

MINUTES OF A 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 1ST DAY OF AUGUST, 1952, AT 11:00 A.M.

The call of the roll disclosed the presence or absence of
Directors, as follows:

PRESENT

Joe B. Hogsett
Houston Hill
Dan H. Priest
A.T. Seymour, Jr.

ABSENT

W. L. Pier

Also present were Sidney L. Samuels, General Counsel, C. L. McNair
General Manager, and Marvin C. Nichols of the firm of Freese and
Nichols, consulting engineers of the District.

The following visitors were also present at this meeting:

W. O. Jones, City Manager of Fort Worth

Rhinehart Rouer, City Attorney of Fort Worth

Uel S. Stephens, Director of Water Department,
City of Fort Worth.

C. M. Thelin, Director of Public Works.

Director Hogsett acted in his capacity as President, and Dir-
ector Priest acted in his capacity as Secretary, whereupon proceed-
ings were had and done, as follows:

1.

The attention of the Board was drawn to a communication from
Mr. John M. Fouts, General Manager of the Trinity Improvement
Association, which letter dated July 17, 1952, was addressed to Mr.
Joe B. Hogsett, Chairman of the Board of Directors of the District.
This letter, in substance, stated that it may be possible in 1953

to secure from the Congress the remainder of the appropriation required to complete the present levee and floodway program at Fort Worth. The writer of the letter cautioned that if this were not done, the work could be expected to languish for a year or two longer than apparently would be necessary. The writer of the letter further stated that it had been twenty years since the construction of Eagle Mountain and Bridgeport Lakes was begun to supplement the levees built twenty years prior thereto, and that the construction of the two lakes above mentioned indicated the determination of Fort Worth to secure as far as it could be done maximum practical flood protection. The writer further stated that unnecessary delay in completing the work now under way might find the people of this locality confronted with a repetition of the 1949 flood catastrophe. Proceeding further, the writer of the letter urged that local interests could insure earliest practical completion of the final program for flood improvement by now insisting that the Army Engineers "obligate as soon as possible the \$700,000.00 recently appropriated." To that end, the writer suggested that Col. H. R. Hallock, the Army District Engineer, be addressed immediately and informed that local interests already have funds in hand to complete the job. Continuing, the writer stated that the letter to Col. Hallock could well include statements of -

1. Local expenditures to date;
2. Status of construction and of planning; and
3. A schedule of local participation permitting completion of federal construction in 1954.

Concluding his communication to the Board, the writer then proceeded to say that the Trinity Improvement Association would

shortly call at the proper offices in Washington concerning the Annual Budget to be submitted to the next Congress, and that it would be most helpful in these direct contacts to be able to point to local actions as suggested in the writer's letter.

He further stated, that "Our Washington efforts will include also an endeavor to secure early completion of flood control investigations in the vicinity of Fort Worth and elsewhere in Tarrant County and the speeding up of the Soil Conservation Service Program of "run-off and water-flow retardation and soil-erosion prevention" and the entire watersheds of the West and Clear Forks of the Trinity River."

On motion of Director Seymour, seconded by Director Priest, the communication from Mr. Fouts was referred to Mr. Marvin C. Nichols for consideration and reply, all the Directors present voting "aye" thereon.

2.

Mr. Rhinehart Rouer, City Attorney of Fort Worth, then spoke to the Board concerning the relocation of water lines, and stated that the City Council of the City of Fort Worth had adopted the recommendations of Mr. Nichols, subject to the approval of the Board of Directors of this District. The water lines to which Mr. Rouer referred, were those concerning Brookside and Crestwood at the river crossings.

Mr. Rouer was informed by the President that these matters would receive consideration at the hands of the Board at the proper moment of time.

3.

Following the discussion which had been initiated by Mr. Rouer, Mr. W. O. Jones, City Manager of Fort Worth, spoke to the Board concerning the matter of the West Seventh Street Bridge as it now stood, and whether it would better subserve the interests of the City by providing a bridge on say West Fifth Street, than to endeavor to prolong the West Seventh Street Bridge, or to undertake to widen the space thereof. Mr. Jones further gave it as his opinion that the City was not in position to construct a six-lane bridge in lieu of the West 7th Street Bridge--that to do this, would involve a very heavy expenditure of City funds, and in his judgment the money required for such extension could be better used in constructing an additional bridge at West 5th Street, which would lighten the volume of traffic that now seeks outlet over and upon the bridge at West 7th Street.

Mr. Jones spoke at some length on the subject and stated that after all, this was a subject upon which the City Government and Council would have to act, and that he would not himself be able to say authoritatively just what the City would do in the premises.

4.

Following the observations of Mr. Jones, growing out of the bottleneck at West 7th Street Bridge, Mr. Rouer took up the subject of the Nutt Dam, about which discussion had theretofore been had between Mr. Jones on the one hand and Mr. Nichols on the other.

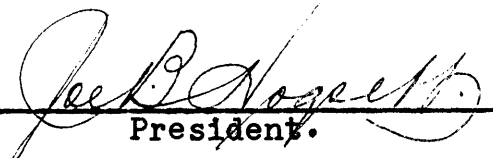
Mr. Samuels, the Counsel of the District, inquired as to the ownership of the Nutt Dam and whether it was not true that the structure was owned by the City and not by the successors of Mr. Nutt, and that by "successors" was meant Texas Electric Service Company. Mr. Rouer stated that while it was true that the ordinance and contract under

which the Nutt Dam was constructed in 1910 did not expressly vest ownership or title in Mr. Nutt or his successors, but in the judgment of Mr. Rouer the Texas Electric Service Company would nevertheless assert ownership, and the District would be called upon to adjust the controversy with that company. Whereupon, Mr. Samuels inquired of Mr. Rouer if it were not true that Nutt had advanced the money to the City for the construction of the dam in return for which the City had undertaken to grant to Nutt and his successors the use of waters impounded from the Trinity River and that, inasmuch as Nutt and his successors had no vested right in the water of the Trinity River at that particular point, the fact that Nutt and his successors would be shifted to another locality on the banks of the Trinity River would not operate to put the ownership of the Nutt Dam structure in the Texas Electric Service Company. Mr. Rouer's reply was to the effect that nevertheless, the District would hear from the Texas Electric Service Company with a claim against the District for compensation in dismantling the present Nutt Dam structure. Mr. Samuels rejoined that it would be a most paradoxical situation for a company, not the owner of the structure, to enter a claim for damages.

No progress was made in the discussion of the matter, so far as the right to compensation was concerned, and following the discussion Mr. Jones, Mr. Rouer and Mr. Thelin withdrew from the meeting.

5.

There being no further business before the Board, the meeting thereupon adjourned.



President.



Secretary.