

**NOTICE OF MEETING (•) OF THE
COMMISSIONERS COURT OF JACK COUNTY, TEXAS**

• Assistive Listening Devices Available on Request for Use During Court Session

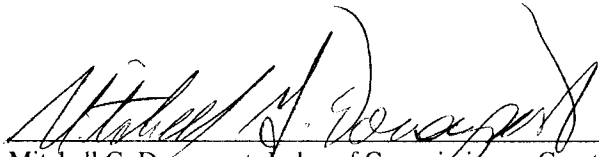
Notice is hereby given that a Meeting of the above named Commissioners Court will be held on **Tuesday the 20th day of November, 2012, at 9:00 o'clock a.m.**, in the County Courthouse, Jacksboro, Texas, at which time the following subjects* will be discussed and appropriate action taken, to-wit:

These subjects may or may not be discussed in the order shown. All items listed below as part of the called "Consent Agenda Items" require no deliberation by the Court. Each Court member has the prerogative of removing an item from this agenda so that it may be considered separately.

1. PUBLIC FORUM;
2. CONSENT AGENDA ITEMS:
 - (a) Approval of Minutes of Meeting of November 14, 2012;
 - (b) Acceptance of Sheriff's FY 2012 Chapter 59 Asset Forfeiture Report;
3. Discussion of Commissioner Precinct Operations;
4. Update on Courthouse Repair Project 2011 details;
5. Update on Courthouse Interior Repair Project 2012;
6. Discussion of steps, measures, and plan of restoration/renovation of Courthouse lawn, sprinkler system, and landscaping;
7. Declaration of Emergency and Amending FY13 Budget for position of County Building Maintenance Position;
8. Review and Approval of Eminent Domain Report filing with the State Comptroller;
9. Setting of second December Commissioners Court meeting to be December 21, 2012;
10. FUTURE AGENDA ITEMS; AND;
11. ADJOURNMENT.

Dated this the 16th day of November, 2012

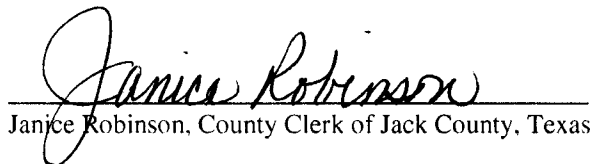
Commissioners Court of Jack County, Texas



Mitchell G. Davenport, Judge of Commissioners Court

I, the undersigned County Clerk, do hereby certify that the above Notice of Meeting of the above named Commissioners Court, is a true and correct copy of said Notice, and that I posted a true and correct copy of said Notice on the bulletin board at the Courthouse door of Jack County, Texas, at a place readily accessible to the general public at all times on the 16th day of November, 2012, and said Notice remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

Dated this the 16th day of November, 2012



Janice Robinson, County Clerk of Jack County, Texas



FILED FOR RECORD
_____ O'CLOCK _____ M.

NOV 16 2012

**JANICE ROBINSON, County Clerk
JACK COUNTY, TEXAS**

BY _____ DEPUTY

MINUTES

On this the 20th day of November, 2012 the Commissioners Court of Jack County, Texas met in Regular session at 9:12 a.m. with the following elected officials present:

James A. Logan, Commissioner Pct. 1
James L Brock, Commissioner Pct. 2
James L. Cozart, Commissioner Pct. 3
Terry Ward, Commissioner Pct. 4
Mitchell G. Davenport, County Judge

FILED FOR RECORD

_____ O'CLOCK _____ M.

NOV 26 2012

JANICE ROBINSON, County Clerk
JACK COUNTY, TEXAS

BY _____ DEPUTY

PUBLIC FORUM

No members of the public were present.

PAYMENT OF ACCOUNTS AND CLAIMS

All accounts and claims were submitted to the Court for approval. Those submitted were approved and entered into the computer of the County Treasurer. Judge Davenport made a motion to pay all bills. Commissioner Logan seconded and the motion carried unanimously.

CONSENT AGENDA ITEMS:

- (a) Approval of Minutes of Meeting of November 14, 2012;
- (b) Acceptance of Sheriff's FY12 Chapter 59 Asset Forfeiture Report;

Judge Davenport made a motion to approve the Consent Agenda Items. Commissioner Logan seconded and the motion carried unanimously.

PRECINCT OPERATIONS

No discussion.

COURTHOUSE REPAIR PROJECT 2011

Judge Davenport spoke with Gulfcoast Claims and is waiting for a clearance letter to finalize the insurance claim.

COURTHOUSE INTERIOR REPAIR PROJECT 2012

Danny Nash reported that he is working on the Constable Office and needs to complete trim in the JP Office. Flooring will be installed in both offices on December 5, 2012.

COURTHOUSE LAWN, SPRINKLER SYSTEM AND LANDSCAPING

Commissioner Ward reported speaking with Robbie at McAllister's Landscaping about delaying possible lighting changes until the proposed new marquee is installed. He advised Robbie that he would call when the lawn needs mowing.

DECLARATION OF EMERGENCY AND AMENDING FY13 BUDGET

A Declaration of Emergency and Amending the FY13 Budget for adding a County Building Maintenance Position was opened for discussion. Commissioner Logan recommends that an emergency be declared and that a position of County Building Maintenance Officer be added under the direction of the Commissioners Court with Danny Nash assuming this position. Motion was made to approve by Commissioner Cozart and seconded by Commissioner Logan. The motion carried unanimously.

A salary of \$38,836.00 per year with benefits included was recommended. Commissioner Logan made a motion to approve this salary. Judge Davenport seconded and the motion carried unanimously.

In brief, the job description will include continuing the current renovation of the Courthouse as he has been for the past several months, maintenance and upkeep of the Courthouse building and premises and the Davis building, and supervise the Courthouse Custodian. He will also be allowed to negotiate contracts in regards to the Courthouse Renovation project. Judge Davenport made a motion to approve this recommendation. Commissioner Logan seconded and the motion carried unanimously.

EMINENT DOMAIN REPORT

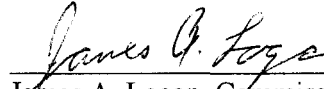
Judge Davenport made a motion to approve the Eminent Domain Report filing with the State Comptroller. Commissioner Cozart seconded and the motion carried unanimously.

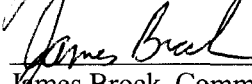
COMMISSIONERS COURT MEETING CHANGE


Commissioner Cozart made a motion to change the December 24, 2012 Commissioners Court meeting to December 21, 2012. Commissioner Ward seconded and the motion carried unanimously.

ADJOURN

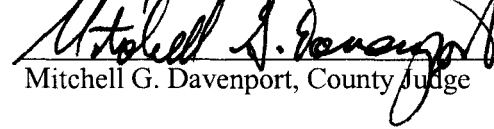
There being no further business motion was made by Commissioner Cozart to adjourn and seconded by Judge Davenport. The motion carried unanimously.


James A. Logan, Commissioner Pct. #1

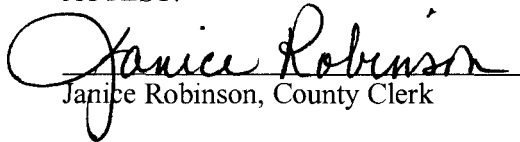

James Brock, Commissioner Pct. #2


James L. Cozart, Commissioner Pct. #3

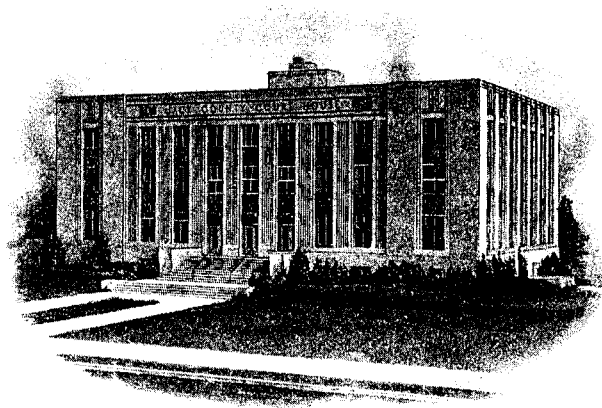

Terry Ward, Commissioner Pct. #4


Mitchell G. Davenport, County Judge

ATTEST:


Janice Robinson, County Clerk

JACK COUNTY



EARLENE RHOADES
COUNTY AUDITOR

100 MAIN, ROOM 202
JACKSBORO TEXAS 76458

(940) 567-2663

JACKSBORO, TEXAS

November 8, 2012

Melvin Mayo
Jack County Sheriff
1432 Post Oak Road
Jacksboro, Texas 76458

Sheriff Mayo,

We have audited the financial statements of the Jack County Seizure Account thru the month ending September 30, 2012. We conducted our audit in accordance with generally accepted auditing standards and the Government Auditing Standards, issued by the Comptroller General of the United States.

Expenditures and revenues are supported by adequate documentation and all purchases adhere to the requirements of the Local Government Code Section 341.015.

Respectfully,

Earlene Rhoades
Jack County Auditor
100 Main Room 202
Jacksboro, Texas 76458

FILED FOR RECORD

_____ O'CLOCK _____ M.

NOV 20 2012

JANICE ROBINSON, County Clerk
JACK COUNTY, TEXAS

BY _____ DEPUTY

**JACK COUNTY SEIZURE ACCOUNT
2011**

MONTH/YR	BEGINNING BALANCE	DEBITS	CREDITS	INTEREST	TOTAL
Jan-11	\$6,845.95	\$0.00	\$0.00	\$0.58	\$6,846.53
Feb-11	\$6,846.53	\$0.00	\$0.00	\$0.53	\$6,847.06
Mar-11	\$6,847.06	\$0.00	\$0.00	\$0.58	\$6,847.64
Apr-11	\$6,847.64	\$0.00	\$0.00	\$0.54	\$6,848.18
May-11	\$6,848.18	\$0.00	\$0.00	\$0.60	\$6,848.78
Jun-11	\$6,848.78	\$0.00	\$0.00	\$0.56	\$6,849.34
Jul-11	\$6,849.34	\$0.00	\$0.00	\$0.54	\$6,849.88
Aug-11	\$6,849.88	\$0.00	\$0.00	\$0.62	\$6,850.50
Sep-11	\$6,850.50	\$0.00	\$0.00	\$0.56	\$6,851.06
Oct-11	\$6,851.06	\$0.00	\$164.00	\$0.59	\$7,015.65
Nov-11	\$7,015.65	\$0.00	\$0.00	\$0.58	\$7,016.23
Dec-11	\$7,016.23	\$0.00	\$0.00	\$0.34	\$7,016.57
TOTAL	\$6,845.95	\$0.00	\$164.00	\$6.62	\$7,016.57

**JACK COUNTY SEIZURE ACCOUNT
2012**

MONTH/YR	BEGINNING BALANCE	DEBITS	CREDITS	INTEREST	TOTAL
Jan-12	\$7,016.57	\$0.00	\$0.00	\$0.31	\$7,016.88
Feb-12	\$7,016.88	\$0.00	\$0.00	\$0.28	\$7,017.16
Mar-12	\$7,017.16	\$0.00	\$0.00	\$0.29	\$7,017.45
Apr-12	\$7,017.45	\$0.00	\$0.00	\$0.30	\$7,017.75
May-12	\$7,017.75	\$0.00	\$0.00	\$0.30	\$7,018.05
Jun-12	\$7,018.05	\$0.00	\$0.00	\$0.28	\$7,018.33
Jul-12	\$7,018.33	\$0.00	\$0.00	\$0.31	\$7,018.64
Aug-12	\$7,018.64	\$0.00	\$0.00	\$0.30	\$7,018.94
Sep-12	\$7,018.94	\$0.00	\$0.00	\$0.27	\$7,019.21
Oct-12					
Nov-12					
Dec-12					
TOTAL	\$7,016.57	\$0.00	\$0.00	\$2.64	\$7,019.21

NOV 20 2012

JANICE ROBINSON, County Clerk
JACK COUNTY, TEXAS

BY _____ DEPUTY

FY 2012
CHAPTER 59 ASSET FORFEITURE REPORT
BY LAW ENFORCEMENT AGENCY

Agency Name: Jack County Sheriff's Office Reporting Period: 101111 - 913012
(local fiscal year) example: 01/01/12 to 12/31/12,
09/01/11 to 08/31/12 etc.

Name of Agency Head (Chief, Sheriff etc.) (Printed): Melvin Mayo

Agency Mailing Address: 1432 Fm 3344
Jacksboro, Tx 76458

Phone Number: 940-567-2161

County: JACK

Email Address: mmayo@jackcountytx.com This should be a permanent agency email address

NOTE: PLEASE ROUND ALL DOLLAR FIGURES TO NEAREST WHOLE DOLLAR.

I. SEIZED FUNDS (Funds that have been seized, but have not yet been awarded to your agency by the judicial system)

A) Beginning Balance: Instructions: Include total amount of seized funds on hand (in your agency's possession) at beginning of reporting period. Include funds that may have been forfeited but have not been transferred to your agency's forfeiture account. Do not include funds that are in an account held by another agency, e.g., the District Attorney's account.	\$ 0
B) Ending Balance: Instructions: Include total amount of seized funds on hand (in your agency's possession) at end of reporting period. Do not include funds that are in an account held by another agency, e.g. the District Attorney's account.	\$ 0

II. FORFEITED FUNDS (Funds awarded to your agency by the judicial system)

A) Beginning Balance: Instructions: Include total amount of forfeited funds that have been forfeited to your agency and are on hand (in your agency's account or in your agency's possession) at the beginning of the reporting period including interest. Do not include funds that have been forfeited but not yet received by your agency.	\$ 7,015.06
B) Ending Balance: Instructions: Include total amount of forfeited funds that have been forfeited to your agency and are on hand (in your agency's account or in your agency's possession) at the end of the reporting period including interest. Do not include funds that have been forfeited but not yet received by your agency.	\$ 7,019.21

III. SEIZURES DURING REPORTING PERIOD

A) Funds:
Instructions: Include only those seizures which occurred during the reporting period and where the seizure affidavit required by Article 59.03 is sworn to by a peace officer employed by your agency. (e.g. seizing officer's affidavit).

1) Amount seized and retained in your agency's custody:	\$	0
2) Amount seized and transferred to the District Attorney pending forfeiture:	\$	0

B) Property:
Instructions: List the number of items seized for the following categories. Include only those seizures where a seizure is made by a peace officer employed by your agency.

Please note - this should be a number not a currency amount. Example 4 cars seized, 3 cars forfeited.	SEIZED	FORFEITED TO AGENCY
1) MOTOR VEHICLES (Include cars, motorcycles, tractor trailers, etc.)	1	1
2) REAL PROPERTY (Count each parcel seized as one item)		
3) COMPUTERS (Include computer and attached system components, such as printers and monitors, as one item)		
4) FIREARMS (Include only firearms seized for forfeiture under Chapter 59. Do not include weapons disposed under Chapter 18.)		
5) Other Property - Description: _____		
6) Other Property -Description: _____		
7) Other Property -Description: _____		

IV. FORFEITED FUNDS RECEIVED DURING REPORTING PERIOD

Amount Forfeited to and Received by Reporting Agency (Including Interest) During Reporting Period: Instructions: Do not include amounts forfeited but not yet received by your agency; interest refers to the amount earned prior to forfeiture and distributed as part of the judgment of forfeiture.	\$	0
--	----	---

V. FORFEITED PROPERTY RECEIVED FROM ANOTHER AGENCY

Instructions: Enter the total number of items transferred to your agency where the forfeiture judgment awarded ownership of the property to another agency prior to the transfer.

A) Motor Vehicles (the number of vehicles, not a currency amount):	0
B) Real Property (the number of separate parcels of property, not a currency amount):	0
C) Computers (the number of computers, not a currency amount):	0
D) Firearms (the number of firearms, not a currency amount):	0
E) Other (the number of items, not a currency amount):	0

VI. FORFEITED PROPERTY TRANSFERRED OR LOANED TO ANOTHER AGENCY

Instructions: Enter the total number of items transferred or loaned from your agency where the forfeiture judgment awarded ownership of the property to your agency prior to the transfer.

A)	Motor Vehicles (the number of vehicles, not a currency amount):	0
B)	Real Property (the number of separate parcels of property, not a currency amount):	0
C)	Computers (the number of computers, not a currency amount):	0
D)	Firearms (the number of firearms, not a currency amount):	0
E)	Other (the number of items, not a currency amount):	0

VII.

EXPENDITURES

Instructions: This category is for **Chapter 59 expenditures SOLELY for law enforcement purposes** - not for expenditures made pursuant to your general budget. List the total amount expended for each of the following categories. If proceeds are expended for a category not listed, state the amount and nature of the expenditure under the Other category.

A)	SALARIES	
1.	Increase of Salary, Expense, or Allowance for Employees (Salary Supplements):	\$ 0
2.	Salary Budgeted Solely From Forfeited Funds:	\$ 0
3.	Number of Employees Paid Using Forfeiture Funds:	0
	TOTAL SALARIES PAID OUT OF CHAPTER 59 FUNDS:	\$ 0

B)	OVERTIME	
1.	For Employees Budgeted by Governing Body:	\$ 0
2.	For Employees Budgeted Solely out of Forfeiture Funds:	\$ 0
3.	Number of Employees Paid Using Forfeiture Funds:	
	TOTAL OVERTIME PAID OUT OF CHAPTER 59 FUNDS:	\$ 0

C)	EQUIPMENT	
1.	Vehicles:	\$ 0
2.	Computers:	\$ 0
3.	Firearms, Vests, Personal Equipment:	\$ 0
4.	Furniture:	\$ 0
5.	Software:	\$ 0
6.	Maintenance Costs:	\$ 0
7.	Uniforms:	\$ 0
8.	K9 Related Costs:	\$ 0
9.	Other (Provide Detail on Additional Sheet):	\$ 0
	TOTAL EQUIPMENT PURCHASED WITH CHAPTER 59 FUNDS:	\$ 0

D) SUPPLIES		
1. Office Supplies:		\$ 0
2. Cellular Air Time :		\$ 0
3. Internet:		\$ 0
4. Other (Provide Detail on Additional Sheet) :		\$ 0
TOTAL SUPPLIES PURCHASED WITH CHAPTER 59 FUNDS:		\$ 0

E) TRAVEL		
1. In State Travel		
a) Transportation:		\$ 0
b) Meals & Lodging:		\$ 0
c) Mileage:		\$ 0
d) Incidental Expenses (Any other travel expense not included on a, b, or c above):		\$ 0
Total In State Travel		\$ 0
2. Out of State Travel		
a) Transportation:		\$ 0
b) Meals & Lodging:		\$ 0
c) Mileage:		\$ 0
d) Incidental Expenses (Any other travel expense not included on a, b, or c above):		\$ 0
Total Out of State Travel		\$ 0
TOTAL TRAVEL PAID OUT OF CHAPTER 59 FUNDS:		\$ 0

F) TRAINING		
1. Fees (Conferences, Seminars):		\$ 0
2. Materials (Books, CDs, Videos, etc.):		\$ 0
3. Other (Provide Detail on Additional Sheet):		\$ 0
TOTAL TRAINING PAID OUT OF CHAPTER 59 FUNDS		\$ 0

G) INVESTIGATIVE COSTS		
1. Informant Costs:		\$ 0
2. Buy Money:		\$ 0
3. Lab Expenses:		\$ 0

4. Other (Provide Detail on Additional Sheet):	\$ 0
TOTAL INVESTIGATIVE COSTS PAID OUT OF CHAPTER 59 FUNDS:	\$ 0

H) TOTAL PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE	
1. Total Prevention/Treatment Programs (pursuant to 59.06 (h), (l), (j)):	\$ 0
2. Total Financial Assistance (pursuant to Articles 59.06 (n) and (o)):	\$ 0
TOTAL PREVENTION/TREATMENT PROGRAMS/FINANCIAL ASSISTANCE (pursuant to Articles 59.06 (h), (l), (j), (n), (o)):	\$ 0

I) FACILITY COSTS	
1. Building Purchase:	\$ 0
2. Lease Payments:	\$ 0
3. Remodeling:	\$ 0
4. Maintenance Costs:	\$ 0
5. Utilities:	\$ 0
6. Other (Provide Detail on Additional Sheet):	\$ 0
TOTAL FACILITY COSTS PAID OUT OF CHAPTER 59 FUNDS:	\$ 0

J) MISCELLANEOUS FEES	
1. Court Costs:	\$ 0
2. Filing Fees:	\$ 0
3. Insurance:	\$ 0
4. Witness Fees:	\$ 0
5. Audit Costs and Fees:	\$ 0
6. Other (Provide Detail on Additional Sheet):	\$ 0
TOTAL MISCELLANEOUS FEES PAID OUT OF CHAPTER 59 FUNDS:	\$ 0

K) PAID TO OR SHARED WITH COOPERATING AGENCY:	\$ 0
L) TOTAL OTHER PAID OUT OF CHAPTER 59 FUNDS (provide detailed descriptions on additional sheet(s) and attach to this report):	\$ 0
M) TOTAL EXPENDITURES:	\$ 0

NOTE: If you are governed by a Commissioners Court or a City Council, BOTH CERTIFICATIONS MUST BE COMPLETED. Otherwise, please complete the Agency Head Certification.

CERTIFICATION

I swear or affirm that the Commissioners Court or City Council has conducted the audit required by Article 59.06 of the Code of Criminal Procedure, unless after due inquiry, it has been determined that no accounts, funds or other property pursuant to Chapter 59 of the Code of Criminal Procedure are being held or have been transacted in the relevant fiscal year by the agency for which this report is being completed, and that upon diligent inspection of all relevant documents and supporting materials, I believe that this asset forfeiture report is true and correct and contains all of the required information.

COUNTY JUDGE, MAYOR or CITY
MANAGER
(Printed Name):

SIGNATURE:

DATE:

Mitchell Davenport
Mitchell S. Davenport
11-20-12

AGENCY HEAD CERTIFICATION

I swear or affirm, under penalty of perjury, that I have accounted for the seizure, forfeiture, receipt, and specific expenditure of all proceeds and property subject to Chapter 59 of the Code of Criminal Procedure, and that upon diligent inspection of all relevant documents and supporting materials, this asset forfeiture report is true and correct and contains all information required by Article 59.06 of the Code of Criminal Procedure. I further swear or affirm that all expenditures reported herein were lawful and proper, and made in accordance with Texas law.

AGENCY HEAD (Printed Name):

SIGNATURE:

DATE:

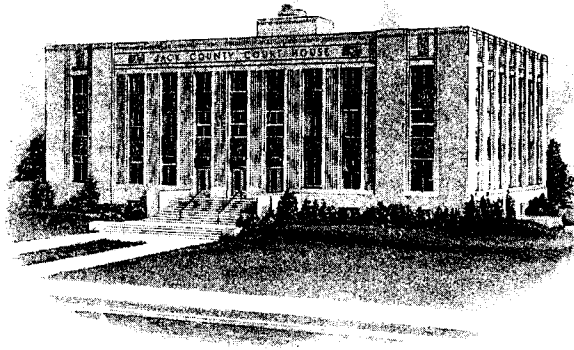
Melvin Mayo
Melvin Mayo
11/15/2012

RETURN COMPLETED FORM TO:

Office of the Attorney General
Criminal Prosecutions Division
P.O. Box 12548
Austin, TX 78711-2548
Attn: Kent Richardson
(512)936-1348
kent.richardson@oag.state.tx.us

WE CANNOT ACCEPT FAXED OR EMAILED COPIES. PLEASE MAIL THE SIGNED, ORIGINAL DOCUMENT TO OUR OFFICE AT THE ADDRESS ABOVE.

JACK COUNTY



JACKSBORO, TEXAS

MITCHELL G. DAVENPORT
COUNTY JUDGE

100 MAIN, SUITE 206
JACKSBORO, TEXAS 76458

(940) 567-2241

FAX: (940) 567-5502

EMAIL ADDRESS: countyjudge@jackcounty.org

November 20, 2012

Comptroller of Public Accounts
P.O. Box 13942
Austin, Texas 78711

MAILED CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Re: Documentation of Eminent Domain Authority in Texas – Jack County

Dear Comptroller Staff:

Jack County is by law authorized to exercise eminent domain in Texas and does hereby file with you a Document of Eminent Domain Authority per Senate Bill 18 enacted by the 82nd Legislature.

Thank you for your cooperation in this matter. If there are any questions, please contact this office. I remain

Sincerely yours,

MITCHELL G. DAVENPORT
County Judge – Jack County, Texas

Pc: Commissioners

FILED FOR RECORD

_____ O'CLOCK _____ M.

NOV 20 2012

JANICE ROBINSON, County Clerk
JACK COUNTY, TEXAS

BY _____ DEPUTY



Required Documentation of Eminent Domain Authority in Texas

What action must be taken: Per Senate Bill 18 enacted by the 82nd Legislature, all public and private entities authorized to exercise the power of eminent domain in Texas are **required to submit a letter to the Comptroller of Public Accounts detailing their legal authority to exercise this power. The letter must be sent by certified, return receipt mail not later than December 31, 2012.** (Per the bill, the authority of an entity to exercise the power of eminent domain expires on September 1, 2013, unless the letter has been submitted by the deadline.)

About this form: This form is designed to guide entities in submitting the required information on eminent domain authority. Once the fields have been completed, the form can be printed and mailed via certified, return receipt to the address provided to meet the requirements of the bill.

Entity Information

1. Full, legal name of entity: County of Jack
2. Alternate name of entity (if any): _____
3. Primary address: Street or P.O. Box 100 N. Main St., Ste. 206
 City, State, Zip Code Jacksboro, TX 76458
4. Primary phone number (with area code): 940.567.2241
5. Entity contact: First name Mitchell Last name Davenport
 Phone number (with area code): 940.567.2241 E-mail address: countyjudge@jackcounty.org
6. Alternate contact: First name _____ Last name _____
 Phone number (with area code): _____ E-mail address: _____

Eminent Domain Authority

7. Does your entity have eminent domain authority in Texas? Yes No
8. If "yes" to question 7, please identify all of the applicable provisions of state law that grant eminent domain authority to this entity. Please cite as Title of Code or Article, Section Number/Name (for example, Texas Government Code, Section 43.136 or Article 7849, Auxiliary Water Laws).

All provisions of state law listed in the exhibit attached, or as my hereafter be amended, which is incorporated by reference for all purposes as though provided in this space of this form.

9. Please indicate the first year in which this entity exercised eminent domain authority (if known): 1856

DISCLAIMER: Chapter 2206, Subchapter C, Government Code (as added by Senate Bill 18, 82nd Regular Session) requires the Comptroller of Public Account to collect information and report to the Legislature all entities in the state of Texas that have the authority to exercise the power of eminent domain. Entities that provide information to the Comptroller represent and warrant that the information is accurate and complete to the best of their knowledge. **Entities that provide information acknowledge that it is their responsibility to submit a letter by certified mail, return receipt requested to the Comptroller's office, indicating that the Entity is authorized to exercise eminent domain authority and to identify each law that grants such authority.** The Entity further acknowledges that the Comptroller's office is not responsible to submit said letter, nor is it responsible for the Entity's failure to submit said letter as required by law, and that such failure may cause the entity's power of eminent domain to expire on September 1, 2013. The Entity also acknowledges that the Comptroller of Public Accounts is a state agency subject to Chapter 552 of the Texas Gov't Code (the "Texas Public Information Act") and court interpretations thereof, and that the information submitted to this office may be subject to disclosure to the public under Section 552.101, et seq., of the Code.

Under Ch. 559, Government Code, you are entitled to review, request, and correct information we have on file about you, with limited exceptions in accordance with Ch. 552, Government Code. To request information for review or to request error correction, contact us at the address on this form or sb18compliance@cpa.state.tx.us.

By signing, I agree that the information is true and correct.

Mail this form via certified mail to:
COMPTROLLER OF PUBLIC ACCOUNTS
 P.O. Box 13942
 Austin, Texas 78711

sign here

Signature

November 14, 2012

Date

Mitchell G. Davenport/County Judge - Jack County, Tx

Print Name/Title

940.567.2241

Phone (area code and number)

For questions or additional information, please e-mail: sb18compliance@cpa.state.tx.us or go to: www.window.texas.gov/sb18compliance

Powers of Eminent Domain for Texas Counties*

Can be found at: www.county.org; www.cuc.org; and www.cjcat.org

Legal Authority	Item	Notes	
Texas Constitution	Article 1, Section 17	Property for public use.	No person's property shall be taken, damaged, or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is for the ownership, use, and enjoyment of the property, notwithstanding an incidental use, by the state, a political subdivision of the state, or the public at large
Texas Constitution	Article 3, Section 52j	Sale of real property.	A governmental entity may sell real property acquired through eminent domain to the person who owned the real property interest immediately before the governmental entity acquired the property interest.
Government Code	Chapter 2206	Limitations of purpose and use of property acquired through eminent domain.	Limitations on use of eminent domain.
Property Code	Chapter 21	Eminent domain jurisdiction, procedure, damages and costs, judgment, and repurchase.	Procedural requirements for eminent domain.
Agriculture Code	Section 167.059	Tick eradication dipping facilities.	Acquire necessary land for the construction or maintenance of dipping facilities, dipping facilities that have already been constructed, or land necessary for ingress and egress to and from those facilities (commissioners court).
Government Code	Section 1474.151	County water improvements and related irrigation powers.	Acquire a necessary right-of-way or other land; acquire any other improvement required for the proper and efficient irrigation of land in the county.
Government Code	Section 1475.002	Canal or waterway authorized by federal legislation.	Acquire right-of-way and necessary dumping privileges.
Government Code	Section 1475.052	Intracoastal canals.	Acquire public or private land, a right-of-way, an easement, or dumping ground privileges.
Government Code	Section 1477.071	Adequate source of surface or subterranean fresh water for supplying water to the county's courthouse or for other county purposes.	Acquire real property and easements.
Government Code	Section 1477.120, 1477.121	Natural gas system for supplying natural gas to county buildings adequately and dependably.	Acquire land or an easement; may not acquire a natural gas system or a facility of a natural gas system.
Government Code	Sections 2267.061, 2267.062, and 2267.063.	Qualifying project, including any ferry, mass transit facility, vehicle parking facility, port facility, power generation facility, fuel supply facility, oil or gas pipeline, water supply facility, public work, waste treatment facility, hospital, school, medical or nursing care facility, recreational facility, public building, or other similar facility currently available or to be made available to a governmental entity for public use, or any improvements necessary or desirable to unimproved real estate owned by a governmental entity.	Acquire qualifying project in the event of a material default by the contracting person; acquire any land or property interest to the extent that the responsible governmental entity dedicates the land or property interest to public use and finds that the action serves the public purpose; relocation of facilities affected by the qualifying project.
Health and Safety Code	Section 263.022	Hospital or medical or other health facility.	Acquire real property and easements to real property (commissioners court).
Health and Safety Code	Section 264.028	County Hospital Authorities.	Authority may acquire fee simple title to land, other property, and easements under Chapter 21, Property Code.
Health and Safety Code	Section 265.052	Joint Municipal and County Hospitals.	Board may acquire fee simple title or other interest in property pursuant to Chapter 21, Property Code.
Health and Safety Code	Section 281.054	Hospital Districts/Counties of at least 190,000.	Power to acquire interest in property located in the district if necessary to exercise authority of district.

Health and Safety Code	<u>Section 282.046</u>	Hospital Districts in Counties of 75,000 or less.	May exercise the power for the acquisition of property necessary to carry out powers and duties of district.
Health and Safety Code	<u>Section 364.014</u>	Solid waste disposal systems (plant, composting process plant, incinerator, sanitary landfill, or other works and equipment that are acquired, installed, or operated to collect, handle, store, treat, neutralize, stabilize, or dispose of solid waste, and includes the sites).	Acquire property or an interest in property; may not acquire real property if that power conflicts with a corporation's power of eminent domain as provided by law.
Human Resources Code	<u>Section 63.017</u>	Residential facility for the placement of juveniles formed by a single county.	Acquire real property for the purpose of locating a facility on such property (commissioners court).
Human Resources Code	<u>Section 63.018</u>	Residential facility for the placement of juveniles created by two or more counties.	Acquire real property (commissioners courts of the forming counties).
Local Government Code	<u>Section 241.903</u>	Airport hazards.	Acquire an air right, aviation easement, or other estate or interest in property or in a nonconforming structure or use (municipality or county).
Local Government Code	<u>Section 261.001</u>	Construction of a jail, courthouse, hospital, or library, or for another public use authorized by law.	Condemn and acquire land, an easement in land, or a right-of-way. Right extends to public or private land, but not to land used for cemetery purposes.
Local Government Code	<u>Section 263.201</u>	To carry out an act of the US Congress in aid of navigation, irrigation, flood control, or improvement of water courses and to accomplish a purpose specified by Section 2204.101, Government Code.	Acquire and, on request, convey to the United States, with or without monetary consideration, land or an interest in land (commissioners court or county that has a part of its boundary coincident with a part of the international boundary between the United States and Mexico, or that is contiguous to such a county).
Local Government Code	<u>Section 273.001 (a)</u>	Acquisition of property for public purposes.	Acquire property jointly with municipality or other governmental entity.
Local Government Code	<u>Section 273.002</u>	Land for the use of local governments.	Condemnation shall be in accordance with state law relating to Chapter 21, Property Code. Or other state law relating to condemnation of land for public uses by municipality.
Local Government Code	<u>Section 273.003</u>	Necessary alterations for use by local governments.	Any alteration necessary shall be made at the sole expense of the municipality or other governmental entity.
Local Government Code	<u>Section 280.001</u>	Land for the use of the US government.	Acquire land separately or jointly with a municipality for the use of the US government.
Local Government Code	<u>Section 280.003</u>	Hospital purposes.	County may issue bonds and use the proceeds from the sale of the bonds to acquire property through condemnation.
Local Government Code	<u>Section 293.026</u>	County Building Authority Act.	Authorizes acquiring property through eminent domain.
Local Government Code	<u>Section 325.037</u>	Sports facility purposes.	District may acquire land for a sports facility if board determines, after notice and hearing, that it is necessary.
Local Government Code	<u>Sections 331.001 and 331.003</u>	Public parks, playgrounds, or historical museums. Land on which are located historic buildings, sites, or landmarks of statewide historical significance associated with historic events or personalities; prehistoric ruins, burial grounds, or archaeological or vertebrate paleontological sites; or sites including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological, or historic buildings, markers, monuments, or historical features.	Acquire land and/or buildings to be used for public parks, playgrounds or historical museums.
Local Government Code	<u>Section 335.071</u>	Sports and Community Venue Districts.	May perform any act to the full exercise of the district's powers.
Local Government Code	<u>Section 351.136</u>	Acquisition of property for county jails and law enforcement	District may acquire property necessary to construct or improve jail facility; lease property on terms advantageous to district; acquire land for jail facility by condemnation under Chapter 21, Property Code; make necessary alteration at district's sole expense.
Local Government Code	<u>Section 383.063</u>	County development districts.	May exercise the power to acquire land for the purpose of providing water and sewer services.

Local Government Code	<u>Section 392.061</u>	Housing authorities (municipalities and counties)	May acquire interest by eminent domain after adopting a resolution and declaring the acquisition necessary.
Local Government Code	<u>Section 507.103</u>	Spaceport development corporations	may exercise the power of eminent domain to acquire property.
Local Government Code	<u>Section 561.001</u>	Canals, drains, levees, and other improvements to provide for flood control and water outlets.	Acquire public or private real property, including easements and rights-of-way.
Local Government Code	<u>Section 562.016</u>	Water or sewer utility system to serve an unincorporated area of the county.	Acquire any interest in property necessary to operate a water of utility system.
Local Government Code	<u>Section 571.004</u>	Seawall, breakwater, levee, floodway, or drainway.	Acquire property that is necessary for the establishment, construction, and maintenance (county or municipality that borders the Gulf of Mexico).
Local Government Code	<u>Section 572.012 and 572.013</u>	Facility necessary or incidental to the collection, transportation, treatment, or disposal of sewage or to the conservation, storage, transportation, treatment, or distribution of water.	Acquire land, easements, and property for a facility (county, municipality, or district or authority); may not use eminent domain authority to acquire an interest in a facility that belongs to another public entity or a private entity.
Natural Resources Code	<u>Section 183.057</u>	Protected Land; Notice of Taking (Conservation Easements)	Texas Farm and Ranch lands conservation program.
Natural Resources Code	<u>Section 221.021a</u>	Wetland mitigation bank or buffer zone.	Acquire property inside or outside the eligible political subdivision (state agency or eligible political subdivision); power of eminent domain granted by this section does not enable a state agency or eligible political subdivision to acquire by condemnation an interest in land that is owned or used by a public utility.
Tax Code	<u>Section 311.008</u>	Special Property Tax Provisions: Tax Increment Financing Act.	Acquire blighted, deteriorated, undeveloped or inappropriately developed property for the preservation or restoration of historic sites, for beautification, or the provision of public works.
Transportation Code	<u>Section 22.011</u>	Airport or air navigation facility.	Acquire an interest in property, including an easement in an airport hazard or land outside the boundaries of an airport or airport site (county or municipality). With specified consent, may acquire an existing airport or air navigation facility.
Transportation Code	<u>Section 172.159</u>	Rural Rail Transportation Districts Powers and Duties.	Suit in eminent domain must be brought in the county in which land is located.
Transportation Code	<u>Section 173.160</u>	Intermunicipal Commuter Rail Districts Powers and Duties.	Suit in eminent domain must be brought in the county in which land is located.
Transportation Code	<u>Section 174.159</u>	Commuter Rail Districts Powers and Duties.	Suit in eminent domain must be brought in the county in which land is located.
Transportation Code	<u>Section 203.065</u>	Modernization of State Highways.	Acquire property necessary to lay out, construct, maintain, or operate a section of a state highway as a freeway.
Transportation Code	<u>Section 224.002</u>	Highway right-of-way.	Acquire highway right-of-way requested by department (county or municipality).
Transportation Code	<u>Section 224.003</u>	State highway.	Acquire real property, including a right-of-way, or material (commissioners court).
Transportation Code	<u>Section 251.006</u>	Obtaining Material for Public Road.	Acquire material necessary to construct, repair, or maintain public roads if the owner of the material rejects the price that the court determines to be a fair price (commissioners court).
Transportation Code	<u>Section 251.051</u>	Public roads.	Authority to order that public roads be laid out, opened, discontinued, closed, abandoned, vacated, or altered (commissioners court).
Transportation Code	<u>Section 251.101</u>	Road that forms or will form a connecting link in the county road system or in a state highway.	Acquire real property, a right-of-way, or an easement in public or private real property in a municipality.
Transportation Code	<u>Section 254.005</u>	Streambed diversion and drainage channels for county roads.	Acquire any new or wider right-of-way not wider than 100 feet (commissioners court).
Transportation Code	<u>Section 280.001</u>	Streets in an unincorporated community near railroad roadbeds.	Condemn railroad roadbed on the petition of at least 20 freeholders of an unincorporated community (commissioners court).
Transportation Code	<u>Section 281.002</u>	Private road.	Acquire a public interest.

Transportation Code	<u>Section 282.011</u>	Underpass, tunnel, or approach.	Condemn right-of-way or easement in real property (counties with population of 350,000 or more).
Transportation Code	<u>Section 283.003 and 283.101</u>	Causeway, bridge, or tunnel, including a necessary approach, fixture, accessory, or equipment.	Acquire a project, condemn property (county that borders on the Gulf of Mexico and has a population of at least 20,000).
Transportation Code	<u>Section 284.003, 284.061, 284.066 and 284.067</u>	Causeway, bridge, tunnel, turnpike, highway, ferry, or any combination of those facilities.	Acquire projects and property (county that has a population of 50,000 or more and borders the Gulf of Mexico or a bay or inlet opening into the gulf; has a population of two million or more; is adjacent to a county that has a population of two million or more; or borders the United Mexican States).
Transportation Code	<u>Section 364.022</u>	Property to own, hold, control, maintain, and operate the toll bridge and to make or provide for any repairs or improvements to the bridge.	Acquire property (county bordering the Rio Grande and that acquires a toll bridge under Section 364.001).
Transportation Code	<u>Section 457.106</u>	County Mass Transit Authority.	Exercise of eminent domain power is subject to the eminent domain power of the local government in which property is located.
Transportation Code	<u>Section 460.107</u>	County Mass Transit Authority.	Exercise of eminent domain power is subject to the eminent domain power of the local government in which property is located.
Utilities Code	<u>Section 163.013</u>	Joint Powers Agencies.	General rights, powers and duties of entities
Utilities Code	<u>Section 163.014</u>	Electric facility jointly owned by public and private entities.	Acquire land, easements, and property (agency or political subdivision of this state).
Vernon's Civil Statutes	<u>Title 116, Article 6812b, Sec. 13</u>	Lay out and construct any road or highway in or through the county or any part thereof. Constructing, building, opening, widening, straightening, draining, grading, improving, repairing or maintaining any public road or highway.	Condemn such land and condemn land for right-of-way (counties having a population of 198,000 to 400,000).
Water Code	<u>Section 11.033</u>	Water necessary for domestic, municipal, and manufacturing uses and for other purposes authorized by this code, including the irrigation of land for all requirements of agricultural employment.	Right to take and right to recover (all political subdivisions of the state).
Water Code	<u>Section 49.066</u>	General Law Districts - Administrative Provisions	Deposit requirement in eminent domain proceeding.
Water Code	<u>Section 49.222</u>	General Law Districts - Powers and Duties.	May acquire land necessary for water, sanitary sewer, storm drainage, or flood drainage for projects or purposes; exercise in manner provided in Chapter 21, Property Code; power may not be used for condemnation of land for purpose of acquiring rights to underground water or water rights.
Water Code	<u>Section 49.224</u>	General Law Districts - Powers and Duties.	Power to Condemn Cemeteries.
Water Code	<u>Section 57.269</u>	Levee Improvement Districts.	Condemn land necessary for right-of-way.