

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  
7TH DAY OF AUGUST, 1933, AT 2:30 P.M.

The call of the roll disclosed the presence of all Directors as follows, viz:

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

President Bennett presided; Director Stripling acted in his capacity as Secretary.

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

1.

President Bennett explained that the meeting had been called for the purpose to consider making a deposit to comply with requirements of the decree, in Cause No. 2752, on the Docket of the County Court of Wise County, Texas, a Condemnation Proceeding wherein the District, as plaintiff, and Chicago, Rock Island and Gulf Railway Company, and others, were defendants, said decree having been rendered on the 28th day of July, 1932, and providing that this District should pay to said Railway Company, as compensation and damages, the sum \$128,538.

2.

There was full consideration of said matter, whereupon Director Hickman moved the adoption of a resolution which in words, figures and symbols, is as follows, viz:

"FINDINGS OF FACT, CONCLUSIONS THEREFROM, AND ORDERS  
BASED THEREON:

"(a) On July 28, 1932, there was pending in the County Court of Wise County, Texas, a proceeding in Condemnation, numbered 2752 upon the Docket of said Court, and entitled "Tarrant County Water Control and Improvement District Number One vs. Chicago, Rock Island and Gulf Railway Company, et al," wherein on said date, said Court did render its decree in condemnation, which decree has been subjected to appeal by said Chicago, Rock Island and Gulf Railway Company, so that the same is not now final; and

"(b) Whereas, said decree among other things, did in substance provide:

1 - That Tarrant County Water Control and Improvement District Number One do have condemnation of the property in said decree described, as against said Chicago, Rock Island and Gulf Railway Company, and that as compensation for said property said District do pay unto said Railway Company, or its successors or assigns, the sum \$128,538, which should be in satisfaction of the award of damages by said judgment decreed:

2 - That in case said Railway Company should refuse to accept said sum of money in satisfaction of its damages; then, and in that event, said District (the plaintiff), in case it should desire possession of the property condemned, pending appeal, as provided for by the Statutes of Texas, should make lawful deposit of the sum \$257,076, all to be done conformably to the provisions of Chapter 275 of the General Laws of the 42nd Legislature of Texas, Regular Session, and Articles 3264a and 3268 of the Revised Civil Statutes of Texas, Code of the year 1925; and

"(c) Whereas, since the rendition of said decree, the Legislature of the State of Texas, at its 3rd Called Session, which adjourned on September 21, 1932, did enact a statute known as "Chapter 23 of the General and Special laws of said Session of the Legislature," relating to the manner of making deposit to cover decrees of condemnation in proceedings wherein water control and improvement districts, which are established to be municipal districts, may make lawful deposit to cover decrees in condemnation in case the writ of possession may be desired pending an appeal; and

"(d) Whereas, Section 2 of said Act provides that such deposit, pending appeal, should be set apart as a "Special Fund" in the lawfully designated and qualified depository of the Condemnor, all to be subject to the terms and conditions of said Section 2; and

"(e) Whereas, this District, as plaintiff in condemnation in said Cause, has tendered to pay to said Chicago, Rock Island and Gulf Railway

Company, as defendant in condemnation, the sum \$128,538, which tender of payment has been refused by said defendant; and

"(f) Whereas, this District now desires to make provision for the issuance of the writ of possession of the property described in said decree, in accordance with the terms thereof and the law appropriate thereto; and

"(g) Whereas, this District has elected to deposit the sum \$257,076 (as stipulated for in said decree), in the manner provided for in said Chapter 23, which became effective on September 21, 1932; and

"(h) Whereas, said defendant, Chicago, Rock Island and Gulf Railway Company has agreed with this District that said deposit should be made, for its use and benefit, in the manner provided for in said Chapter 23, in lieu of the manner provided for by Article 3268 of the Revised Civil Statutes of Texas, Code of the year 1925:

"NOW THEREFORE, be it resolved and ordained as the act and deed of this District:

(a) That the District's Voucher Check No. 3307, do be drawn on the fund of this District now on deposit in the Continental National Bank of Fort Worth, known as the "Reconstruction Finance Corporation Special Fund," for the sum \$257,076, payable to a Special Fund in said Bank, as the lawfully designated and qualified depository of this District, to be known as "Rock Island Condemnation Deposit"; further, that money so deposited in said Special Fund shall in all things be subject to disposition as provided for by Section 2 of said Chapter 23 of the General and Special Laws of the State of Texas, passed by the 42nd Legislature at the 3rd Called Session thereof:

(b) Further that any and all things required to be done by the provisions of said Section 2, do be well and truly done in time and manner as required by said Act: (c) Further, that the appropriate officers and the attorneys for this District hereby are directed and authorized to do any and all things required for full compliance with said Section 2, without other or further order from the Board of Directors of this District: In All Appropriate Things It is so Ordered."

Upon a reading of this resolution Director Hogsett seconded

the adoption of the same, as the act and deed of this District. Upon a vote being taken Directors Bennett, Bewley, Stripling, Hickman and Hogsett, voted for the motion, no director voted against the motion, the resolution was declared adopted, and it was so ordered.

3.

No further business was presented and the meeting was adjourned.

W. T. Stripling.  
As Secretary

APPROVED:

W. M. Bennett.  
As President