

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 25th DAY OF NOVEMBER, 1953, AT 1:30 PM.

The call of the roll disclosed the presence of Directors as follows:

PRESENT.

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

Also present were Messrs. Sidney L. Samuels and John M. Scott of the legal staff of the District, Mr. 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 Hogsett acted in his capacity as President, and Director Priest acted in his capacity as Secretary, whereupon proceedings were had and done as follows:

1.

Mr. Ben F. Hickey, Land Agent of the District, presented to the Board for ratification Quit-Claim Deeds and conveyances to lands in Tarrant County, Texas, used for levee purposes, which deeds had already been placed of record as follows:

1. Instrument dated June 17, 1953, recorded in Vol. 2627, page 539, of the Deed Records of Tarrant County, Texas, in which S. M. Fenelon, for recited consideration of \$1.00, quit-claimed all right, title and interest to a part of the A. Gouhenant Survey, embracing part of tract conveyed to David T. Evans by a deed of record in Vol. 188, page 169, of the Deed Records of Tarrant County, Texas;

2. Quit-claim instrument from V. C. Sellers to the District recorded in Tarrant County, Texas, Deed Records in Vol. 2627, page 541, of the deed records of Tarrant County, Texas, for a recited consideration of \$1.00, embracing part of the A. Gouhenant Survey, estimated to contain 0-7/10 of an acre;

3. Instrument dated the 18th day of June, 1953, recorded in Vol. 2627, page 535, of the Deed Records of Tarrant County, Texas, a conveyance from Tarrant County, acting through the Commissioners Court, for a recited consideration of \$10.00, for all right, title and interest to that portion of Bailey Gardens, an addition to the City of Fort Worth, in the R. Crowley and the J. Baugh Surveys, in Tarrant County, Texas;

4. Instrument dated the 27th of July, 1953, executed by Brown & Root, Inc., by W. M. Powell, Vice President, recorded in Vol. 2627, page 537, of the Deed Records of Tarrant County, Texas, conveying to the District a part of Lots Nos. 1, 2 and 3 in Block No. 13, of Bailey's Industrial Addition in the R. Crowley Survey, in Fort Worth, Tarrant County, Texas, containing 212/1000 of an acre.

The Board unanimously ratified said conveyances, all the Directors voting "aye" thereon, and directed that same be preserved in the archives of the District.

2.

Mr. Hickey then presented for the consideration of the Board of Directors certain lots in Valley View required by the District for levee improvements and channel change of Trinity River, which lots with the name of the last recorded owner showing volume and page on

the Deed Records of Tarrant County, Texas, were and are as follows,
to-wit:

<u>LOT NO.</u>	<u>OWNER</u>	<u>VOL.</u>	<u>PAGE</u>
118, 119, 163) 185, 186, 187) 188, 189, 206) 207, 208, 209)	Bryan Kilton	1828	164
242 & 243	D.F. Bailey	285	557
234 & 235	D. F. Bailey	217	449
50 & 60	R. Fuller	285	545
80	R. Fuller	285	545
81	J. M. Donnally	645	41
100 & 101	J. P. Smith	236	548
124, 125) 126 & 127)	Maj. Johnson, Salvation Army	993	546
128 & 129	Arlington Hts. Realty Co.	305	117
143 & 144	J. J. Lydon	599	157
150 & 151	W. H. Blair	283	640
152 & 153	J. J. Lydon	465	119
154 & 155	American Nat'l Bank	351	470
175 & 176	O. P. Mayfield	236	468
179 & 180	Mrs. E. C. Lewis	319	372
181 & 182	L. K. Cummings	1079	357
190 & 191	Mrs. Dinkey Miller	304	522
192	D. Miller	229	556
193 & 194	V. Bellikin	339	603
202 & 203	Rebecca M. Ruyle	339	533
204 & 205	F.C. Burge	359	114

<u>LOT NO.</u>	<u>OWNER</u>	<u>VOL.</u>	<u>PAGE</u>
236 & 237	M. M. Wallis	504	482
238	J. V. Fleener	828	413
240 & 241	W. R. Parker	872	306
244 & 245	Ind. Sch. Dist.	1074	85
250 & 251	M. W. Conn	436	62
4 & 5) Block 22)	Ed Powell - Evans-Pearson-Westwood Addition.		

Mr. Hickey explained in connection with such properties that in many instances the owners were either unknown or their residence cannot be ascertained, but stated that the lands were essential for the levee improvements and channel changes and should be acquired by the District. On motion of Director Pier, seconded by Director Seymour, Mr. Hickey, on behalf of the District, was authorized, where the owner could be discovered and was available, to negotiate for the purchase of the properties, and in the event that such negotiations were impossible because the owner was unknown or out of the City, or in the event the owner or owners were known and would not agree on a fair price, to proceed by condemnation under the procedure prescribed by law. On motion of Director Pier, seconded by Director Seymour, authority was thus given to Mr. Hickey on behalf of the District, all the Directors voting "aye" thereon.

3.

There came before the Board once again the matter of the balance yet owing to Ottinger Construction Company on the contract for the construction of the East 4th Street Bridge. By reference to past matters growing out of the construction of this bridge, the claim of

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Preston Scott, a sub-contractor, for moneys owing to him by the Ottinger Construction Company, and the question of the amount of penalties that should be exacted by the District for the delay in the completion of such bridge within the time prescribed by the contract, the District had retained from the full contract price the sum of \$8,269.97, which amount was embraced in three different calculations, as follows:

- (a) \$3,000.00 withheld to determine the amount that should be required by the District as penalties in the completion of the bridge;
- (b) the claim of Preston Scott, sub-contractor, amounting to \$3,633.31, which was originally set up by Preston Scott as the amount of his claim; thereafter Scott made an additional claim which was not admitted by Ottinger, amounting to \$1,636.66, which three items in the aggregate amount to a total of \$8,269.97.

On consideration of the foregoing it was moved by Director Pier, seconded by Director Hill, that the amount of the penalties for the delay in completion of the aforesaid bridge should be \$50.00 per day for eleven days, amounting in the total to \$550.00. This motion so far as the penalty is concerned was in response to the recommendation of Mr. Marvin C. Nichols, District Engineer; aside from the penalty, it was determined that pending the adjustment between the Ottinger Construction Company on the one hand and Preston Scott on the other, there was still remaining in the hands of the District the amount of \$5,269.97 to apply in extinguishment of the balance yet appearing to be owing to the Ottinger Construction Company after Scott shall have relieved the District thereof and from all liability growing out of his claim against the Ottinger Construction Company.

In confirmation of these facts, reference should be made to the written communication of Mr. Marvin C. Nichols, addressed to the Board dated November 25, 1953, which is attached to these minutes in

folio.

All the Directors voted for the penalty of \$550.00 to be paid by Ottinger Construction Company for the delay in completion of the Bridge, and to be deducted out of moneys yet owing to Ottinger Construction Company in the treasury of the District. It was further ordered that voucher-check for \$2,450.00 be drawn and issued to the Ottinger Construction Company, all the Directors voting "aye" thereon.

4.

Mr. McNair exhibited to the Board copy of the proposed bid forms to be supplied to persons interested in placing bids for the purchase of property advertised for sale by the District located in Parker County, Texas.

All the Directors present voted to accept the bid as presented by Mr. McNair, It was so ordered.

5.

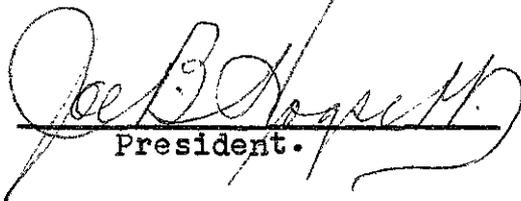
President Hogsett reported to the Board that the Fort Worth National Bank of Fort Worth had made reinvestment for the District as follows: Out of the \$50,000.00 proceeds United States Treasury Bills, dated August 20, 1953, maturity November 19, 1953, owned by the Maintenance Fund, there was reinvested for the use and benefit of said fund the sum \$49,819.00 in United States Treasury Bills, dated November 19, 1953, maturity February 18, 1954. The difference in the proceeds of the maturing bills and the cost of the bills dated November 19, 1953, maturity February 18, 1954, amounted to \$181.00, for which sum the Fort Worth National Bank issued its cashier's check No. B720479 for \$181.00 payable to the order of this District. The said cashier's check was on November 23, 1953, deposited in the Continental National

Bank of Fort Worth, the District's Depository, to the credit of the Maintenance Fund.

President Hogsett then reported to the Board that the above described securities are deposited in the Safekeeping Department of the Fort Worth National Bank of Fort Worth, for which the District holds the said bank's official Trust Receipt SK No. B 51714 for \$50,000.00, United States Treasury Bills, dated November 19, 1953, maturity February 18, 1954, owned by the Maintenance Fund. The Trust Receipt was then presented to the Board for examination. All the Directors present voted to receive the said Trust Receipt and ordered that it be deposited for safekeeping in lock box 984, at the Continental National Bank of Fort Worth, Texas, the Depository of the District, and that the action taken in the foregoing transaction, all and singular, be ratified and approved. It was so ordered.

6.

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



President.



Secretary.

S. W. FREESE
M. C. NICHOLS
S. G. ENDRESS

FREESE AND NICHOLS
CONSULTING ENGINEERS
407-410 DANCIGER BUILDING
TELEPHONE ED-5431
FORT WORTH 2, TEXAS

November 25, 1953

attached to
Minutes
Nov. 25, 1953

Board of Directors
Tarrant County Water Control
and Improvement District No. 1
Fort Worth, Texas

Gentlemen:

Re: Time Extension
Ottinger Construction Co.
East Fourth Street Bridge

Supplementing our letter of August 8, 1953 and pursuant to Board request, we attach hereto an analysis showing the dates of completion of pier caps, delivery of steel, dates of erection and related data.

Although first steel was delivered January 9, 1953, bearing shoes were not delivered by Thornton Steel Company until February 24, 1953. No steel could be erected until bearing shoes were available. Steel erection actually commenced on February 26, 1953. We believe Contractor was reasonably diligent in commencing erection of steel after receipt of shoes.

Upon setting of steel girders on the 56'-56' unit on the east end of bridge Contractor was unable to complete steel erection on the 70'-85'-70' unit (middle unit) due to muddy conditions below bridge which hindered crane operation. Contractor had not at that time completed concrete caps on the west 60'-60'-60' unit. It is our opinion steel erection was delayed 11 days on account of concrete work not being completed on the west unit. We can not justify this delay under the terms of the contract. We, therefore, recommend that the Contractor, Ottinger Construction Co., be charged for eleven (11) days at \$50.00 per day as liquidated damages for delay, a total of \$550.00

By previous action of the Board \$3000.00 has been withheld pending final determination of the amount of liquidated damages to be charged to the Contractor. It is recommended that \$550.00 be finally withheld and the balance of \$2450.00 be paid to Ottinger Construction Co.

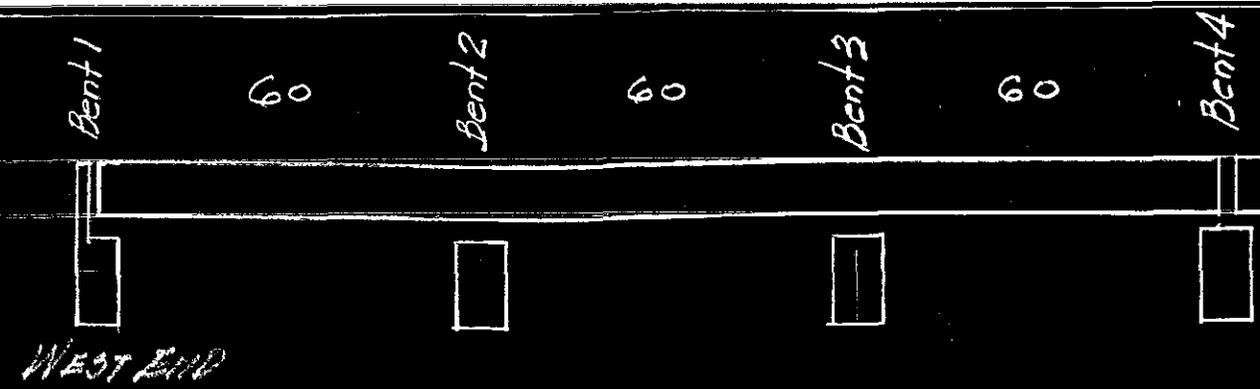
Respectfully submitted,

FREESE AND NICHOLS

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

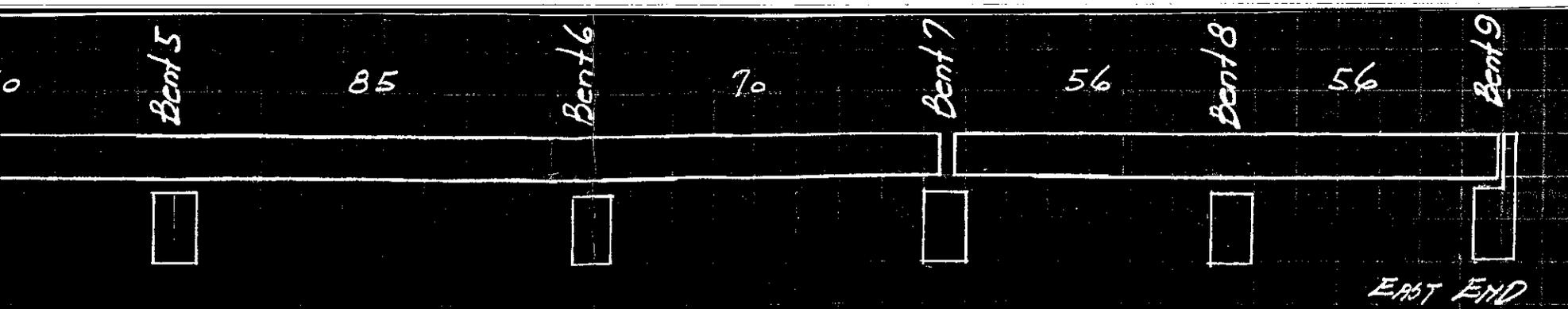
MCN:lk
cc: Ottinger Construction Co.

FAST 4th ST. BRIDGE
 1/21/53
 JBM



	Bent 1	Bent 2	Bent 3	Bent 4
Date Cap poured	3/13/53	3/20/52	8/15/52	6/28/52
Date on which bearing shoes could be installed	3/16/53	3/23/52	8/18/52	7/1/52
Date Struct. Steel could be installed based on beginning 7 days after last cap in a unit has been poured.	3/20/53	3/20/53	3/20/53	3/20/53 3/2/53
Date Struct. Steel Erection actually started on unit			3/20/53	
Bents not ready for structural steel 2/24/53	Bent 1			
Cont. Units not ready for Struct. Steel 2/24/53				

60 - 60 - 60



5/9/52

2/6/53

2/23/53

11/11/52

1/5/53

5/12/52

2/9/53

2/26/53

11/14/52

1/8/53

3/2/53

3/2/53

3/2/53 3/2/53

3/2/53

3/2/53

3/25/53

3/4/53

Bent 7

EAST 4th ST. BRIDGE
SEPT. 21, 1953

70 - 85 - 70

56 - 56

EAST END