

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE
HELD ON THE 18TH DAY OF MAY, 1964 AT 11:00 P. M.

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

PRESENT

ABSENT

Joe B. Hogsett
Houston Hill
W. L. Pier
Wayne E. Newton

Lacy Boggess

Also present were Messrs. John M. Scott and Ardell Young, General
Counsels for the District, Simon Freese, Consulting Engineer for
the District, George Collins and Ben Hickey General Manager of the
District.

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

1.

President Hogsett stated that this special meeting was
called for the prime purpose of discussing the land acquisition
program for the Cedar Creek Reservoir and review for the Directors
that as of May 15, 1964 there had been acquired in Henderson and
Kaufman Counties approximately 30,254 Acres at a cost of \$3,185,109.22
resulting at this time in a cost of \$105.28 per acre; and damages due
to severance, etc. in the amount of \$352,363.32 resulting in a total

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cost of \$3,537,472.54 for land and damages with an average of \$116.92 per acre.

A lengthy detailed discussion was held regarding the overall acquisition program, with Mr. George Collins, Land Acquisition representative for the District from the Cedar Creek Office presenting a resume of past acquisition and estimates for acquiring of the remaining 10,000 acres, more or less, remaining to be purchased in Henderson and Kaufman Counties.

There was also presented to the Directors the amounts awarded two landowners in Henderson County by the Jury of View Commissioners in the first action in condemnation for the two tracts by the District, i.e. (1) Tract No. 237A, Hugh L. Killian et al, owner of 65.28 acres more or less, required in fee simple title and 4.41 acres more or less required in easement title - awarded \$16,432.75 @ \$250.00 per acre in fee, and \$25.00 per acre in Easement. (2) Tract No. 178, Cecil Bauguss et al, 130.15 acres more or less, required in fee simple title - awarded \$26,030.00 @ \$200.00 per acre.

During a discussion of the above two tracts, and following a detailed resume by Messrs. Scott and Young, Counsel for the District, it was the consensus of the Directors and their order that the policy of the District, at this time, in the matter of having to acquire land for the Cedar Creek Reservoir, unless specifically restricted by

order of the Directors, be that the land acquired lying between elevations 322 and 325 feet above mean sea level, when acquired in fee simple title, shall be to the joint use of grantor and assigns or successors, and the grantee, subject to certain restrictions as heretofore adopted by District.

2.

Mr. Simon Freese of Freese, Nichols and Endress, Consulting Engineers for the District reviewed for the Directors the progress being made in negotiating with the Southern Pacific Railway Co. (T. & N.O.) in the adjustment of the Railroad due to construction of the Cedar Creek Reservoir, and exhibited a letter he had written to Mr. Lee Loggins, Chief Engineer for the Southern Pacific Railroad on April 29, 1963, to-wit:

Mr. Lee Loggins, Chief Engineer,
Southern Pacific Lines,
916 Southern Pacific Building
Houston, Texas

Attention: Mr. C. E. Helme

Dear Mr. Loggins:

Messrs. Helme, Woods and Reese conferred with me on April 19th, with reference to the adjustment of the Southern Pacific (T & NO) railroad in the upper end of the Cedar Creek Reservoir, being constructed by the Tarrant County Water Control and Improvement District Number One, and requested that I confirm in writing the alternative proposals which I made to them. These alternative proposals were:

1. That the District will pay \$375,000 for the railroad right-of-way through the reservoir and clean up the right-of-way of piling, etc., after the SP has salvaged whatever material it wanted, or in the alternative:

2. That the District will, at its expense, secure the necessary right-of-way and grade the base for a relocated section of the railroad, approximately along the line shown on the attached sketch, with wetted and rolled embankment along the south side of U. S. Highway 175 and with pile trestles opposite the highway openings; and that the District will pay the cost of placing the ties, rails and ballast, such materials to be furnished and delivered by SP at no cost to the District.

The acceptance or rejection of the first proposal is purely within the descretion of SP, of course. However, as a "layman", it occurs to me that, with SP's ownership of the Cotton Belt from Corsicana to Athens, you will probably abandon the T. & N. O. between Kaufman and Athens sooner or later. In case there is any prospect of such abandonment within ten or fifteen years after July 1965, the earliest date that the existing railroad through the reservoir would become inoperable, I would hate to see the water users of Ft. Worth pay some 3/4 of a million dollars (the District is not receiving any Federal "help" on the Cedar Creek project) for relocating the railroad and then see it abandoned in a relatively few years. If the line can be abandoned to the economic advantage of SP, it should be done about July 1965.

With reference to the second proposal, we have in mind design criteria as follows:

Width of sub-base:	20 feet
Side slopes of embankment:	2:1
Minium elevation of sub-base:	Elev. 328
Rip-Rap on southside:	2' on 8" blanket to Elev. 328
Length of trestles:	1,522' opposite Highway openings
Max. Grade: No greater than ruling grade in vicinity:	say 1-1/4%
Max. Curve: No greater than ruling curvature in vicinity:	Say 2° 30'

If the State Highway Department will permit and as discussed with Messrs. Helme, Woods and Reese, it is desirable that the relocated railroad be placed on a common embankment with the highway where the railroad is adjacent to the highway. This would eliminate a long pool of standing water, up to nine feet in depth, between the highway and railroad. With reference to the minimum sub-base Elev. 328 and the rip-rap up to Elev. 328, this is six feet above the normal lake level at Elev. 322. The flood level in the lake is controlled by a gated spillway, 474 ft. in length with sill at Elev. 302. It is estimated that a hundred year flood can be passed with a 9" rise (Elev. 322.75)

in the main body of the lake.

It is the purpose of the District to make SP "whole" in the matter and, under the second proposal, your out-of-pocket cost would be the cost of moving the usable rails, ties and ballast; replacement of unusable material, and the furnishing of rails, ties and ballast for the approximately 1,215 feet of increased length of line. It is intended that this cost to SP offset the betterment occasioned by the new trestles in place of the existing depreciated trestles. This is similar to the trade that was worked out with the Santa Fe in relocating four miles of track around the Brady Reservoir, except that the Santa Fe is placing the rails, ties and Ballast at its expense (no additional length of line was involved).

We expect to make a closure of the ten foot diameter conduit through the dam about July 1965 and will not impound water in the reservoir above Elevation 302, the spillway crest, prior to July 1965. Except in the creek channels, the low ground along the proposed relocation of the railroad is Elev. 312. Not more than twelve months is needed for planning and constructing the relocated section of the railroad. We must, therefore, have your decision in this matter by about July 1964. However, at such time as you may decide that it is in the best interest of the Southern Pacific to relocate the line, rather than to abandon the line, we would appreciate advice of your decision. We would then prepare the necessary plans and specifications, in consultation with your office, and award construction contracts.

Assuring you of the District's appreciation of your cooperation, we are

Yours truly,

FREESE, NICHOLS AND ENDRESS

By /s/ S. W. Freese

Mr. Freese stated that no action was taken regarding the letter of April 29, 1963 until May 4, 1964 at which time the following letter was received, to-wit:

Freese, Nichols and Endress
Consulting Engineers
Danciger Bldg.
Fort Worth 2, Texas

Attn: Mr. S. W. Freese

Gentlemen:

With reference to your letter of April 29, 1963, and subsequent 'phone conversations.

As advised in recent 'phone conversation between Mr. Endress and this office, a full study and analysis of the line from Beaumont to Dallas and more particularly the segment between Mabank and Kemp developed that to abandon this latter segment would break the continuity of the line and would have too depreciating an effect on present and future traffic. It was, therefore, determined to be essential to retain this line in service.

For your use in making relocation study and preparing preliminary plans and specifications, we are attaching prints of Southern Pacific's Standard roadbed and trestle construction.

Will be glad to have representative from this office meet with your forces to discuss and clarify any questions that may arise in preparing the preliminary plans as well as the final plans which, of course, will be subject to Railroad's approval.

Yours truly,

/s/ L. A. Loggins

A general discussion was held, and comments given by Mr. J. M. Scott, Counsel for the District re the affects, if any, of the "Rock Island Case" in this particular instance; and it was the opinion of Mr. Freese that regardless of applying the principal outlined in the "Rock Island Case" the most economical method for the District in adjusting this conflict with the Cedar Creek Reservoir was that as outlined in his letter of April 29, 1963 to the Southern Pacific.

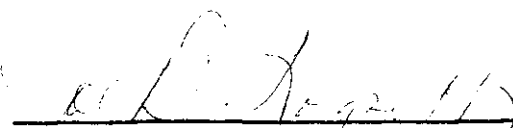
Whereon the Directors inquired of Mr. Freese as to the element of time involved and were told by Mr. Freese that sixty (60) days from this date a proposed contract would be submitted to the Directors for their study. Mr. Scott reminded the Directors of the contracted agreements with the Consulting Engineers regarding the adjustment of conflicts in the construction of the Cedar Creek Reservoir.

3.

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



Acting Secretary



President