

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE
HELD IN THE DISTRICT OFFICE AT FORT WORTH, TEXAS, ON
THE 23RD DAY OF MARCH, 1954, AT 9:30 A.M.

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

PRESENT

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

ABSENT

W. L. Pier

Also present were Messrs. Sidney L. Samuels and Wm. M. Brown of the legal staff of the District; C. L. McNair, General Manager of the District; Ben F. Hickey, Land Agent of the District and Marvin C. Nichols of the firm of Freese and Nichols, Consulting Engineers for 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.

The following voucher-checks issued on this date, on motion of Director Seymour, seconded by Director Hill, were approved, all Directors present voting aye thereon; said voucher-checks with their respective numbers, the name of the payee and the amount of the voucher-check issued as of this date are as follows:

<u>VOUCHER NO.</u>	<u>PAYABLE TO</u>	<u>AMOUNT OF VOUCHER-CHECK</u>
5041	J. B. Clardy Construction Co. (Estimate No. 18 - Final)	\$ 61,552.68
5042	Mrs. Andrew Olsen	550.00
5043	Industrial Tests	72.00

(Continued)

<u>VOUCHER NO.</u>	<u>PAYABLE TO</u>	<u>AMOUNT OF VOUCHER-CHECK</u>
5044	Remington Rand	\$ 24.60
5045	Hi-Way Machinery Company	14,000.00
5046	Marian Herring Boat Works, Inc.	23.05
5047	Reed Stewart, Assessor-Collector	129.07
5048	Tri-County Electric Cooperative, Inc.	5.82
5049	Texas Power & Light Company	12.30
5050	Ottinger Construction Company (Estimate No. 9 - Final)	86,375.00
5051	Wm. J. Meggs	24,000.00
5052	Joe M. Breen and H. B. Harris, individually and as partners, d/b/a Trailer Home Sales Co., and Frank Crumley	5,000.00

2.

Mr. C. L. McNair, General Manager of the District, submitted to the Board a form of contract between the District and the City of River Oaks for the supply of water to the citizens of River Oaks. A copy of said contract is filed in the archives of the District and when the said governing body of the City of River Oaks will have signed and executed such contract, the Board of Directors have authorized the signatures of Mr. Hogsett, President of the District, and Mr. Priest, Secretary thereof. The contract to be in that event executed in duplicate so that each party to the contract will have the signatures of both contracting parties thereto. The contract in outline provides that said City of River Oaks is situated partly within and partly without the territorial boundaries of the District and that the maximum requirements of raw water for the needs of the inhabitants of River Oaks as set forth in its application to the District are reported to be 3,000,000 gallons (9.2 acre feet) per day. On the other hand the District agrees, from its available water resources, to supply to the said Town of River Oaks, subject to the obligation of the District

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with respect to supplying water to other municipalities and to industrial enterprises, a quantity of raw water not to exceed the maximum requirements hereinbefore set out in its application to the District.

It is further provided that no charge would be assessed against the City of River Oaks and no payment be required by the District for the consumption of water in that part of the area of River Oaks which lies wholly within the boundaries of the District, but that in determining the maximum quantity of water to be supplied to River Oaks there shall be computed the quantity of water consumed by River Oaks in the area that lies outside the boundaries of the District in forming such maximum requirements. It also provided that the City of River Oaks would pay the District for the consumption of said water at the rate of four cents (4¢) per one thousand (1,000) gallons or any fraction thereof for water consumed by River Oaks in the area which lies outside the boundaries of the District. There are very many other provisions of the contract and therefore the entire contract is attached in folio to these minutes and made a part hereof. The entire contract having been read in full text before the Board, all the members of the Board present voting aye thereon and the contract was accordingly ratified and approved.

3.

Mr. Wm. M. Brown of the legal staff of the District presented to the Board of Directors a contract between Joe M. Breen on the one hand and the District and the City of Fort Worth on the other in settlement of suit pending in the District Court, wherein Breen was Plaintiff and the District and the City of Fort Worth were Defendants, in which Breen sought to recover \$74,000.00 damages resulting out of his lease

of land abutting upon the bridge which had been shut off from travel and the business which he conducted practically destroyed. Breen had leased the premises in question from Mrs. Georgia Marie Langever, the fee simple owner of the property, and was in possession of the premises when the improvement and expansion of the West Seventh Street Bridge was undergoing reconstruction. A compromise was finally effected between the contending parties for the sum of \$10,000.00 of which total sum \$5,000.00 was to be paid by the District and \$5,000.00 by the City of Fort Worth. It was deemed advantageous by the District that this settlement should be approved and contract to that effect was drawn up and prepared by Mr. Wm. M. Brown of the legal staff of the District, which contract was submitted to the Board and by unanimous vote of all Directors present was ordered to be executed on behalf of the District by Mr. Hogsett, President of the District, and also by the governing authorities of the City of Fort Worth. Pursuant to such an arrangement the Board of Directors authorized and instructed that Voucher-Check No. 5052 in the amount of \$5,000.00 be issued as of this date payable to Joe M. Breen and H. B. Harris, individually and as co-partners doing business under the firm name and title of Trailer Home Sales Company and to the order of Mr. Frank Crumley, attorney for the Plaintiffs. The voucher-check was accordingly drawn and prepared and was executed on behalf of the District by the four (4) Directors who were present.

4.

Mr. Ed B. Cheatham again brought to the attention of the Board members present of the existence of a certain check issued by The Fort Worth National Bank of Fort Worth, Texas, April 1, 1948,

No. B 592301 payable to the order of the Tarrant County Water Control and Improvement District Number One in the amount of \$445.00 and described as a Cashier's Check on the face thereof and signed by J. A. Cozby, Vice-President and Cashier of The Fort Worth National Bank of Fort Worth, Texas.

Mr. Cheatham proceeded to explain how it came into the possession of the District and why it had lain without action over a period of years - since April 1, 1948. This check at the direction of the General Counsel, Mr. Sidney L. Samuels, was allowed to repose in the files of the District growing out of the resignation of John Bourland who had served as Tax Assessor and Collector of Tarrant County and as Tax Assessor and Collector for the District under a contract of employment with the District and a bond given to the District for the faithful performance of his duties as Tax Assessor and Collector for the District.

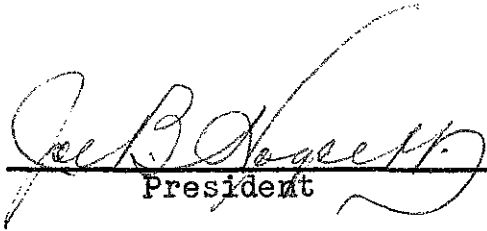
It appears from the records and the facts in the case that John Bourland, the aforesaid Tax Assessor and Collector, was required to execute a new bond and that the office of the said John Bourland as Tax Assessor and Collector was closed in December 1947, and thereupon under date of April 8, 1948, D. B. Lambdin, Manager of Maryland Casualty Company (the Company which had executed the other bond for the said John Bourland as Tax Assessor and Collector) addressed a letter to the District in which letter the said Company enclosed a draft for \$445.00 return premium, and as was stated in said letter, representing the unearned premium on the bond of John Bourland which the Maryland Casualty Company as surety in the penalty of \$50,000.00 for the performance of the duties of the said John Bourland as Tax

Assessor and Collector of Tarrant County and also the District, which Surety Bond was dated December 26, 1946. The letter further continued to say that the Maryland Casualty Company had petitioned the Commissioners Court of Tarrant County to be released on the liability of the above bond inasmuch as the Maryland Casualty Company was tendering to the District an unearned premium on the bond beginning December 17, 1947. The letter was signed D. B. Lambdin, Manager.

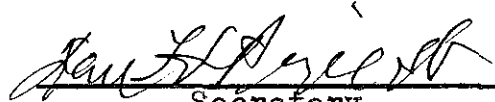
Because of the fact that there was a difference in opinion between the attorney representing the Maryland Casualty Company and the Counsel of the District respecting the matter, the draft or check for \$445.00 was returned to the Maryland Casualty Company and immediately following such return the Maryland Casualty Company sent the check back to the District with the announcement that the check was the property of the District as part of the return premium for part of the unexpired term. The check was returned and remained in the archives of the District until at the present meeting exhibited to the members of the Board of Directors with the history of its origin. Upon the advice of the Counsel to the members of the Board, it was resolved that the check should now be deposited in the depository of the District, the Continental National Bank of Fort Worth, Texas, to the credit of the District's Interest and Sinking Fund, and that no blame or criticism should attach to Mr. Ed B. Cheatham in the matter. It was accordingly so ordered, all the Directors present voting aye thereon. It was further ordered that photostatic copy of the said check be attached as an exhibit to these minutes and that the communications between the parties with reference to said check should also form a part of these minutes and be attached thereto in folio.

5.

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

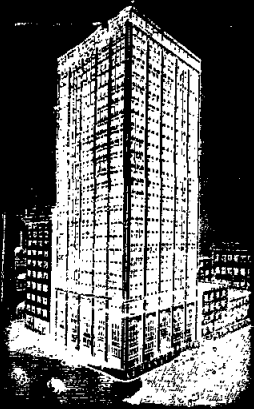


President



Secretary

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THE FORTWORTH NATIONAL BANK ³⁷⁻⁵/₁₁₁₃ No. B 592301

PAY TO THE ORDER OF

FORT WORTH, TEXAS

APR 1 - 1948

³⁷⁻⁵/₁₁₁₃

TARRANT COUNTY WATER CONTROL AND
IMPROVEMENT DISTRICT No. 1

\$445⁰⁰

FORT WORTH NATIONAL BANK \$445 and 00 cts

CASHIER'S CHECK



Garrett

VICE-PRESIDENT & CASHIER

VICE PRESIDENT
ASST. CASHIER

1947 REGISTRATION # 1 - MADE IN TEXAS

FOR DEPOSIT ONLY
PAY TO THE ORDER OF
CONTINENTAL NATIONAL BANK

FEDERAL RESERVE BANK

TARRANT COUNTY WATER CONTROL and
IMPROVEMENT DISTRICT NUMBER ONE

BY *J. B. Cheatham*

A.R. #4332
MAR 25 1954