

ORDER NO. _____

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

**AN ORDER OF THE COLLIN COUNTY COMMISSIONERS COURT DECLARING
OBSTRUCTIONS ALONG COUNTY ROAD 398 TO BE A THREAT TO PUBLIC
SAFETY AND ORDERING COUNTY PERSONNEL TO REMOVE SUCH
OBSTRUCTIONS**

WHEREAS, section 251.016 of the Texas Transportation Code grants the Commissioners Court authority to exercise general control over all roads, highways, and bridges in the County; and

WHEREAS, section 251.003 of the Texas Transportation Code authorizes the Commissioners Court to make and enforce all necessary rules and orders for the construction and maintenance of public roads; and

WHEREAS, section 251.008 of the Texas Transportation Code requires County Roads to be free from obstructions, including visual obstructions, for the safety of the traveling public; and

WHEREAS, it is further recognized by the Courts of this State that by granting the Commissioners Courts general control over the roads of a County, the Legislature has imposed a duty to make the roadways safe for public travel; and

WHEREAS, the Collin County Public Works Department has previously conducted a site inspection of an area of County Road 398 at the locations reflected in the maps and photos appended hereto as Exhibit "A" and has determined that trees and/or shrubbery located in the prescriptive right-of-way along County Road 398 as depicted in Exhibit "A" make the road unsafe for public travel and impede drainage from said roadway; and

WHEREAS, Collin County Public Works Department has received one or more oral and written complaints from the traveling public that the trees and/or shrubbery depicted in the maps and photos attached as Exhibit "A" impair visibility and create a safety hazard to motorists traveling on County Road 398; and

WHEREAS, having reviewed the evidence of such obstructions, including the maps and photos appended as Exhibit "A" as well as the written complaints from members of the public, the Commissioners Court concurs that such trees and/or shrubbery constitute obstructions and safety hazards to motorists traveling on County Road 398 and impede drainage from the road bed, therefore such trees and shrubs located in the rights-of-way prescriptively acquired by the County need to be immediately removed for the public health and safety;

NOW, THEREFORE, BE IT ORDERED BY THE COLLIN COUNTY COMMISSIONERS COURT AS FOLLOWS:

1. The foregoing recitals, having been found to be true and correct, are incorporated herein as findings of fact.
2. The Commissioners Court further finds that the trees and shrubs located in the County's prescriptive right-of-way along County Road 398, as depicted in the photos attached to this Order as Exhibit "A" create a public safety hazard and threat to motorists traveling upon said County Road and also impede drainage from the road bed, and therefore should be immediately removed as a matter of public safety.
3. The Collin County Commissioners Court hereby Orders the Collin County Public Works Department to remove the trees and/or shrubbery, and other obstructions located in the prescriptive right-of-way constituting County Road 398 as such are depicted in the maps and photos appended hereto as Exhibit "A".
4. The Collin County Commissioners Court further Orders the Collin County Public Works Department to provide a copy of this Order with attachments to all affected landowners who own land adjacent to the County's prescriptive right-of-way along County Road 398, together with the estimated date when work will commence to remove such obstructions.
5. The maps and photos appended hereto as Exhibit "A" to this Order as well as all written complaints received by County personnel in connection with these hazards shall be filed in the County minutes along with this Order.

BE IT SO ORDERED.

PASSED AND this ____ day of _____, 2013.

KEITH SELF
County Judge

MATT SHAHEEN
Commissioner, Precinct One

CHERYL WILLIAMS
Commissioner, Precinct Two

CHRIS HILL
Commissioner, Precinct Three

DUNCAN WEBB
Commissioner, Precinct Four

ATTEST:

BY: STACEY KEMP, County Clerk