commissioners Court of Johnson County, being duly convened at a regularly called meeting of the Commissioners Court, upon motion of Commissioner Rick Bailey , seconded by Commissioner Kenny Howell , duly put and carried, adopted the following:

1.

Whereas, Johnson County, Texas has an Easement Agreement recorded in Volume 1369, Page 284, Deed Records of Johnson County, Texas for a permanent subsurface easement for the maintenance of a drainage pipeline across a 10.891 acre tract of land that is adjacent to the Johnson County property commonly known as the Johnson County Law Enforcement Center located at 1800, Ridgemar Drive, Cleburne, Texas 76031; and

2.

Whereas, the City of Cleburne is requiring the repair of the drainage pipeline under the 10.891 acre tract of land owned by Ronald E. Wells, Inc. as said pipeline connects to a retention pond on Johnson County's property and is a pipeline that drains water in the retention pond in the event the water level reaches a certain height in the retention pond, and said pipeline appears to be broken and/or blocked with debris; and

3.

Whereas, the owner of the 10.891 acre tract of land, Ronald E. Wells, Inc., is prohibiting Johnson County and its contractors from coming onto the 10.891 acre tract of land for an inspection and/or repair of the drainage pipeline; and

4.

Whereas, the remedy for Johnson County is to file a lawsuit to enforce the private easement and for remedies for interference with Johnson County's easement that Johnson County has on the 10.891 acre tract of land.

5.

IT IS THEREFORE ORDERED that the County Attorney of Johnson County, Texas is hereby authorized to file a lawsuit to enforce the private easement and for remedies for interference with Johnson County's easement that Johnson County has on the 10.891 acre tract of land and for such other legal or equitable relief to which Johnson County may be entitled.

6.

IT IS FURTHER ORDERED that the County Attorney is authorized to expend the amount of \$4,000.00 as initial expenses in the case, which amount includes, but is not limited to, funds for court reporter fees, expert fees and expenses, discovery costs, and any other reasonable and necessary expenses.


7.

All funds necessary to accomplish the above are hereby ordered to be made.

8.

All such costs and fees should be charged to the general fund.

SIGNED this 12th day of September, 2016.


Roger Harmon
County Judge