

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 4TH DAY OF AUGUST, 1953, AT 1:30 P.M.

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

PRESENT

Houston Hill
Dan H. Priest
W. L. Pier

ABSENT

Joe B. Hogsett (Out of City)
A. T. Seymour, Jr. (Out of City)

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

Director Hill acted as President in the absence of Director
Hogsett, and Director Priest acted in his capacity as Secretary,
whereupon proceedings were had and done, as follows:

1.

The Directors had previously received copies of the Minutes
of July 28, 1953, at 1:30 P.M., and having found no objections thereto,
it was ordered that they be approved, signed and placed on record.

2.

Mr. Ben F. Hickey, Land Agent for the District, submitted
to the Board of Directors two certain contracts for the acquisition
of floodway lands as follows, to-wit:

1. Contract of sale and purchase of property dated
July 24, 1953, executed Harry C. Trentman, as
seller, and for the District by Director Houston
Hill. The consideration to be paid by the Dis-
trict was \$500.00. The property covered by this
contract is described as Lots Nos. 13 and 14,
in Block No. 16, Evans-Pearson-Westwood Addition
to the City of Fort Worth, Tarrant County, Texas.
The transaction to be conducted through Rattikin
Title Company, Fort Worth, Texas.

2. contract of sale and purchase of property dated July 28, 1953, executed by H. L. Smith and wife, Ruby P. Smith, as sellers, and for the District by Director Houston Hill. The consideration to be paid by the District was \$4,400.00. The property covered by this contract is described as Lot No. 15, in Block No. 16, Evans-Pearson-Westwood Addition to the City of Fort Worth, Tarrant County, Texas, and all improvements located thereon. The transaction to be conducted through Rattikin Title Company, Fort Worth, Texas.

On motion of Director Priest, seconded by Director Pier, said contracts were ratified with instructions that upon completion of the same by deeds of conveyance duly executed and acknowledged by the vendors and title policy issued in each such case, that voucher-check be drawn to cover each transaction and be delivered to the respective sellers when trade concerning each piece of property is completed. All the Directors present voted "aye" thereon.

3.

The monthly report of C. L. McNair, General Manager, dated August 3, 1953, for the months of May, June and July, 1953, was received, presented and ordered filed as Exhibit "A" to these minutes.

4.

Following the above proceedings, Mr. McNair presented the written request of Mrs. Bettye Jo Layton, a lessee of the District, for the transfer and assignment of her interest in a certain land lease for the year 1953, to Mr. C. E. Bryan, 1453 E. Allen, Fort Worth, Texas. Upon recommendation of Mr. McNair, Director Priest moved, seconded by Director Pier, that the transfer and assignment of the land lease be approved, subject to Mr. Bryan's giving the

District his written acceptance of the lease. It was so ordered.

5.

Mr. McNair presented and recommended for approval to the Board, a lease proposal of Mr. Cecil Lancaster, Azle, Texas, on approximately 24.00 acres of land out of the District's E. Smith Tract No. 331, for the period January 1, 1953 to December 31, 1953. The cash consideration for the lease to be \$100.00.

Upon consideration of said lease proposal, Director Pier moved, seconded by Director Priest, that the 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.

6.

There was read before the Board a communication from Mrs. Audrey Strandtman, Secretary Board of Water Engineers, State of Texas. This communication written on the letterhead of the Board of Water Engineers, 302 W. 15th Street, Austin, Texas, is dated July 29, 1953, and is addressed to Mr. Houston Hill, Vice President of the District. The letter relates to application #1812 that has heretofore been presented to the Board of Engineers to amend the permit of Eagle Mountain Lake so as to expand its authority with respect to water to be drawn from Eagle Mountain Lake. The communication stated that enclosed therewith was notice of hearing on the application of Tarrant County Water Control and Improvement District Number One, for permit to amend Permit No. 1074, by which the Permit to Eagle Mountain Lake is known and numbered.

There was also enclosed copy of minute order of said Board

of Water Engineers, dated July 28, 1953, setting said application for hearing on September 14, 1953, and also enclosed was a receipt No. 925, in the amount of \$46.31, covering the fees on this application.

The communication further set out that the law requires that this notice of hearing be published once a week for four consecutive weeks, preceding the date set down for the hearing, in some newspaper of general circulation in the locality of the proposed appropriation, and at the expense of the District.

The letter concluded with the request that the Board see to it that this publication is begun at once in order that it may be completed before the date set down for the hearing (September 14, 1953); and further requested that, when the publication has been completed, the publisher attach to the original notice his certificate of publication, sworn to, stating the dates on which the publication was made, and also attach a copy of the published notice, and file same with the Board of Water Engineers on or before the date set down for the hearing.

The original communication is attached hereto in folio.

It was, thereupon, stated by Mr. Cheatham, Office Manager of the District, that advertisement had already begun in conformity with the requirements of the law. Following this, the Board unanimously ratified Mr. Cheatham's action for having attended to the matter of the publication of the notice for the hearing, all the Directors present voted "aye" thereon.

7.

There was presented to the Board and read to the meeting a communication from Mr. Jack Wessler, connected with the law firm of Cantey, Hanger, Johnson, Scarborough & Gooch, dated July 30, 1953,

addressed to the District, which letter, in substance, stated that the law firm above mentioned represented Trailer Homes Sales Company, whose place of business is located at 2136-38 West 7th Street, Fort Worth, Texas, in the neighborhood of the West 7th Street Bridge. This letter stated that, if the contemplated improvements are carried out, the effect of the improvements would be a taking of the property of the Trailer Homes Sales Company, and that it further would be a breach of the obligation of the District as Lessor to carry out such improvements, which, as contended by the author of the letter, was taking of the property of Trailer Homes Sales Company. The letter further stated that it was estimated that the damages to be suffered would be far in excess of the modest sum of \$50,000.00.

The letter concluded with the comment that if the Board desires to discuss this matter with the law firm, such law firm would be "happy" to meet with the Board at any time.

It appears that the property occupied by Trailer Homes Sales Company is a part of the property purchased by the District from the J. J. Langever Estate, and that in purchasing the property, the District succeeded the Langever Estate as the Lessors, because it took over the lease in purchasing the property.

After the reading of the letter had been concluded, it was unanimously ordered by the Board that a response should be written on behalf of the Board stating that the matter will be taken up for consideration. All the Directors presented voted "aye" thereon.

8.

It would appear that in the purchase of the Langever property by the District, which is situated in the immediate vicinity

of the Extension of the W. 7th Street Bridge, part of said property was used and occupied as a "Trailer Court", that is to say a place where persons owning trailers and using them somewhat in the nature of temporary homes, utilize space and pay rent for same, part of which rent is payable to the District, inasmuch as the District succeeded to all the rights of the Langever Estate in taking over and purchasing the property.

In the discussion of this matter, it developed that such use of the property with the permission, consent and approval of the District, would constitute not a governmental function, but what is known to the lawyers as a "proprietary", which might subject the District to damages if any person using or occupying such premises should incur personal liability.

Mr. Hill, presiding over the meeting of the Board of Directors, inquired of Counsel whether or not, since such action on the part of the District did not represent a governmental function, the Directors, themselves, might conceivably be held to liability where it could be shown that the conduct of such matters was not strictly speaking a governmental act of the District. Counsel, in response to that question, answered in the affirmative.

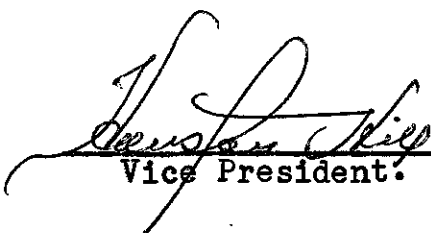
Thereupon, Director Pier, seconded by Director Priest, moved that such business, or use of the premises in respect to this or any other property be promptly discontinued, and that the District cease to use its property or permit it to be used by others for the purposes above mentioned. On the submission of the motion, all the Directors present voted "aye" thereon, and it was accordingly so ordered.

9.

It was brought to the attention of the Board that the leases made by the District to Mr. L. C. Yates, and Mrs. Dorothy Green and Mr. Jack Gregory, which terminate December 31, 1953, and which cover part of the premises purchased by the District from the Stock Yards National Bank, and further, that said premises known as Lots Nos. 5,6, and 7 of the subdivision of said property, (leased to Mr. L. C. Yates) and a five-acre tract (leased to Mrs. Dorothy Green and Jack Gregory) of the same subdivision, were included in the sale of the Stock Yards National Bank Lands to Dr. Abe Greines of Fort Worth, Texas, who took the deed of conveyance thereto from the District, subject to the leases hereinabove mentioned. It was therefore moved, by Director Priest, seconded by Director Pier, that a letter be addressed to Mr. L. C. Yates and Mrs. Dorothy Green and Jack Gregory, notifying them of the sale to Dr. Greines, and that their lease of the premises would expire December 31, 1953, and further that the District did not desire to purchase the improvements placed upon the premises by said lessees, and that lessees should remove the same at or prior to the termination of the lease, all the Directors present voting "aye" thereon.

10.

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


Vice President.


Secretary.

BOARD OF DIRECTORS

JOE B. HOGSETT, PRES.
HOUSTON HILL, VICE-PRES.
DAN H. PRIEST, SEC'Y
A. T. SEYMOUR, JR.
W. L. PIER

TARRANT COUNTY WATER CONTROL AND
IMPROVEMENT DISTRICT NUMBER ONE

DANCIGER BUILDING - COR. 5TH AND THROCKMORTON STS.
ED. B. CHEATHAM, OFFICE MANAGER
PHONE EDISON 3263

SIDNEY L. SAMUELS,
GENERAL ATTORNEY

C. L. MCNAIR, GENERAL MANAGER

BEN F. HICKEY
LAND AGENT

FORT WORTH 2, TEXAS.

August 3, 1953.

EXHIBIT "A" TO MINUTES
OF AUGUST 4, 1953, at
1:30 P M.

To: The Board of Directors,
Tarrant County Water Control and
Improvement District Number One

REPORT: MAY, JUNE AND JULY, 1953.

Gentlemen:

The following tabulation represents stages and contents of the lakes for May, June and July, 1953:

<u>RESERVOIR</u>	<u>MONTH</u>	<u>RAIN-Inches</u>	<u>GAIN- AC. FT.</u>	<u>LOSS- AC. FT.</u>	<u>ESTIMATED INFLOW</u>
Bridgeport	May	3.80	13,850	-----	15,250
Eagle Mtn.	May	2.70	<u>7,280</u>		<u>13,720</u>
TOTAL			21,130		28,970
<hr/>					
Bridgeport	June	0.87		3,000	500
Eagle Mtn.	June	0.73		<u>14,140</u>	<u>360</u>
TOTAL				17,140	860
<hr/>					
Bridgeport	July	1.38		7,500	1,000
Eagle Mtn.	July	1.70		<u>3,640</u>	<u>1,100</u>
TOTAL				11,140	2,100

	<u>DATE</u>	<u>LAKE LEVEL</u>	<u>SPILLWAY</u>	<u>STORAGE-Ac. ft.</u>
Bridgeport	8/1	797.4	- 28.6	61,581
Eagle Mtn.	8/1	637.84	- 11.16	<u>99,039</u>
			Total	160,620
Lake Worth	8/1	589.74	- 4.56	<u>21,676</u>
Total 3 lakes				182,296

TOTAL STORAGE: Eagle Mountain-Bridgeport & Lake Worth 1-1-53 206,740.Ac ft.

Difference in storage 7 months period - 24,444 " Ft.

Respectfully,

C. L. McNair
General Manager.



BOARD OF WATER ENGINEERS
STATE OF TEXAS
302 WEST FIFTEENTH STREET
AUSTIN

July 29, 1953

H. A. BECKWITH—CHAIRMAN
A. P. ROLLINS
JAMES S. GULEKE

AUDREY STRANDTMAN
SECRETARY

TO BE ATTACHED TO
MINUTES OF AUGUST 4,
1953. at 1:30 P.M.

Mr. Houston Hill, Vice President
Tarrant County Water Control and
Improvement District Number One
Danciger Building
Fort Worth 2, Texas

Re: Application No. 1812

Dear Mr. Hill:

Enclosed is notice of hearing on the application of Tarrant County Water Control and Improvement District Number One for a permit to amend Permit No. 1074. Also enclosed is copy of minute order of the Board, dated July 28, 1953, setting said application for hearing on September 14, 1953. Also enclosed is Receipt No. 925, in the amount of \$46.31, covering the fees on this application.

The law requires that this notice of hearing be published once a week for four consecutive weeks, preceding the date set down for the hearing, in some newspaper of general circulation in the locality of the proposed appropriation and at the expense of the applicant.

You will please see to it that this publication is begun at once in order that it may be completed before the date set down for hearing. When the publisher has completed the publication, have him attach to this original notice his certificate of publication, sworn to, stating the dates on which the publication was made, and also attach a copy of the published notice, and file same with this Board on or before the date set down for the hearing. This is IMPORTANT since the hearing will not be held until this evidence of the publication of the notice is before the Board.

Yours very truly,

(Mrs.) Audrey Strandtman
Audrey Strandtman, Secretary
BOARD OF WATER ENGINEERS

AS:mnc
Enclosures

*Notice of hearing and affidavit to Mr. Vance of Star-Telegram
July 30, 1953, notice to be published in morning Star-Telegram
on August 3rd, 10th, 17th and 24th 1953.*

July 28, 1953

IN RE: APPLICATION OF TARRANT COUNTY WATER CONTROL AND IMPROVEMENT
DISTRICT NUMBER ONE, FORT WORTH, TEXAS, NO. - 1812

The Board on this day, a quorum being present, considered the application of Tarrant County Water Control and Improvement District Number One, the postoffice address of which is Fort Worth, Texas, same being numbered 1812, for a permit to amend Permit No. 1074, heretofore issued by this Board, in which it seeks (1) to furnish water to any municipality or community now created or existing within or partially within the boundaries of said District; (2) to furnish irrigation water to individual irrigators, whose lands are within the area described in the original Permit No. 1074 as covered for irrigation, either through the bed and banks of the West Fork of the Trinity River or through raw water conduits; (3) to use the beds and banks of the West Fork of the Trinity River to flow water to any user having a lawful right thereto after approval by the Board of the contemplated diversion facilities; and (4) to take water for municipalities, industries and irrigators from intakes located at Eagle Mountain Reservoir in Tarrant County, Texas, as well as at points in the bed and banks of the West Fork of the Trinity River, with the limitation that diversions will not be made until approval is given by the Board; and

Said application being in form and accompanied by the required fees, was ordered filed and recorded.

A hearing on the application of the said Tarrant County Water Control and Improvement District Number One was set for Monday, September 14, 1953, same to be held in the office of the Board at Austin, Texas, at ten o'clock A. M., on said date, and the Secretary was directed to issue notice of hearing as the law requires.

Given under the hand and seal of the Board of Water Engineers for the State of Texas, this the 28th day of July, 1953.

BOARD OF WATER ENGINEERS

(SEAL)

/s/ H. A. Beckwith
H. A. Beckwith, Chairman

ATTEST:

/s/ A. P. Rollins
A. P. Rollins, Member

/s/ Audrey Strandtman
Audrey Strandtman, Secretary

James S. Guleke, Member