

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 2ND DAY OF JUNE, 1953, AT 1:30 P.M.

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

PRESENT

ABSENT

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

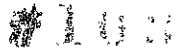
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Also present were Messrs. Sidney L. Samuels, General Counsel,
Marvin C. Nichols of the Firm of Freese and Nichols, consulting
engineers of the District, and C. L. McNair, General Manager of the
District.

Director Hogsett acted in his capacity as President, and
Director Priest acted in his capacity as Secretary, whereupon pro-
ceedings were had and done, as follows:

1.

Mr. McNair presented to the Board the proposal of Mr. Cecil
Lancaster for renewal of his land lease for the year 1953, on approx-
imately 24.00 acres of land owned by the District, for a total con-
sideration of \$100.00 annually. The land to be used for a minnow
hatchery only. The proposal having been recommended by Mr. McNair,
it was the sense of the Board that said proposal be approved and
closed in the usual manner, subject to the payment of the agreed
rental and execution of written contract in the form required by
the District. It was so ordered.



2.

Following the above proceedings, Mr. McNair presented the written request of Mr. J. M. Hamil, a lessee of the District, for the transfer and assignment of his interest in a certain land lease for the year 1953, to J. B. Shepelwich, 2105 N. Houston Street, Fort Worth, Texas. Upon recommendation of Mr. McNair, Director Priest moved, seconded by Director Hill, that the transfer and assignment of the land lease be approved, subject to Mr. Shepelwich giving the District his written acceptance of the lease. It was so ordered.

3.

At the outset of the meeting, some inquiry was made respecting six lots of land claimed to be owned by A. A. Tampke, which were needed for floodway purposes. The lots are described as follows:

Lots Nos. 6,7,8,9,10 and 11, in Block No. 23,
Evans-Pearson-Westwood Addition to the City of
Fort Worth, Tarrant County, Texas.

Mr. Sidney L. Samuels, attorney for the District, explained to the Board that these lots had been acquired by Mr. Tampke through the foreclosure of a tax lien by the City of Fort Worth and the purchase of same at Sheriff's Sale by Mr. Tampke.

It appeared that certain other lots and part of the same area had been heretofore purchased by the District, and that title policies had been issued through the Elliott and Waldron Abstract Company of Fort Worth; but that the Elliott and Waldron Abstract Company, through Mr. Kiser, had informed Mr. Sidney L. Samuels that the reason a title policy was refused in respect to the lots which Mr. Tampke is now endeavoring to sell to the District was because

these lots were being used and occupied under some character of claim by other people, and that while such possession was maintained, Elliott and Waldron Abstract Company were not prepared to issue title policy. At this stage of the explanation, Mr. Hickey, Land Agent of the District, interposed to say that Elliott and Waldron Company, in his opinion, were in error in stating that other persons were occupying this property, but that he would undertake to interview them. Mr. Hickey further stated that Mr. Tampke had demanded \$2,500.00 as a consideration for the entire six lots in question. It was, therefore, moved by Director Seymour, seconded by Director Hill, that Mr. Hickey once again endeavor to get a title policy to the lots above mentioned, and also, in the event such title policy is procured, to take a General Warranty Deed from Tampke in the conveyance of the lots from Tampke, and when all these steps in the transaction had been completed to pay Tampke \$2,500.00, the price that he was demanding.

The motion further included, that Mr. Hickey should make report concerning the status of this transaction at the next meeting of the Board of Directors. The motion having been submitted, the same was unanimously passed and adopted, all the Directors present voting "aye" thereon.

4.

Mr. Marvin C. Nichols, Engineer of the District, who was present at the meeting, exhibited to the Board a letter dated May 25, 1953, addressed to the Board of Directors, Tarrant County Water Control and Improvement District Number One, in which he stated that the City of Fort Worth desired to make a sanitary fill in the old

channel of the River and in the part of the channel of Ham's Creek which would be abandoned. Mr. Nichols further stated in the letter that he enclosed a copy of the letter dated March 27, 1953, addressed to himself as District Engineer, from Mr. C. M. Thelin, Public Works Director, City of Fort Worth, concerning the proposal to cut a new channel immediately West of the Trinity River channel and south of the old east and west levee south of Rock Island Railroad to Dallas. In the copy of the letter attached to Mr. Nichols' communication to the Board, which original letter had been written by Mr. Thelin and addressed to Mr. Nichols, it was stated by Mr. Thelin that the Waste Disposal Division of the Public Works Department of the City of Fort Worth was very much in need of additional areas for disposal of garbage by the sanitary fill method, and that the City had investigated the area along Ham Branch, or Ham Creek, between I. M. Terrell High School and the new river channel and south of the old Levee and are of the opinion that it would be suitable for a sanitary fill. Mr. Thelin concluded his communication by saying he would appreciate investigation of the matter and if it meets with the approval of Mr. Nichols, that he, Mr. Thelin, in his capacity as Public Works Director of the City of Fort Worth, would appreciate the approval of the Board of Directors of this District.

Mr. Nichols then exhibited copy of letter dated June 2, 1953, which letter he had addressed to Mr. Thelin, Public Works Director of the City of Fort Worth, in which he stated that he would recommend that such work be performed by the City without cost to the District, in which event the City would hold the District harmless from any claims which might arise out of the construction of the new creek channel or

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from the building of the sanitary fill, and that the City agree to such condition by appropriate action of the City Council.

On motion of Director Seymour, seconded by Director Hill, the action of Mr. Thelin in respect to the foregoing matter was approved, upon the conditions set out in the letter of June 2, 1953, addressed to Mr. Thelin, by Mr. Nichols.

On motion of Director Seymour, seconded by Director Hill, the foregoing matters were approved upon the fulfillment of the foregoing conditions approved by Mr. Nichols, all the Directors present voted "aye" thereon.

5.

There was delivered to the Board for deposit in the District's Depository Bank a voucher-check issued by the City of Fort Worth, Tarrant County, Texas, No. 10552, dated May 28, 1953, payable to the order of Tarrant County Water Control and Improvement District Number One, in the amount of \$7,200.00, for the sale to the City of Fort Worth of Lots 33 and 34, Sylvania Addition, Second Filing, and Block "H", Chambers Addition, which tracts were situated southwesterly of the tract to be acquired from J. M. Ellis for channel changes in the West Fork of the Trinity River, both tracts being situated in the corporate limits of the City of Fort Worth. The deed of conveyance embracing the property in question to the City of Fort Worth by the District, was authorized to be executed by the District at a meeting held October 5, 1951.

It was ordered that the voucher-check be received and deposited in the Continental National Bank, the Depository of the District, and

that the same be deposited to the District's "Special Fund" account.

6.

Mr. Ben F. Hickey sought authority from the Board of Directors to institute condemnation proceedings with respect to properties to be acquired for floodway purposes of which the following persons are the owners:

FROM S. SPARTOS:

A portion of the R. Crowley survey situated about one mile Northwest from the Court House in Tarrant County and being all of the tract conveyed to S. Spartos by a deed of record in Vol. 1143, page 469 of the deed Records of said Tarrant County and estimated to contain four (4) acres.

Also a portion of block 1 of Bailey Gardens, an addition in the City of Fort Worth in the R. Crowley and J. Baugh surveys in Tarrant County, Texas as said block appears on the map of record in Vol. 939, page 569, of the deed records of said Tarrant County and embracing a portion of the tract conveyed to S. Spartos by a deed of record in Vol. 958, page 280 of said Deed Records.

Beginning at the most easterly northeast corner of said block 1, in the north line of said R. Crowley Survey.

Thence South, along the most easterly east line of said block, 410 feet to the southeast corner of said block in the middle of the West Fork of the Trinity River.

Thence Southwesterly, along the south line of said block, up said river with its meanders, 425 feet to the southeast corner of the tract conveyed to Tarrant County by a deed of record in Vol. 1135, page 162 of said Deed Records.

Thence North 47 degrees 03 minutes West, along said line, 409-8/10 feet to a point from which a two-inch pipe in the right-of-way of the Jacksboro Highway bears South 75 degrees 29 minutes West 119-9/10 feet.

Thence North 75 degrees 29 minutes East 659-2/10 feet to a point in the most southerly north line of said block 1 and the north line of said R. Crowley survey, from which a stake bears north 75 degrees 29 minutes east 6-6/10 feet.

Thence East 85-4/10 feet to the place of beginning and estimated to contain five (5) and .62/100 acres, making a total of nine (9) acres in the two tracts.

FROM P. BOYAJIS:

A portion of block 2 of Bailey Gardens, an addition in the City of Fort Worth in the R. Crowley and J. Baugh surveys in Tarrant County, Texas, as said block appears on the map of record in Vol. 939, page 569 of the Deed Records of said

Tarrant County and embracing a portion of the tract conveyed to P. Boyajis by a deed of record in Vol. 934, page 85 of said Deed Records.

Beginning at the southwest corner of said block 2, in the middle of the West Fork of the Trinity River.

Thence North 12 degrees 17 minutes East, along the westerly line of said block, 305-7/10 feet to a point from which a two-inch pipe bears south 81 degrees 51 minutes west 148-5/10 feet.

Thence North 81 degrees 51 minutes East 368-8/10 feet to a point in the easterly line of said block.

Thence South, along said easterly line, 251-3/10 feet to the southeast corner of said block in the middle of said river.

Thence Southwesterly, along the south line of said block, up said river with its meanders, to the place of beginning and estimated to contain two and forty-five one-hundredths (2-45/100) acres.

FROM J. G. GELASTOS:

A portion of block 3 of Bailey Gardens, an Addition in the City of Fort Worth in the R. Crowley and J. Baugh Surveys in Tarrant County, Texas as said block appears on the map of record in Vol. 939, page 569 of the deed records of said Tarrant County and embracing a portion of the tract conveyed to J. G. Gelastos by a deed of record in Vol. 943, page 498 of said Deed Records.

Beginning at the southwest corner of said Block 3 in the middle of the West Fork of the Trinity River.

Thence North 18 degrees 49 minutes East, along the westerly line of said block, 335-2/10 feet.

Thence North 77 degrees 14 minutes East 180-8/10 feet to a two-inch pipe.

Thence North 81 degrees 51 minutes East 148-5/10 feet to a point in the easterly line of said block 3.

Thence South 12 degrees 17 minutes West, along said easterly line, 305-7/10 feet to the southeast corner of said block in the middle of said river.

Thence Southwesterly, along the south line of said block, up said river with its meanders, 375 feet to the place of beginning and estimated to contain two and thirty-two one-hundredths (2-32/100) acres.

FROM JIM KILDOS:

A portion of block 4 of Bailey Gardens, an Addition in the City of Fort Worth in the R. Crowley and J. Baugh surveys in Tarrant County, Texas, as said block appears on the map of record in Vol. 939, page 569 of the Deed Records of said Tarrant County and embracing a portion of the tract conveyed to Jim Kildos by a deed of record in Vol. 934, page 86 of said Deed Records.

Beginning at the southwest corner of said block 4 in the middle of the West Fork of the Trinity River.

Thence North 26 degrees 05 minutes East, along the westerly line of said block, 376-9/10 feet to an iron.

Thence North 77 degrees 14 minutes East 404-1/10 feet to a point in the easterly line of said block from which an iron bears north 77 degrees 14 minutes east 180-8/10 feet.

Thence South 18 degrees 49 minutes West, along said easterly line, 335-2/10 feet to the southeast corner of said block in the middle of said river.

Thence Southwesterly, up said river with its meanders, along the south line of said block, 465 feet to the place of beginning and estimated to contain two and eighty-seven one-hundredths (2-87/100) acres.

FROM G. K. FENICHIS:

A portion of block 5 of Bailey Gardens, an Addition in the City of Fort Worth in the R. Crowley and J. Baugh Surveys in Tarrant County, Texas, as said block appears on the map of record in Vol. 939, page 569 of the deed records of said Tarrant County and embracing a portion of the tract conveyed to G. K. Fenichis by a deed of record in Vol. 955, page 555, of said Deed Records.

Beginning at the southwest corner of said block 5, in the middle of the West Fork of the Trinity River.

Thence North 38 degrees 37 minutes East, along the westerly line of said block, 381-2/10 feet to an iron.

Thence North 87 degrees 22 minutes East 75-3/10 feet to a two inch pipe.

Thence North 77 degrees 14 minutes East 611-3/10 feet to an iron in the easterly line of said block 4.

Thence South 26 degrees 05 minutes East, along said easterly line, 376-9/10 feet to the southeast corner of said block in the middle of said river.

Thence Southwesterly, along the south line of said block, up said river with its meanders, 750 feet to the place of beginning and estimated to contain four and fifty-two one-hundredths (4-52/100) acres.

FROM NICK MOLAS:

A portion of block 6 of Bailey Gardens, an Addition in the City of Fort Worth in the R. Crowley and J. Baugh Surveys in Tarrant County, Texas, as said block appears on the map of record in Vol. 939, page 569 of the Deed Records of said Tarrant County and embracing a portion of the tract conveyed to Nick Molas by a deed of record in Vol. 1240, page 266 of said Deed Records.

Beginning at the southwest corner of said Molas tract in the south line of said block 6 in the middle of the West Fork of the Trinity River.

Thence North 21 degrees 22 minutes East, along the westerly line of said Molas tract, 319-2/10 feet.

Thence North 87 degrees 22 minutes East 222-3/10 feet to an iron in the easterly line of said Molas tract and the easterly line of said block 6.

Thence South 38 degrees 37 minutes West, along said line, 381-2/10 feet to the southeast corner of said block in the middle of said river.

Thence Southwesterly, along the south line of said block, up said river with its meanders, 101 feet to the place of beginning and estimated to contain one and six one-hundredths (1-06/100) acres.

FROM GEORGE PAYAVLAS:

A portion of block 6 of Bailey Gardens, an Addition in the City of Fort Worth in the R. Crowley and J. Baugh surveys in Tarrant County, Texas as said block appears on the map of record in Vol. 939, page 569 of the Deed Records of said Tarrant County, and embracing a portion of the tract conveyed to George Payavlas by a deed of record in Vol. 1237, page 432 of said Deed Records.

Beginning at the southeast corner of said Payavlas tract in the middle of the West Fork of the Trinity River, in the south line of said block 6, a distance of 101 feet from its southeast corner.

Thence North 21 degrees 22 minutes East, along the easterly line of said Payavlas tract, 319-2/10 feet to a point from which an iron, in the easterly line of said block 6, bears north 87 degrees 22 minutes East 222-3/10 feet.

Thence South 87 degrees 22 minutes West 213-9/10 feet to a point in the easterly line of the right-of-way conveyed to Tarrant County by a deed of record in Vol. 1127, page 290 of said Deed Records.

Thence Southerly, along said right-of-way line: South 7 degrees 51 minutes East 45-5/10 feet, and South 5 degrees 02 minutes East 100 feet, and South 4 degrees 05 minutes East 150 feet to the southeast corner of said Tarrant County tract in the middle of said river in the south line of said Block 6.

Thence Northeasterly, along the south line of said block,

down said river with its meanders, 71 feet to the place of beginning and containing ninety-five one hundredths (0.95/100) of an acre.

FROM ARTA EARLES WOFFORD, INDIVIDUALLY AS AS EXECUTRIX
OF THE ESTATE OF VIRGIL B. WOFFORD, SR.

A portion of the R. Crowley Survey situated about 3/4 of a mile N. 60 west from the Court House in Tarrant County, Texas and embracing a portion of the tract conveyed to Virgil B. Wofford by a Deed of Record in Vol. 989, page 29 of the Deed Records of said Tarrant County.

Beginning at an iron in the southeast right-of-way of the St. Louis-San Francisco and Texas Ry. Co. in the toe of slope on the south side of the levee, being a reentrant corner of said Wofford tract and the most easterly northeast corner of a tract conveyed to John Roberts Morrow by a deed of record in Vol. 2240, page 340 of said Deed Records.

Thence South 3 degrees 36 minutes East, along the southeast line of said Morrow tract 195 feet to a "Y" cut in the concrete base of a corner post in a chain-link fence.

Thence South 51 degrees 41 minutes East 384-1/10 feet to a point in the most easterly east line of said Wofford tract.

Thence North 0 degrees 29 minutes East, along said line 188-5/10 feet to the most southerly northeast corner of said Wofford tract.

Thence North 52 degrees 16 minutes West, along a northeast line of said Wofford tract, 295 feet to a reentrant corner of said tract.

Thence North 22 degrees 44 minutes East, along the most northerly northeast line of said tract, 470 feet to the most northerly northeast corner of said tract in the middle of the West Fork of the Trinity River.

Thence Northwesterly, up said river with its meanders, to the most northerly northwest corner of said Wofford tract in the southeast right-of-way of said Railway Company.

Thence South 22 degrees 44 minutes West, along said right-of-way, 470 feet to the place of beginning and estimated to contain two and forty-one one-hundredths (2.41/100) acres.

FROM THOMAS O. EVANS AND ARRILLA EVANS:

A portion of the R. Crowley Survey in Tarrant County, Texas, aggregating 22.35 acres of land required for Levee improvement and channel change of West Fork of Trinity River in Fort Worth, Texas.

Location of tracts compiled May 19, 1953, by Brookes Baker, Surveyor, from records and related to tracts designated in Tarrant County District Court Cause No. 19641-A Judgment of record in Book 47, page 86 of the minutes of said Court.

Location of center line of river taken from map prepared by others, for river improvement.

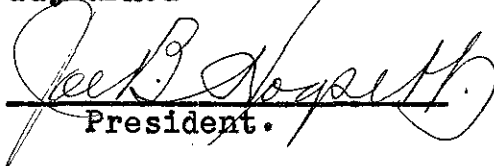
Areas were determined by planimeter, said acreage as shown on Blue Print compiled May 19, 1953, by Brookes Baker, Surveyors, to which reference is hereby made, is as follows:


Out of tracts No. 3 and No. 5 of said R. Crowley Survey	6.50 ac.
Out of tract No. 4 of said R. Crowley Survey	.75 "
Out of tract No. 6 of said R. Crowley Survey	3.20 "
Out of tract No. 7 of said R. Crowley Survey	<u>11.90 "</u>
Total	22.35 Ac.

On motion of Director Hill, seconded by Director Priest, authority for the institution of condemnation proceedings in the County Court of Tarrant County, Texas, as against the foregoing persons and the properties of which they are the owners, as described above, be begun as soon as possible.

It appeared from the statement of Mr. Hickey, that efforts to arrive at a mutual understanding between the District and the respective owners concerning a fair price for such property had failed, and therefore, proceedings to condemn were now in order.

7.
There being no further business before the Board, the meeting adjourned.


President.


Secretary.

TO BE ATTACHED
TO MINUTES OF 6/2/53.
1953 - AT 1:30 PM

June 2, 1953

Mr. C. M. Thelin
Public Works Director
City Hall
Fort Worth, Texas

Dear Mr. Thelin:

Reference is made to your letter of March 27, 1953 relative to your desire to cut a new channel for Ham's Branch on the west side of Trinity River just below the old east-west levee south of the Rock Island to Dallas, and to make a sanitary fill in the old creek and river channel.

The Board of Directors of Tarrant County Water Control and Improvement District No. 1 at their meeting today approved this request with the following conditions:

1. That you ascertain from Mr. Ben Hickey, Land Agent for the Board, a description of the land owned by the District which will be affected. It is believed only a small part of the area involved is owned by the District. The District's approval extends only to the land owned in fee by it.
2. That the new creek channel be graded down to the bottom of the River Channel on a uniform slope so as to prevent erosion in the new creek channel. The side slopes of the new creek channel to be not steeper than 2:1, sodded or seeded to bermuda grass from the old sluice gate structure to the river.
3. That the work be performed by the City without cost to the District.
4. That the City hold the District harmless from claims which might arise out of the construction of the new creek channel or from the building of the sanitary fill.
5. That the City agree to these conditions by appropriate action of City Council."

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Mr. C. M. Thelin


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6/2/53

It is requested that a copy of the minutes of the City Council approving the above conditions be furnished to Tarrant County Water Control and Improvement District No. 1, 502 Danciger Building, Fort Worth, Texas for the records of the District.

Yours very truly,

FREEMAN AND NICHOLS

By 
Marvin C. Nichols
District Engineer
Tarrant County Water Control
and Improvement District No. 1

MGN:lk

cc: Mr. Joe B. Hogsett
cc: Tarrant County Water Control
and Improvement District No. 1 ✓
cc: Mr. Ben Hickey
cc: Mr. Sidney L. Samuels