

RESOLUTION

A RESOLUTION APPROVING A TEMPORARY CONSTRUCTION LICENSE TO THE TEXAS DEPARTMENT OF TRANSPORTATION TO DETOUR SH 43 TRAFFIC WITHIN THE CITY LIMITS OF TATUM, TEXAS.

WHEREAS, The BNSF Railroad Underpass on state Highway 43 near Tatum is undersized in width and has a posted height restriction; and

WHEREAS, The Texas Transportation Commission has authorized the reconstruction of this underpass; and

WHEREAS, The traffic on SH 43 will be briefly halted to dismantle and erect bridge girders; and

WHEREAS, The current route of Spur 43 is located entirely west of the said underpass and does not provide a complete detour of said underpass; and

WHEREAS, The City of Tatum is custodian of public roads which can complete this detour; and

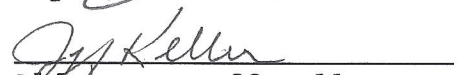
WHEREAS, It is in the interest of the Citizens of Tatum and the traveling public to periodically detour traffic along the city's public roads.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Tatum, Texas; that:


1. The attached Temporary Construction License is approved, and
2. The Mayor is authorized to executed the attached license document.


PASSED AND APPROVED THIS 12 DAY OF May, 2003.

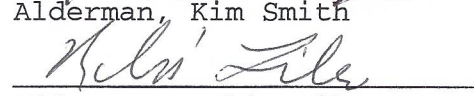

Mayor, Bob Harris


Alderman, Jeff Keller

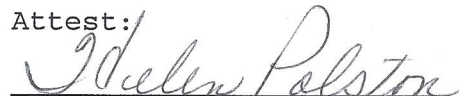

Alderman, Roger Gonzalez


Mayor Pro-tem, E.W. Nelson


Alderman, Kim Smith


Alderman, Robin Liles

Attest:


City Secretary, Helen Polston



Form ROW-N-TCL

Rev. 5/2000

(Electronic version GSD-EPC Word 97)

Page 1 of 2

TEMPORARY CONSTRUCTION LICENSE

KNOW ALL MEN BY THESE PRESENTS:

That the City of Tatum referred to as, "Grantor", in consideration of \$10.00 and other good and valuable consideration paid by the Texas Department of Transportation, does hereby grant to The State of Texas, its agents, contractors, successors and assigns, hereinafter referred to as "State", a temporary construction license for the purpose of reconstructing the SH 43 underpass of the BNSF Railroad near Tatum and more specifically for detouring traffic from SH 43 in, along, upon and across the property located in the Counties of Rusk and Panola, State of Texas, more fully described in Exhibit "A" attached hereto and made a part hereof for any and all purposes.

For the consideration above recited and the mutual covenants and conditions herein contained the parties further agree as follows:


1. The Grantor grants the State license to direct special permit and general public vehicular traffic through the licensed area, and
2. The Grantor grants the State license to construct and maintain roadway facilities, and all related embankments, pavements, structures, signs and appurtenances through the license area, and
3. The Grantor grants the State license to direct State personnel and equipment into and out of the licensed area for the purposes of surveying, assessing, designing, constructing and maintaining the above referenced roadway facilities.
4. The State shall improve and maintain the roadway within the licensed area to a condition sufficient to carry and convey the detoured vehicular traffic during the period of this temporary license.

Following completion of work within the temporary construction license area described in Exhibit "A", if State has removed or damaged improvements, herbage, or landscaping within said license area or otherwise on Grantor's property, State shall at its expense restore properties injured by State's activities to the substantially the same condition as existed previous to State's entry upon the particular property.

This temporary construction license shall be in full force and effect at all times during the accomplishment and completion of the construction activities described above. Said temporary construction license shall terminate and the license land area shall revert to the Grantor, their heirs, and assigns, and all interest conveyed herein shall cease on the 15 day of August, 2006, or on the date of completion of construction of the highway facility activities described above, whichever occurs first.

IN WITNESS WHEREOF, the parties hereto have executed this instrument this 12 day of

May, 2003.

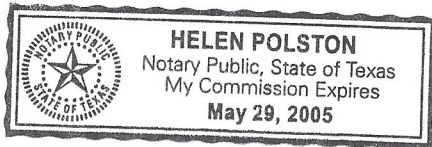

Mayor, City of Tatum

Acknowledgement

State of Texas
County of Travis

This instrument was acknowledged before me on May 12, 2003 by

Bobby Harris



Helen Polston
Notary Public's Signature

EXHIBIT "A"

TEXAS DEPARTMENT OF TRANSPORTATION
City of Tatum
Rusk/Panola Counties, Texas

DESCRIPTION FOR TEMPORARY CONSTRUCTION LICENSE

BEING An approximate centerline description of an existing public right-of-way, situated in the City of Tatum, Rusk and Panola Counties, Texas.

The centerline of said right-of-way being described as follows:

COMMENCING at a point of reference being an existing TxDOT control monument #4010017 located on the NE corner of SH 43 and Jefferson St. and being located North $71^{\circ}28'51''$ East, a distance of 626.76 feet, from another existing TxDOT control monument #4010016.

THENCE South $05^{\circ}42'06''$ West, for a distance of 782.87 feet, to the POINT OF BEGINNING, being the centerline intersection of Whitney and Jefferson Streets;

THENCE North $81^{\circ}17'51''$ East, along the centerline of an approximate 100' ROW also being Whitney St. for a distance of 164.47 feet, to the point;

THENCE North $87^{\circ}17'25''$ East, along the centerline of an approximate 100' ROW also being Whitney St. for a distance of 128.38 feet, to the point;

THENCE South $86^{\circ}05'11''$ East, along the centerline of an approximate 100' ROW also being Whitney St. for a distance of 102.76 feet, to the point;

THENCE South $89^{\circ}15'12''$ East, along the centerline of an approximate 100' ROW also being Whitney St. for a distance of 195.77 feet, to the point;

THENCE North $88^{\circ}27'08''$ East, along the centerline of an approximate 60' ROW also being Whitney St. for a distance of 353.21 feet, to the point;

THENCE North $87^{\circ}35'34''$ East, along the centerline of an approximate 60' ROW also being Whitney St. for a distance of 354.67 feet, to the point;

THENCE North $85^{\circ}43'45''$ East, along the centerline of an approximate 60' ROW also being Whitney St. for a distance of 461.10 feet, to the point, being the centerline intersection of Whitney St. and Martin Ln;

THENCE North $03^{\circ}39'56''$ West, along the centerline of an approximate 100' ROW also being Martin Ln. for a distance of 929.78 feet, to the point of termination being the centerline intersection of Martin Ln and SH 43.

All bearings, and distances are based on the Texas Coordinate System, North Central Zone, (NAD 1983).

EXHIBIT A

Temporary Construction License

PROJECT DATE: 03-26-2003

