

State of Texas

County of Polk

TROPICAL STORM HARVEY 2017: ORDER OF MANDATORY EVACUATION FROM

UNINCORPORATED AREAS OF POLK COUNTY, TEXAS IN THE LOW-LYING AREAS BELOW THE LAKE LIVINGSTON DAM ALONG THE TRINITY RIVER

TUESDAY, AUGUST 29, 2017 AT 10:40 A.M.

Whereas, on the 26th day of August, 2017, Hurricane Harvey made landfall along the Texas coast and weakened into a tropical storm that has continued to remain over the southeastern Texas coast and Polk County, and bring extremely heavy rainfall to Polk County causing flooded roadways and damage to bridges and culverts. Rising waters along the Trinity River is endangering the health and safety of persons and property below the Lake Livingston Dam and along the Trinity River within Polk County, Texas;

Whereas, many roadways within subdivisions below the Lake Livingston Dam and along the Trinity River in unincorporated areas of Polk County have become impassable and many structures have flooded or will soon flood due to heavy rains and flooding;

Whereas, there is concern that first responders will no longer be able to reach these residents due do to flooded roadways within these areas;

Whereas, a local state of disaster for Polk County has been declared; and

Whereas, the County Judge is authorized under the Constitution and Laws of the State of Texas to take such actions the County Judge considers necessary for the preservation of life or other disaster mitigation, response, and recovery.

that:

Now Therefore, it is hereby **ORDERED** by the County Judge of Polk County, Texas,

- 1.) The County Judge **FINDS** that a **MANDATORY EVACUATION** of persons from the unincorporated areas of Polk County, Texas, in areas below the Lake Livingston Dam and along the Trinity River is necessary for the preservation of life or other disaster mitigation, response, or recovery;
- 2.) A **MANADATORY EVACUATION** of persons from the unincorporated areas of Polk County, Texas, located in areas below the Lake Livingston Dam and along the Trinity River is hereby **ORDERED**;

issued herein **SHALL BEGIN IMMEDIATELY ON TUESDAY AUGUST 29, 2017 at 10:40 a.m.**


4.) The issuance of this **MANDATORY EVACUATION** shall **NOT** preclude the County Judge from taking further actions the County Judge considers necessary for the preservation of life or other disaster mitigation, response, or recovery and includes the following provisions;

Sec. 418.185. MANDATORY EVACUATION. (a) This section does not apply to a person who is authorized to be in an evacuated area, including a person who returns to the area under a phased reentry plan or credentialing Texas Emergency Management Statutes|51 process under Section 418.050. (b) A county judge or mayor of a municipality who orders the evacuation of an area stricken or threatened by a disaster by order may compel persons who remain in the evacuated area to leave and authorize the use of reasonable force to remove persons from the area. (c) The governor and a county judge or mayor of a municipality who orders the evacuation of an area stricken or threatened by a disaster by a concurrent order may compel persons who remain in the evacuated area to leave. (d) A person is civilly liable to a governmental entity, or a nonprofit agency cooperating with a governmental entity, that conducts a rescue on the person's behalf for the cost of the rescue effort if: (1) the person knowingly ignored a mandatory evacuation order under this section and: (A) engaged in an activity or course of action that a reasonable person would not have engaged in; or (B) failed to take a course of action a reasonable person would have taken; (2) the person's actions under Subdivision (1) placed the person or another person in danger; and (3) a governmental rescue effort was undertaken on the person's behalf. (e) An officer or employee of the state or a political subdivision who issues or is working to carry out a mandatory evacuation order under this section is immune from civil liability for any act or omission within the course and scope of the person's authority under the order.

5.) This **ORDER** shall be given prompt and general publicity and shall be filed promptly with the County Clerk of Polk County, Texas; and

6.) This **ORDER** shall take effect immediately from and after its issuance. It is hereby **ORDERED** on this, the 29th day of August, 2017.

ORDERED this the 29th Day of August 2017.



Sydney Murphy, County Judge
Polk County, Texas