

MINUTES OF A CALLED MEETING OF THE BOARD OF DIRECTORS OF
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE
HELD IN THE DISTRICT OFFICE IN FORT WORTH, TEXAS, ON THE
15TH DAY OF DECEMBER, 1931, AT 2 P.M.

At this time and place Directors were present, or absent, as follows:

PRESENT:

W. R. Bennett
E. E. Bewley
W. K. Stripling
C. A. Hickman
Joe B. Hogsett

No Directors was absent.

Director Bennett presided in his capacity as President of the Board; and Director W. K. Stripling acted as Secretary.

At this time and place the following proceedings were had and done, viz:

President Bennett stated that the meeting had been called to consider whether or not this District should proceed for the condemnation of that part of the right of way of the Chicago, Rock Island and Gulf Railway Company, which will be affected by the construction of the District's Bridgeport Reservoir. Thereupon Director Hickman did present a proposed "Findings of Facts, and Order Based thereon," which is in words, figures and symbols as follows, viz:

" $\frac{1}{2}$

1.

" The Directors of this District, having made examination of the "plan for improvements adopted by this District on July 30, 1927, and as approved by the State Board of Water Engineers of Texas, and having specific instant advice from Messrs. Hawley and Freese, as Engineers for this District, do now here find as follows:

" (a) The Bridgeport Dam will be completed, ready for the "closing of its gates, and retention of water, at a time about December 15, 1931: "In order to begin the storage of water to form a source of supply for the City "of Fort Worth and to supplement the waters which may be stored in Lake Worth, "this District should without delay close the gates provided for the Bridgeport "Reservoir.

" (b) The Berkshire Levee, or supplemental Dam,
"forming an integral part of the Bridgeport reservoir, now is completed,
"save and except for a gap extending from the north boundary line of the
"right of way of the Chicago, Rock Island and Gulf Railway Company to the
"south boundary line thereof. Said levee, as and when completed, will form
"a necessary part of the works required to control floods, and to prevent
"destruction thereby in the Trinity valley below the Bridgeport Dam, and
"especially in the City of Fort Worth. Due to the fact that the rain falls
"are uncertain as to duration and quantity, there exists an imperative pub-
"lic need that said levee do be completed with the least possible delay.

" (c) Attached to the Minutes of this Meeting, as
" 'Exhibit A,' is a certain map, or plat, showing the detail of the right of
"way of the Chicago, Rock Island and Gulf Railway Company, being a part of
"its Bridgeport - Graham Branch (which lies between Survey Station 291 plus
"10 and the line between Jack County and Wise County, Texas). The calls
"for certain objects, elevations, physical objects and political lines, as
"hereinafter made, will have reference to 'Exhibit A,' which here is refer-
"red to as though it were embodied herein. The Survey stations hereinafter
"referred to, and noted upon said map, are the same as the survey stations
"shown on the original map of said Railway as prepared by the Chicago, Rock
"Island and Gulf Railway Company, and as delivered to this District.

" (d) On advice of the Engineers for this District
"we deem it to be necessary for, or to be helpful to, or to be in aid of, the
"construction and beneficial operation of this District's works, that this
"District (it having been unable to agree as to compensation with the corpor-
"ations hereinafter named) should condemn and acquire an easement upon the
"total breadth of the right of way of the Chicago, Rock Island and Gulf Rail-
"way Company, which is described as follows, viz: Being a part of the Bridge-
"port - Graham Branch Railroad, situated in Wise County, Texas, from a line
"crossing said right of way at approximate right angle, at a point in the W.

"S. Blount Survey of land, No. 17 (formerly owned by W. Debree and L. O. Fancher), in Wise County, Texas, which point is at Elevation 851 feet above mean sea level, as measured by the elevation of the top of the defendant's rails, and which line further is to be identified by the fact that it is approximately 3779 feet (measured along the tracks of the defendant) in an easterly direction from the dividing line between Wise County and Jack County, Texas, which said point for beginning is indicated on "Exhibit A" as Station 503 plus 21; thence in a general easterly direction, and to include the total width of said right of way, to a point or line, crossing said right of way at an approximate right angle, which is on the Reuben Fisher Survey of land in Wise County, Texas, at Survey Station 293 plus 11 (which is 201 feet west of the east Head Block of the 'Berkshire Switch Track;' also identified as Survey Station 291 plus 10) all of which will be made certain by reference to 'Exhibit A' hereto. The total length of the right of way, to be embraced between said west and east boundary lines, and hereby sought to be subjected to an easement, extends from the predicted maximum flood water line on the west to the eastern boundary of a proposed borrow pit immediately east of the partially constructed 'Berkshire Levee,' which is a distance of approximately 3.9791 miles: The right of way so embraced constitutes approximately 67.89 acres of land. The objects, elevations and points for fixing calls as used herein will be made certain by reference to 'Exhibit A,' which is based on the original survey maps of the defendant, furnished by it to this plaintiff: the words 'Survey Station' as used in 'Exhibit A' refer to the defendant's original record of the survey of its said right of way, and each successively numbered survey station is equal to 100 feet: The numerical designation of a survey station 'plus' a number indicates a number of feet from any given designated 'Survey Station,' as will be made clear by the illustration that the words 'from Survey Station 291 plus .00 to Survey Station 293 plus 11' will mean 211 linear feet of said right of way. In describing the right of way to be placed under easement to this District it is intended to include the fences, ties, rails, bridges, culverts, telegraph lines, telephone lines, fittings, fixtures, appurtenances, and superstructures, of all and every character, placed upon, imbedded in, or affixed to the earth constituting said right of way as the same now is defined and fenced on both the northerly and southerly

"sides thereof, and lying between the hereinbefore designated westerly and
"easterly boundaries of the portion desired to be placed under easement.

(e) That portion of said right of way shown to
"be between Survey Station 503 plus 21 (elevation above mean sea level 851
"feet) and Survey Station 424 plus 39 (elevation above mean sea level 826
"feet) will be required to be subjected to flood flowage at such times as
"this District may find necessity for controlling and retarding extreme
"flood. That part of said right of way, shown to be between Survey Station
"424 plus 39 (at elevation above mean sea level 826 feet), thence in an
"easterly direction to Survey Station 314 plus 45 (again elevation above
"mean sea level 826 feet), will be required to be subjected to more or less
"constant submergence by water to be stored for beneficial uses in this Dis-
"trict's Bridgeport Reservoir. That part of said right of way, shown by
"Exhibit A' to be situated between said Survey Station 314 plus 45, and thence
"to the east to Survey Station 293 plus 11, will in part be required to be sub-
"jected to flood flowage at time of extreme flood, and in part required to form
"the base of the Berkshire levee, together with the borrow pit on the eastern
"side thereof, which point is 201 feet west of the east Head Block of the Berk-
"shire Switch of the Chicago, Rock Island and Gulf Railway Company, which is
"indicated on 'Exhibit A' as Survey Station 291 plus 10.

" (f) It appears that The Western Union Telegraph
"Company does not own any physical properties located on that portion of said
"right of way which hereinabove is described, but that they are claiming some
"manner of contractual right to use certain facilities located on said right of
"way, and suitable to them for the transmission of telegraphic messages for hire.
"It further appears that Southwestern Bell Telephone Company is the owner of
"certain poles, wires and other appurtenances situated on said above described
"right of way, which are being used by it for the purpose of transmitting tele-
"phone messages for hire. It further appears that said above described right of
"way of Chicago, Rock Island and Gulf Railway Company is subject to a mortgage
"lien to secure the payment of certain bonds, or other obligations, as appears
"from the Deed of Trust Records of Wise County, Texas, in Vol. 22, page 508, to
"which reference hereby is made as though embodied herein: Further that said

"bonds are now owned by Chicago, Rock Island and Pacific Railway Company,
"which has placed said bonds in pledge to the Central Republic Bank and Trust
"Company, of Chicago, Illinois, to secure certain obligations of said Pledgor.

" (g) This District has diligently sought an ac-
"cord with the Chicago, Rock Island and Gulf Railway Company, Southwestern
"Bell Telephone Company and The Western Union Telegraph Company, concerning
"the compensation for, or the value of, the easement now deemed necessary to
"be acquired by this District: Notwithstanding this effort on the part of
"this District, it has been unable to agree with them, or any one of them,
"concerning the lawful compensation to be paid by this District as consider-
"ation for the easements aforesaid.

" (h) By reason of the public duties imposed upon
"this District and the imperative public necessity that its proposed works be
"brought into actual and effectual operation with the least possible delay,
"there does exist an imperative public necessity that this District do with-
"out other and further delay, proceed to exercise its lawful right of eminent
"domain in the manner provided by law to the end that the easements aforesaid
"be condemned and vested in this District.

" NOW THEREFORE, It Is Ordered, that condemnation
"proceedings do be instituted in the name of this District in the County Court
"of Wise County, Texas, naming as defendants Chicago, Rock Island and Gulf
"Railway Company, Southwestern Bell Telephone Company, The Western Union Tele-
"graph Company, Chicago, Rock Island and Pacific Railway Company, and Central
"Republic Bank and Trust Company of Chicago, Illinois, and any and all other
"parties who may be parties proper to said proceeding, without other and fur-
"there delay, under the appropriate provisions of law — To that end, the
"attorneys for this District hereby are directed to institute such proceedings,
"and to do any and all things required by law validly to invest this District
"with the rights and easements hereby required: Upon the express condition,
"however, that the easement to be condemned hereunder shall not be exclusive
"in character, but expressly shall be subservient to the rights of the Chicago,

"Rock Island and Gulf Railway Company, Southwestern Bell Telephone Company and
"The Western Union Telegraph Company, to maintain the continuity of their res-
"pective facilities, upon said right of way, and, or, service by means thereof,
"at such increased elevation above mean sea level and of such construction as
"will not deny to this District its dominant duty and right to accomplish the
"objects sought to be accomplished by this District under its adopted plan for
"improvements. Any and all things which the attorneys for this District may
"lawfully do in the premises hereby are ratified and confirmed as the acts and
"deeds of this District."

Thereupon, Director Hickman did move the adoption of said findings of facts and order based thereon, as the act and deed of this District. This motion was seconded by Director Hogsett. There was full discussion of this motion as made. Upon a vote being taken Directors W. R. Bennett, W. K. Stripling, C. A. Hickman and Joe B. Hogsett,
voted for the motion and no director voted against the motion: It was in all things so ordered. Director Bewley was present, but not voting.

The object of this called meeting having been accomplished, the meeting was adjourned.

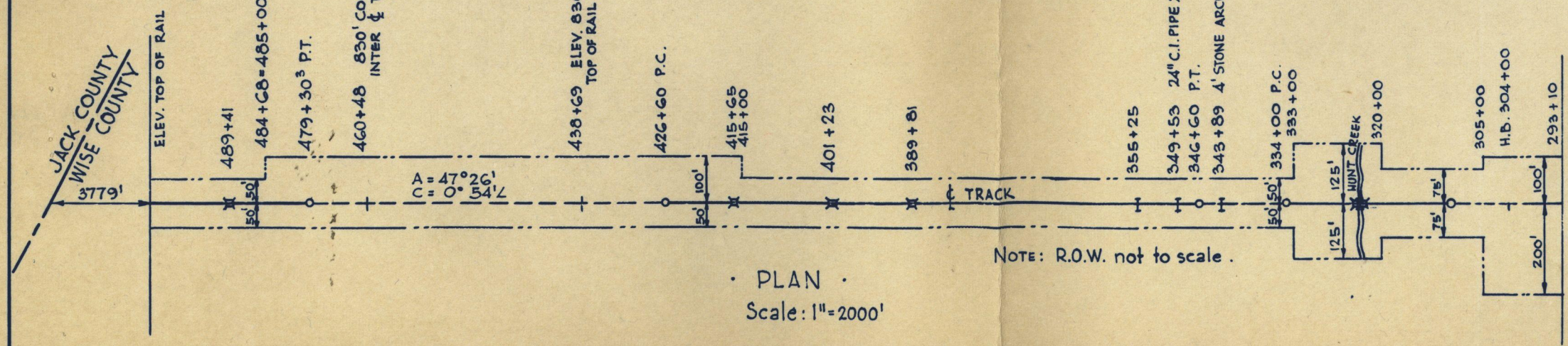
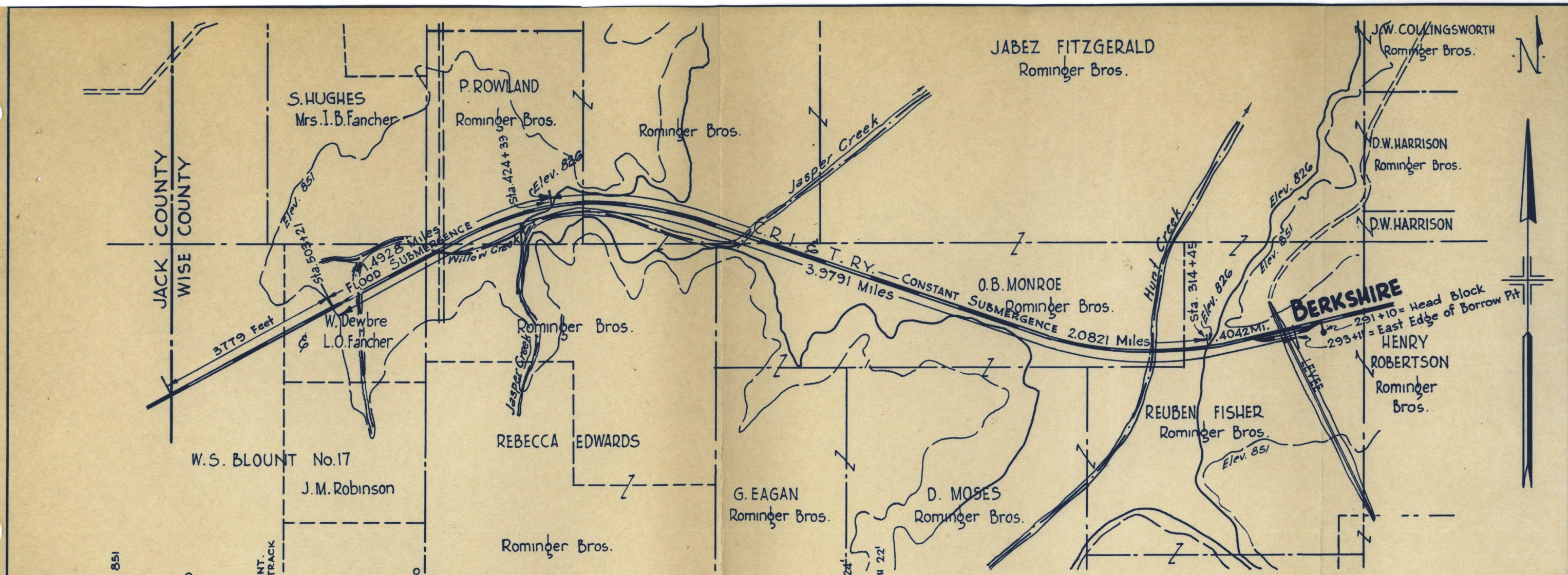
W. K. Stripling
As Secretary

APPROVED:

W. R. Bennett
As President

I, W. K. STRIPLING, as Secretary for Tarrant County Water Control and Improvement District Number One, hereby do certify that the above and foregoing Minutes of a called meeting of the Board of Directors of said District, held on August _____ A. D. 1931, is a true and correct copy of the original minutes of said District, relating to said meeting, and further that said Minutes does truthfully relate the action taken by the Board of Directors of said District at the stated time and place.

As Secretary



PLAN
Scale: 1" = 2000'

Note: R.O.W. not to scale.

" EXHIBIT A "

SHOWING PORTION OF C.R.I. & T. RY. CO'S RAILWAY TO BE REQUIRED FOR LEVEE SITE, FOR COVERAGE OF WATER TO BE STORED FOR USE AND TO BE INUNDATED AT FLOOD PERIODS.

HAWLEY & FREESE
CONSULTING ENGINEERS
FORT WORTH, TEXAS