

Authority for Condemnation - County/City Acquisition

MINUTE ORDER NO. 42204

July 15, 1957

WHEREAS, the programming of every project concerning the location or relocation of any road or highway as a part of the State Highway System is initiated by action of the State Highway Commission, which authorizes the State Highway Engineer to perform certain duties towards determining the exact location of any such project including survey work and the preparation of the field notes; and,

WHEREAS, such work has always been accomplished on a local level, through the State Highway Engineer under the responsible supervision of the appropriate District Engineer or Engineer-Manager, which is necessary for efficient operational procedure; and,

WHEREAS, the provisions of Article 6674n, Revised Civil Statutes of Texas, places certain duties and obligations on the State Highway Commission and the County Commissioners Court when the latter is requested to purchase or condemn right of way for such road or highway:

NOW, THEREFORE, BE IT ORDERED that the policy of the State Highway Department as to the furnishing under said Article 6674n to Counties of plats or field notes of right of way or land deemed necessary or convenient for any road or highway to be constructed, reconstructed, maintained, widened, straightened or lengthened as a part of the State Highway System shall be as follows:

1. The exact location of a project programmed by the State Highway Commission shall be determined by the engineering staff from information obtained on the ground, good engineering principles and appropriate design for the facility to be constructed thereon.
2. After making such determination, the appropriate District Engineer or Engineer-Manager shall cause the preparation of plats or field notes of the exact location of right of way or land to be purchased or condemned by the appropriate county and the original copy of such plats or field notes shall be certified by him as being the right of way or land needed for such programmed project and shall be retained in the files of his office as the official location of such project until such rights of way or land have been acquired and utilized. After delivery of a copy of such original certified plats or field notes to the county, the District Engineer or Engineer-Manager may, based on design or good engineering principles, revise such location and plats or field notes. Such revised plats or field notes shall be certified to and shall be marked as superseding the previously prepared plats or field notes, and shall be retained in the files accordingly. A copy thereof shall be furnished to such county for such revised rights of way or lands to be purchased or condemned, which shall replace those plats or field notes originally delivered.
3. Upon the delivery of a copy of such certified plats or field notes, same shall constitute and be deemed to be the official request of the exact location of such programmed project from the State Highway Commission to the appropriate county to purchase or condemn the rights of way or lands

described therein in accordance with provisions of Article 6674n, Revised Civil Statutes of Texas, but shall not be construed as an official request pertaining to participation in right of way costs under either the provisions of Minute Order No. 42113, dated May 23, 1957, or House Bill 620, Acts of 55th Legislature, 1957, or subsequent amendments.