

Minutes Of Meeting Of The Directors
Of Tarrant County Water Control and
Improvement District No. One, Held In
Its Office in The Camps Building In
Fort Worth, Texas On Wednesday, Nov.
2nd, 1927, 10:00 A.M.

At this meeting A. L. Baker, President of the Board, presided.

Directors	L. C. Abbott
	H. M. Hightower
	W. H. Slay
	W. E. Bideker

were present; also present S. M. Freese, representing Hawley and Freese, Engineers, and Sidney L. Samuels and Ireland Hampton as attorneys.

At this meeting the following proceedings were had and taken, viz:

Secretary Bideker read the minutes of meetings of October 19, October 21, and October 26, 1927. Upon the reading of said minutes, there was no objection made to the same. The minutes were ordered approved as read.

At this meeting the following named citizens of the District were present and requested time for presentation of certain matters, as follows:

FIRST -- Mr. Wm. J. Bailey stated that he owned land in the District; that much of it would actually be protected from flood; that much of his land did not require protection; that all of his land, however, could be irrigated by gravity; that he had no desire to withdraw any land from the District as to which benefit would actually accrue; that he felt that until the District actually provided ditches to irrigate his higher land, the addi-

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tional tax would be an unjust burden on that land. It was explained to Mr. Bailey by the Board that the Board would have its own Board of Equalization for the adjustment of such cases and that it was within the power of the District and was the intent of the present Board to equitably adjust all such cases; that this could be done by assessing the lands remotely benefitted at a very low or nominal value so that in the end there would be no hardship worked upon any owner. Mr. Bailey replied that he was glad to learn this and that he, therefore, would not wish to make any effort whatever to have any part of his lands excluded. He further stated that if agreeable to the Board, he would wish to remain further and hear the further proceedings. It was stated to him that it was the desire of the Board to have him do so, not only at this meeting, but at any subsequent meeting.

SECOND -- Mr. Roy Vance, President of the Stock Yards National Bank, appeared before the Board and stated that on Tuesday November the first, he, at foreclosure sale, had purchased approximately 823 acres of land formerly belonging to Mr. Dan Jarvis; that the purchase was made under a judgment rendered in favor of the Paddock Estate for a total of approximately \$44,000.00; that the Estate had not made his bank a party to the suit; that his bank held the second lien for approximately \$8000.00 which was not foreclosed by that judgment; that there were accrued taxes against the property of approximately \$2500.00; that the Paddock Estate held a lien on other land which had also been foreclosed and was no doubt sufficient to protect their balance; that he had bought the 823 acres of land in and that it would take

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\$35.00 an acre, to cover the price bid, the amount of his bank's debt and the accrued taxes; that his object in buying the land was to protect his bank in its equity; that he had investigated the land and found that it was largely fertile valley land, but would be for the most part submerged at such time as the District might construct a reservoir at Eagle Mountain, and would therefore be required by the District; that he did not desire for the bank to be indefinitely in the land business and would prefer to, at this time, effect a sale of the land to the District at less sum than he believed to be the real value of the land; that he thought \$35.00 the minimum fair value. He stated that while he had no commitment whatever, that he had informally discussed this matter with Directors Slay and Hightower before he had purchased the land; that he was anxious to see the District acquire its lands at a fair value and did not desire to dispose of the land in such manner as might place it in the hands of some owner not inclined to treat the District fairly in the matter of a sale. The President asked Directors Hightower and Slay what, in their judgment, should be done in the matter. They both stated that beyond question the District would require practically all of that land; that they did not think the land was worth \$35.00; that they had investigated the character of the land and value of other lands of similar character and in the same area; that in their opinion \$30.00 per acre was a fair price, that it would be a cash transaction, and that the District should acquire the land, if good title to it could be had, at the price \$30.00; that in their opinion the land should be acquired at no higher price, leaving

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the matter for adjustment by condemnation in case the bank was not willing to convey the land at \$30.00. Thereupon Mr. Vance stated that while he could not agree to \$30.00 being a fair price, he would, on behalf of his bank, enter into contract for the sale of the land to the District at \$30.00 in order to close the transaction from the bank's assets. Thereupon Director Slay moved that the Board do accept Mr. Vance's proposal in behalf of the bank and that upon presentation of good and sufficient evidences of title, showing said land to be free from all liens and to be well vested in the District, that the District do pay to the Stock Yards National Bank for said land, in cash, the sum of \$30.00 per acre for the actual amount of land found to be contained in said tract. The motion was seconded by Director Abbott. It was unanimously carried and was so ordered.

THIRD -- Mr. and Mrs. W. F. Harding, of 1329 Hurley Avenue, Fort Worth, stated that they were the owners of 400 acres of farming lands in Wise County which they did not desire to sell but they understood, however, the land would be submerged by the proposed Wise County dam and were interested to know at what prices the Board expected to obtain title to the Wise County lands. Director Slay told them that the Wise County matter was being handled by a committee of citizens in the Bridgeport area and that they, no doubt, would be approached by that committee. He stated, however, that the Board were of the opinion that Wise County lands, generally speaking, would have to be purchased at from \$15.00 to \$20.00 per acre; further that such values were fair values of the lands in that area.

"Exhibit A" Minutes of
Nov. 2nd, 1927.

TO THE TARRANT COUNTY WATER CONTROL AND IMPROVEMENT
DISTRICT NO. 1.

Pres. A. L. Baker,
Secy. W. E. Bideker,
Fort Worth, Texas.

Gentlemen:

Comes now your petitioners, L. B. Comer,
and wife Mariola Comer, C. A. Boaz, E. D. Boaz, and
Mrs. C. C. Gumm joined by her husband, C. C. Gumm,
hereinafter referred to as petitioners, and represent
to said Tarrant County Water Control and Improvement
District No. 1 hereinafter referred to as "said Dis-
trict" in Tarrant County, Texas, as follows:

1.

That the petitioners herein are the owners
in fee of the following described tracts of land in
Tarrant County, Texas, and situated wholly within the
boundaries of said District and said tracts being des-
cribed by metes and bounds as follows:

FIRST TRACT: Part of the H. F. Largent
survey, situated about six miles northeast from the
Courthouse, in Tarrant County, Texas.

Beginning at the northeast corner of the
said survey. Thence south along the east line thereof
1018 feet. Thence south 65 west 273 feet. Thence south
74 west 240 feet. Thence south 82 west 244 feet.
Thence south 72-1/4 west 289 feet. Thence north 14
west 221 feet. Thence south 34-1/2 west 267 feet.
Thence north 67-1/4 west 158 feet. Thence north 67
west 175 feet. Thence north 44-3/4 west 240 feet.
Thence north 29-3/4 west 293 feet. Thence north 33-1/2

west 427 feet. Thence north 20-1/4 west 424 feet. Thence east along the north line of the said survey, 2603 feet to the place of beginning, and containing fifty-nine acres.

Surveyed in October, 1927.

BROOKES BAKER.

SECOND TRACT: Part of the Wm. Norris survey, situated about six miles northeast from the Courthouse, and being the sixty acres tract conveyed to W. J. Boaz by deed of record in Vol. 385, page 75, deed records of Tarrant County. Beginning at the northeast corner of the said Norris survey. Thence west 356 varas. Thence south 950 varas to the south line of the said survey. Thence east along said south line 356 varas to the southeast corner of the said survey. Thence north 950 varas to the place of beginning, and containing sixty acres.

THIRD TRACT: Part of the J. W. Elliston survey, situated about four miles northeast from the Courthouse, in Tarrant County, Texas. Beginning at the southeast corner of a tract of land conveyed to said Aaron Tucker by Sally Prather, by deed recorded in the office of the Clerk of the County Court of said Tarrant County, Texas, in Book, page 514 Deed records of said County; Thence West to the southeast corner of a forty acre tract of land conveyed by said Aaron Tucker and wife to Beverly C. Johnson by deed recorded in said Clerks office in Book R, page 628, 599 varas; Thence North 640 varas; Thence East 599 varas; Thence South 640 varas to the point of beginning, containing about seventy acres.

scribed three said tracts of land to be excluded from said district for the reason that the same cannot be practically and economically supplied with water from, or protected from flood by, the plant and improvements to be constructed by the district and that the same are not subject to overflow and cannot be irrigated and that the improvements to be constructed, when completed, will be of no benefit whatsoever to said land.

3.

That the said tracts of lands are agricultural and grazing land and lie without the boundaries of the City of Fort Worth or any other municipal corporation.

4.

That the petitioners desire to appear before the directors of said district in regular session before any bonds, other than preliminary bonds, are issued and make proof of the allegations of this petition.

5.

The petitioners pray on hearing of this petition that the directors of said District make an order entered upon their minutes excluding said three tracts of land hereinablve described from said District and that said order be delivered to your petitioners for the purpose of filing same for record in the office of the County Clerk of Tarrant County, Texas.

6.

Your petitioners now here give notice to said District, its officers and directors that if the said District and direcots thereof should deny the petition herein that the said petitioners will appeal to the courts of Tarrant County, Texas. However, your

petitioners are of the opinion that this petition is meritorious and express the hope and belief that the Board of Directors of said District will grant the petition herein as prayed for.

Respectfully submitted this the 29th day of October, 1927.

A handwritten signature in cursive script, appearing to read "C. C. Gamm".

For and in behalf of Petitioners

ESTABLISHED 1880

BROOKES BAKER

CIVIL ENGINEER

TITLE AND TOPOGRAPHIC SURVEYING
FORT WORTH, TEXAS

356 Varas.

950 Varas.

SECOND TRACT
60 Acres

950 Varas.

Sketch in Tarrant County Texas, showing
two tracts owned by the W. J. Boaz Estate,
which are above overflow from Trinity
River.

WM. NORRIS SURVEY

356 Varas.

2603 Ft.

1018 Ft.

FIRST TRACT
59 Acres.

H. F.

LARGENT SURVEY

424
N 40 1/4 W

427
N 33 1/2 W

293
N 29 3/4 W

240
N 44 3/4 W

173
N 67 W

158
N 67 1/4 W

262
N 78 3/4 W

267
S 34 1/2 W

221
N 14 W

289
S 72 1/4 W

244
S 82 W

240
S 74 W

273
S 65 W

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FOURTH -- Secretary Bideker presented a petition for exclusion of lands from the District, filed by L. B. Comer, et al., being heirs of the William Boaz Estate. Said petition is made a part of these minutes, is marked Exhibit "A" and is here referred to as a part of these minutes. After discussion, the President, on his motion and with the consent of the Board, appointed Director Hightower and Mr. Freese a committee of two to investigate whether this land will actually be protected by flood or would receive benefit from the proposed works. They were directed to report back to the Board. Action on the petition was to be deferred and the hearing held after the committee had reported; the committee were also instructed to see the parties at interest with reference to explaining to them the fact that future equalization of values would fully take into account all factors relating to apparent benefits or remote benefits. It was so ordered.

FIFTH -- The President thereupon asked Directors Hightower and Bideker if they, as a committee, were ready to report the result of their investigation concerning the reasonableness of Engineering fees to be paid by the District in carrying out its plans. Director Bideker stated that they had personally taken up with Mr. Brooks Baker the matter of a tender on his part to make the actual surveys necessary to establish the exact water lines with reference to the two reservoirs. They stated that they had received an estimate from Mr. Baker that the work could not be done under a charge of \$60,000.00. He further stated that upon that basis, there would be no economy but in fact an actual loss to segregate that work from the general engineering duties; he further stated that their investigation disclosed that the engineer-

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ing charges on the Wichita project, on the Garza dam project and on the proposed Dallas levee project had cost, or would cost, from 5% to 7% of a total cost of the works and lands; that they had also investigated the normal and minimum charges recommended by the American Society of Civil Engineers for engineering service on works of similar character and magnitude; that they had also investigated in a general way the prevailing engineering charges upon municipal works; that they had found the prevailing minimum charges to be 5%; that in their opinion the proposal of Hawley and Freese to discharge all engineering duties in connection with the District's problem, being $4\frac{1}{2}\%$ on the cost of the lands and proposed works, was a reasonable charge and was as low a charge as would permit the employment of capable engineers in whom the District might properly place faith. The Secretary of the Board thereupon tendered for consideration a proposed written contract tendered to the committee by Hawley and Freese. The contract was thereupon read; Director Abbott made objection that in case the District should later omit some part of the work now thought to be necessary, that the District would probably owe the Engineers the compensation based on the present plan; that in his opinion the contract should be amended in such manner as to provide that the 2% to be paid upon the completed works would apply only to the work actually done rather than to the work now contemplated. After full discussion the Board asked that this amendment be made. Mr. Freese stated that they were quite willing to so charge the contract and that they, he and his partner, in fact contemplated that settlement would be upon the basis suggested by Mr. Abbott. The contract was thereupon immediately amended and again read. There-

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upon Director Bideker moved that the proposal of Hawley and Freese be approved and accepted; that they do be employed according to the terms of the written proposal and that the committee do procure from other Districts letters verifying their investigations concerning engineering charges; further that such letters do be made a part of the records of this District. This motion was seconded by Director Abbott. The motion and the contract were further discussed. Upon the motion being put, it was unanimously carried and the contract was ordered closed as per its terms. A copy of said contract is attached to these minutes and marked Exhibit "B" and is made a part hereof.

SIXTH -- The President asked Directors Slay and Abbott to report the result of their action as a committee to investigate a plan for the conduct of the District's legal work and the compensation to be paid therefor. The committee stated that they had not completed the investigation to their own satisfaction. They asked further time. This extension of time was granted and the committee directed to continue their work. In a general discussion attorneys Sidney L. Samuels and Ireland Hampton were asked to confer and present to the committee what they believed to be a workable plan for a conduct of the District's legal affairs and were asked to present a formal proposal as to the compensation which should be paid for such services.

SEVENTH -- Director Slay stated that the Wise County committee were anxious to have delivered to them the actual contracts which the District desired the land owners to execute. After full discussion of a form of contract, it was agreed that

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in order to preserve the community spirit, it was best to prepare one general agreement to be signed by all land owners; that this agreement should name an escrow committee who would take and hold options; further that this agreement should express as a consideration that the escrow committee would, in behalf of the land owners, undertake to procure and bring about the prompt construction of the Bridgeport reservoir; further that each individual owner should, at the time he signed the general agreement, sign an option contract running in behalf of the District, which option should be delivered to and held by the escrow committee; further that the escrow agreements should distinguish between lands to be permanently covered by water and lands as to which flowage rights would be sufficient to protect the District; further that the Engineers should, as speedily as possible, designate for the escrow committee the lands to be procured in fee and the lands as to which flowage rights would suffice. The Attorneys were directed to prepare such agreements that would carry out the plans of the Directors as here expressed, and the Engineers were directed to furnish the needed data with all possible dispatch. It was so ordered.

There being no further business, the meeting was adjourned subject to call, or until Wednesday November 9th, at 10:00 A.M.

W. E. Z. Adams

Secretary

APPROVED:

W. L. Barber
President.

JOHN B. HAWLEY

M. AM. SOC. C. E.

S. W. FREESE

ASSOC. M. AM. SOC. C. E.

CONSULTING ENGINEERS

403 COTTON EXCHANGE BLDG.
FORT WORTH, TEXAS

WATER SUPPLY
WATER PURIFICATION
SEWERAGE
SEWAGE DISPOSAL
IRRIGATION
FLOOD CONTROL

November 9, 1927.

Tarrant County Water Control and
Improvement District Number One,

Fort Worth, Texas.

Gentlemen:--

In reply to your request regarding our engineering contract on the new water supply for the City of Corpus Christi, beg to state that under our contract we will receive five (5%) percent on the cost of the work, the estimated cost of which is \$2,000,000.00.

Very truly yours,

HAWLEY and FREESE,

Per:



SWF°MC

O. N. FLOYD
MEM. AM. SOC. C. E.
J. L. LOCHRIDGE
MEM. AM. SOC. C. E.

GENERAL HYDRAULIC ENGINEERING
INVESTIGATIONS, DESIGNS
SUPERVISION OF CONSTRUCTION
WATER SUPPLY, IRRIGATION
FLOOD PROTECTION, DRAINAGE
SEWERS AND POWER DEVELOPMENT

FLOYD & LOCHRIDGE

CONSULTING ENGINEERS

519 WILSON BUILDING

PHONE Y 4402

DALLAS, TEXAS

November, 7, 1927.

Major John B. Hawley,
Capps Building,
Fort Worth, Texas.

Dear Major Hawley,

omit
In reply to your request regarding our contract for the engineering for the new water supply for the City of Waco, We have only a tentative agreement for this work since the City Attorney has held that no contract would be legal until funds are actually available for this particular project.

Our understanding and agreement is that we are to receive 5% on the cost of the work. The estimated cost of this job is \$3,500,000.

For your information, the engineering on the Wichita Falls Irrigation project, with which we were both connected, amounted to slightly more than 6½%. The total cost of this job was a little less than \$5,000,000 and all engineering was on a salary basis.

Yours truly,

FLOYD & LOCHRIDGE.

ONF.

BY

O. N. Floyd



City of Dallas

R.E. BURT, MAYOR

J. BARNEY DAVIS
COMMISSIONER OF FINANCE AND REVENUE
ARTHUR J. REINHART
COMMISSIONER OF STREETS AND PUBLIC PROPERTY

S.F. MOSS
COMMISSIONER OF WATERWORKS AND SEWERAGE
CLARENCE S. PARKER
COMMISSIONER OF POLICE AND FIRE

DALLAS, TEXAS

November 7th, 1927.

Mr. John B. Hawley,
Fort Worth, Texas.

Dear Sir:

Our books show as Engineering Expenses on Garza Dam to October 1st, 1927, \$286,997.80. Total cost of construction work to October 1st, 1927, \$4,463,177.15. Percentage of cost of engineering to October 1st, 1927, 6.43%.

Yours truly,

R. V. TOMPKINS, City Auditor,

By *R. V. Tompkins*
Chief Accountant,

JB

J. C. NAGLE
MEM. AM. SOC. C. E.

JACK F. WITT
MEM. AM. SOC. C. E.

A. P. ROLLINS
MEM. AM. SOC. C. E.

GIBB GILCHRIST
MEM. AM. SOC. C. E.

C. L. WILFORD
ASSOC. M. AM. SOC. C. E.

Nagle, Witt, Rollins & Gilchrist

GENERAL AND CONSULTING
ENGINEERS

HOUSTON OFFICE
POST BLDG.

DALLAS, TEXAS

~~SANTA FE BUILDING~~
ALLEN BUILDING

Nov. 7th, 1927.

Major John B. Hawley,
Capps Building,
Fort Worth, Texas.

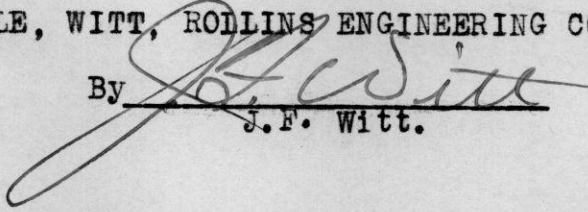
Dear Major Hawley:

Complying with your request,
this is to advise that our engineering
contract on the \$7,300,000.00 irrigation
project at Cotulla is 5% of the cost of
the project.

Yours very truly,

NAGLE, WITT, ROLLINS ENGINEERING CO.,

By


J. F. Witt.

JFW:LW