

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE
HELD ON THE 5TH DAY OF NOVEMBER, 1973 AT 10:00 A.M.

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

<u>PRESENT</u>	<u>ABSENT</u>
Wayne E. Newton	Paul Mason
Clyde A. Penry	
J. Oliver Shannon	
C. Victor Thornton	

Also present were Messrs. Lee Freese, Consulting Engineer for the
District and Ben Hickey, General Manager of the District.

Director Newton acted in his capacity as President, and
Director Shannon acted in his capacity as Secretary, whereupon pro-
ceedings were had and done as follows:

1.

On motion duly made and seconded, the minutes of the
meeting held October 9, 1973 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 Penry, seconded by Director Thornton
voucher-checks #13661 thru #13792 inclusive, Maintenance Fund, in
the amount of \$122,922.12; voucher-checks #3398 thru #3424 inclusive,
Revenue Fund, in the amount of \$253,566.60; voucher-checks #3960 thru
#3988 inclusive, Cedar Creek Construction Fund, in the amount of
\$107,318.62; voucher-checks #3216 and #3217, Construction Fund, in
the amount of \$262.67 and voucher-check #431, Interest and Sinking

Fund, in the amount of \$31.25, were approved and ordered paid. All Directors voted aye thereon.

3.

President Newton stated that, as known by the Directors, the Cedar Creek Pipeline and Pump Stations are now capable of furnishing water to the Tarrant County area from the Cedar Creek Reservoir; and of the five (5) separate contracts heretofore awarded for construction of the pipeline, three (3) contracts have been completed in all respects and accepted by the District, while the two (2) remaining contracts (Sections III & IV) are substantially complete - that is fully operational in respect to the transportation of water; the questions before the Directors at this time was to decide the matter of liquidated damages before accepting the two contracts as completed and the release of the escrow or retainage money now held by the District, for work completed on Sections III & IV.

Following a thorough discussion of the matter, in which Mr. Lee Freese, Consulting Engineer for the District, recommended that no liquidated damages be assessed against the Contractor for Sections III & IV, Director Thornton noted that the District had experienced no known liabilities because of the extension of time beyond that called for in the Contracts, pointing out that, as presented, although the District did pay extra engineering supervision costs, for the extended time period, the District did earn interest, on the construction funds, in excess of the extended supervision costs, because of the delay in payments; that the Contractor had made diligent efforts, in spite of most unusual amounts of rain-

fall, under most difficult working conditions beyond his control; that because of the unusual general rainfall the Cedar Creek water was not needed in the Tarrant County area; that the Warranty period on motors, pumps and other allied facilities was extended, or did not begin, for the extended period thereby giving the District additional time for testing, etc. prior to the beginning of Warranty of the various items; and that he, Director Thornton, would offer a motion that the Contractor for Sections III & IV of the Cedar Creek Pipeline not be assessed liquidated damages because of the extended time required to complete said Sections, and that all of the retainage, or escrow money held by the District now be paid the Contractor, except that amount, if any, to be determined by Management of the District, that would be due landowners within the right of way of Sections III & IV for damages caused by contractor and not yet adjusted; whereon Director Shannon seconded the motion with all Directors voting aye it was so ordered.

4.

The following letter was presented, to wit:

*Mr. Ben Hickey, General Manager
Tarrant County Water Control and
Improvement District Number One
800 East North Side Drive
Fort Worth, Texas 76106*

*LOT 1-R AND 2-R, REVISION OF LOTS 1 & 2
BLOCK 16, SYCAMORE HEIGHTS ADDITION*

Dear Mr. Hickey:

You have received a letter from Mr. Gordon S. Swift, P.E. in behalf of the owner, Mr. Clinton Wright, relative to the subject property, said letter being dated September 27, 1973. Mr. Swift requested that the District release the easement on the subject property recorded in

Volume 2382, Page 297, since a contract had been executed with the City of Fort Worth insuing that in the development of this property it would not create obstructions to the flow and that buildings built would be one foot above the one hundred year flood level.

This letter is to confirm that such a contract does exist and to state that the City of Fort Worth offers no objection to the Water District releasing the easement on this property. If there is anything further I may provide in the way of information, please let me know.

Yours very truly,

/s/ Jack M. Graham

Jack M. Graham, P.E.
Public Works Director

Mr. Ben Hickey, General Manager, reviewed the matter stating that the described Easement was obtained from A. L. Minor on December 10, 1951, at no cost to District, during the acquisition program in the Sycamore Creek Area, upstream from the Trinity River; and subsequent to that time an enormous amount of remedial flood control construction on the Trinity River and Sycamore Creek had been completed and that he would recommend that the Easement, as recorded in Volume 2382 on Page 297 of the Deed Records, be now ammended, or a new Easement obtained, whereby the owner, and assigns, could place improvements on said property, as stated in the above letter, but holding the District harmless from damages of any nature caused by flood waters.

Following a discussion Director Penry made a motion, seconded by Director Thornton, and unanimously passed, that General Counsel for the District prepare an instrument, for signatures of proper District Officers, as herein recommended by Mr. Hickey.

5.

The Directors were presented the Monthly Financial Report

regarding Receipts and Disbursements for Program "A", "B" and "D" and the Cedar Creek Project, for the month of September, 1973, from the Auditor of the District, which was ordered accepted and placed in the permanent files of the District.

6.

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

J. C. Shannon
Secretary

Wayne E. Newby
President