

MINUTES OF A CALLED MEETING OF THE BOARD OF DIRECTORS OF
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE
HELD IN THE DISTRICT OFFICE, IN FORT WORTH, TEXAS, ON THE
11TH DAY OF SEPTEMBER, 1936, AT 4:30 P.M.

This meeting was held pursuant to a notice which had been served on each of the Directors at a time prior to noon on September 10, 1936. This notice was, as follows:

" Fort Worth, Texas, September 10, 1936.
" As Directors of Tarrant County Water Control and Improvement
"District Number One, you hereby are notified to be present at a
"called meeting of the Board of Directors to be held in the Dis-
"trict's office at 4:30 o'clock P.M. on September 11, 1936. The
"object of the meeting is to consider the actual awarding of the
"contract under the bid of Messrs. Cage Brothers and J.C. Ruby and
"to be based upon the written contract and performance bond executed
"by these parties and presented to this District for reciprocal
"execution and approval of the bond in the month of June 1936. In
"this connection you will recall that there was a suspension of the
"execution of the contract due to certain complications which arose
"in the efforts to procure the rights-of-way for Section "B" of the
"levee system. You now are advised that it is the opinion of your
"attorneys and engineers that the procural of the rights-of-way has
"reached such a point as would make it advisable for the District to
"execute the contract, approve the bond and to issue to the contrac-
"tors a work order, to the end that the work may proceed.
"
" (Signed) C. A. Hickman, as President of
" Tarrant County Water Control and
" Improvement District Number One"

In keeping with the above notice, at the time and place above stated, Directors were present and participating as follows:

C. A. Hickman	Joe B. Hogsett
E. E. Bewley	W. S. Cooke
W. K. Stripling	

Proceedings were had and done, as follows:

1.

The Directors reviewed certain minutes of the meetings which related to the contract for construction of Section "B" of the District's levee, particularly, as follows:

Minutes of a called meeting held on May 28, 1936, relating entirely to the opening and analysis of bids.

Minutes of the meeting of June 11, 1936, paragraph No. 8 and the Exhibit thereto.

2.

Attached to these minutes in folio and as Exhibit "A" hereto is one of the counterpart contracts actually executed by Messrs. Cage Brothers and J. C. Ruby, under approval by the Federal Emergency Administration of Public Works, together with a performance bond for the penal sum of \$38,935.58, wherein Cage Bros. and Ruby are principals and the National Surety Corporation (which is duly qualified to act as surety under the laws of the State of Texas) as surety. It is to be noted that both the contract and the bond have been executed by the contractors and their surety without dating either the contract or the bond. It is the expressed desire of Mr. Luther A. Turner, as attorney in fact for the contractors, that the contract be executed in behalf of the District, and the performance bond approved by the District upon the first day which it may be practicable. Affixed to Exhibit "A" is the power of attorney showing the authority of Mr. E. W. Wilhite to execute the bond as attorney in fact for the National Surety Corporation, and in addition thereto, written consent of the National Surety Corporation that the bond executed in May 1936 be now dated and approved as an obligation of the National Surety Corporation.

3.

There was full examination of the progress made in procuring right-of-way and consideration of the expectancy of procuring such right-of-way as remains to be purchased within such time as will not result to delay the contractors in the performance of the work and thereby subject the District to claims; whereupon, Director Cooke moved the adoption of a resolution, as follows:

"CERTAIN FINDINGS OF FACTS, CONCLUSIONS THEREFROM AND ORDER
BASED THEREON."

"Whereas, after the performance of all lawful precedent conditions, Tarrant County Water Control and Improvement District Number One, (hereinafter referred to as the District) on May 28, 1936, after analyzing the bids received by the District for the construction of Section "B" of the District's levee system in the city of Fort Worth, found that, the bid of Cage Bros. and Ruby for the sum of \$38,935.58, (a sum arrived at by extension of quantities of units and prices for each) was the lowest bidder for said work and constituted the bid most advantageous to the District, which finding was later approved and confirmed by the Federal Emergency Administration of Public Works; and:

"Whereas, on June 11, 1936, the Board of Directors of the District, under authorization of the Federal Agency aforesaid, finally declared said bid of Cage Bros. and J. C. Ruby to be the lowest and best bid and provided that they thereupon be notified to enter into contract under their proposal and to submit for approval their performance bond, as contemplated by their proposal of May 28, 1936; further provided that all other bids be rejected; and:

"Whereas, soon thereafter said Cage Bros. and Ruby (hereinafter referred to as the contractors) executed and delivered into the possession of the District in six counterparts their formally executed but undated contract for the construction of the works set forth in the specifications of the District, and as well did execute and deliver their undated performance bond, wherein the contractors were principals and the National Surety Corporation was surety; and:

"Whereas, said contract and said bond have heretofore received the approval of said Federal Agency but have been withheld from final consummation by the District by reason of its desire to procure right-of-way to such a degree

as would render it secure from claims which might be occasioned by delays caused to the contractors through the District's failure to have right-of-way privileges, as the same might be required; and:

"Whereas, the Board of Directors of this District now are of the opinion that the District has made such progress in its efforts to procure right-of-way as will make it prudent for the District to actually execute the contract, approve the bond of the contractors and to give a work order thereunder;

NOW THEREFORE BE IT RESOLVED AS THE ACT AND DEED OF THIS DISTRICT:

1.

"That the contractors be required to produce the written consent of the National Surety Corporation that the bond executed in June 1936 be dated as of the day upon which the construction contract may be executed by this District, which written consent shall become a part of the minutes of this meeting.

2.

"That said bond when so dated and accompanied by said written consent shall stand approved as a good and sufficient construction bond under the contract with which it was presented and that evidence of the approval thereof be endorsed on the bond by C. A. Hickman, in his capacity as President of the District.

3.

"That upon such presentation and acceptance of the construction bond, the appropriate officers of this District in the manner proper for them under the applicable law, and as soon as conveniently may be done, execute the contract heretofore executed and presented by said Cage Bros. and Ruby, dating the same upon that day whereon the execution of the contract by the District may be effected, under the authorization here given.

4.

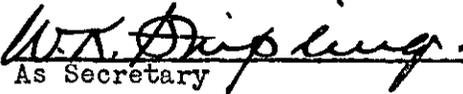
"That the contract and the bond so dated and executed be presented to the Federal Emergency Administration of Public Works for approval, before the same may be delivered and considered final as between the District and the contractors.

5.

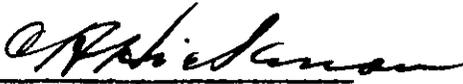
"That as soon as the contract has become complete and final the District's engineers be authorized actually to deliver to the contractors their work order to the end that said work may progress with all diligence; so be it ordered."

Upon the reading of said motion, Director Hogsett seconded the adoption of said resolution. Upon a vote being taken, Directors Bewley, Stripling, Hogsett and Cooke voted for the motion and President Hickman asked to be recorded as favoring the motion. The motion was carried, and it was so ordered.

No further business was presented and the meeting was adjourned.


As Secretary

APPROVED:


As President

E X H I B I T "A"

Exhibit "A" to the minutes of a meeting held on September 11, 1936, at 4:30 o'clock P.M. in the District's office in Fort Worth, Texas, is temporarily in the File of Cage Bros. and J. C. Ruby. (File No. 3, Drawer No. 2).