

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE
HELD ON THE 24TH DAY OF OCTOBER, 1963 AT 11:00 A.M.

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

<u>PRESENT</u>	<u>ABSENT</u>
Houston Hill	Joe B. Hogsett
W. L. Pier	Lacy Boggess
Wayne E. Newton	

Also present were Messrs. Ardell Young General Counsel for the
District and Ben Hickey General Manager of the District.

In the absence of Director Hogsett, Director Hill acted
in his capacity as Vice-President and Director Pier acted as Secre-
tary, whereupon proceedings were had and done as follows:

1.

On motion duly made and seconded the minutes of the
meeting held October 14, 1963 were read and approved by the Directors
and it was accordingly ordered that such minutes be placed in the
permanent files of the District.

2.

On motion of Director Pier, seconded by Director Newton,
voucher-checks #721 to #724 inclusive, Maintenance Fund and voucher-
checks #960 to #990 inclusive, Cedar Creek Construction Fund were
approved and ordered paid upon receiving the approval and verifica-
tion of Mr. J. M. Williams County Auditor, who by virtue of the Statutes
is the Auditor of this District as well. All the Directors voted aye
thereon.

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3.

Mr. Ben Hickey, General Manager of the District, requested authority for the District to enter into Contract for the purchase of the following described tracts of land required for the Cedar Creek Reservoir and the realignment of State Farm to Market Highway No. 85 in accordance with the executed Contract with the State Highway Department, and on the following basis for payment, to-wit:

CEDAR CREEK RESERVOIR:

Tract No. 240 - Herman Brown - .09 acre @ Lump Sum of \$25.00 (Fee).

HIGHWAY NO. 85 RIGHT-OF-WAY:

John M. Key - 2.429 Acres @ \$150.00 per acre (Easement)

Sam Killian - 2.273 Acres @ \$150.00 per acre (Easement)

C. H. Pascal et al - .85 Acre @ \$150.00 per acre + \$192.00 damages (Easement)

Ralph Lacy et ux - .728 Acre @ \$150.00 per acre + \$640.00 damages (Easement)

C. T. Sparks et ux - .871 Acre @ \$150.00 per acre + \$619.35 damages (Easement)

Following a detailed presentation of the tracts, and upon recommendation of management of the District, Director Pier, seconded by Director Newton, moved that the District be authorized to enter into Contract for the purchase of the above described Reservoir tracts and Right-of-Way tracts and on the basis as shown. This meeting with the approval of all Directors, it was so ordered.

4.

Vice-President Hill reported that negotiation with the Magnolia Pipeline Company for the relocation of their (MPL) line

crossing at State Highway No. 85, and more particularly described by metes and bounds in the records of the District, could not be completed, and recommended that condemnation proceedings be initiated against the Magnolia Pipeline Company. After a thorough discussion of the matter, Director Newton, seconded by Director Pier, made a motion that counsel for the District be now authorized to initiate condemnation proceedings against the Magnolia Pipeline Company and do all things necessary to the Districts interest. This meeting with unanimous approval it was so ordered.

5.

Mr. Ben Hickey, General Manager, recommended to the Directors that the following tracts of land required for the Cedar Creek Project be condemned, to-wit:

Tract No. 95 - Melvin Langley et ux, 16.73 acres more or less.

Tract No. 91 - W. H. Clark et ux, 128.37 acres more or less.

Following a discussion, Director Newton, seconded by Director Pier, made a motion inasmuch as negotiations could not be made for the acquisition of the above two (2) tracts, Nos. 91 and 95, and upon the recommendation of management of the District, that counsel and representatives of the District be now authorized to do all things necessary under the laws governing such matters in the process to condemn said tracts. Upon a vote taken all Directors voted aye thereon and it was so ordered.

6.

Vice-President Hill presented a letter dated October 17, 1963

from Freese, Nichols and Endress, signed by Robert S. Gooch, which states, to-wit:

Mr. Ben Hickey, General Manager
Tarrant County Water Control and Improvement District No. 1
Danciger Building
Fort Worth, Texas

Dear Mr. Hickey:

Enclosed please find the final estimate for partial payment for work performed by Chas. B. Jones, Contractor, on the Burgess Gap Spillway project. We have inspected the work and recommend final acceptance by the District. The project was substantially completed on October 14, 1963, and was fully completed on October 15, 1963. We recommend that final payment be made in accordance with the enclosed estimate and that no liquidated damages be assessed against the contractor.

Yours very truly,

FREESE, NICHOLS AND ENDRESS

By /s/ Robert S. Gooch
Robert S. Gooch

RSG:lk
cc: Mr. Chas. B. Jones

Following the presentation of Mr. Gooch's letter, and in a general discussion, it was specifically noted that in the final estimate as prepared by Freese, Nichols and Endress, Consulting Engineers for the District, the full amount of \$ 36,972.19 was recommended to be paid, which did include the total 15% retainage of the contract price now held in escrow by the District and the amount due for actual work performed during the period of October 1 through October 15, 1963; whereon Director Pier made a motion that inasmuch as the Engineers, and Mr. Ben Hickey General Manager, of the District had recommended that the Burgess Gap Emergency

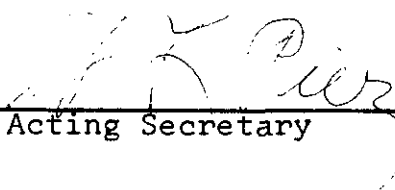
Spillway Project be now accepted as completed and that no liquidated damages be assessed against the Contractor for said project, he (Director Pier) would now move, that the said Project be accepted as completed, but inasmuch as litigation had been filed against Mr. Charles B. Jones, as Contractor, for liquidated damages, that Mr. Charles B. Jones, as Contractor for the Burgess Gap Emergency Spillway, be only paid at this time for the actual work performed during the period October 1 through October 15, 1963, less 15% retainage, a net amount of \$1,370.44; and that the full retainage of \$35,601.75 be held in escrow by the District until such time as all litigation is finally concluded, the decision as to the assessment of liquidated damages to await judicial determination. Upon a vote taken, all Directors voted aye thereon and it was so ordered.

7.

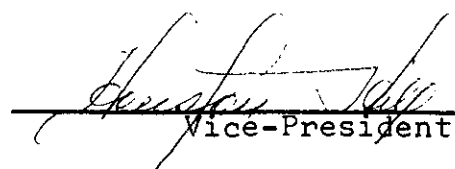
Vice-President Hill presented to the Directors the Monthly Financial Report regarding receipts and disbursements for Program "A" and "B" and Cedar Creek, for the month of September, 1963, from the Auditor of the District, which were ordered accepted and placed on file in the District Records.

8.

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



Acting Secretary



Vice-President