

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
24TH DAY OF JUNE, A. D. 1935, 3:30 P. M.

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

PRESENT:

C. A. Hickman
W. K. Stripling
Joe B. Hogsett
W. S. Cooke

ABSENT:

E. E. Bewley

ALSO PRESENT:

Mr. G. T. Deibert, Real Estate and Taxation Agent, for the Trustess
of The Chicago, Rock Island and Gulf Railway
Company.

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

At this time and place the following proceedings were had and done, v i z :

1.

Mr. Deibert presented, in behalf of said Trustees, a written unsigned memorandum concerning the desire of the Trustees to procure a right-of-way for relocation of the Rock Island Railroad, skirting the Southerly end of the District's Reservoir; also, concerning a proposal with reference to 8.05 acres of land (more or less), situated in the District's Eagle Mountain Reservoir, which land, save approximately one-tenth of an acre, is situated at elevation less than that of the spillway in the Eagle Mountain Dam. Said memorandum is attached to these Minutes as "Exhibit A" and here is referred to as part hereof. There was full discussion of said proposal by Mr. Deibert and the Directors of the District, whereupon Director Hogsett moved the adoption of a resolution to

have the force and effect of an ordinance which was in words, figures and symbols as follows, viz:

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"Be It Ordered, as the act and deed of this District, that the appropriate officers of this District do execute a good and lawful deed of right-of-way easement, conveying to Frank O. Lowden, James E. Gorman and Joseph B. Fleming, as Trustees of the properties of The Chicago, Rock Island and Gulf Railway Company, under and by virtue of their appointment by the Honorable James H. Wilkerson, in his capacity as United States District Judge for the Northern District of Illinois, Eastern Division, entered in Cause No. 53209 upon the Docket of said court, styled 'In the matter of the Chicago, Rock Island and Gulf Railway Company, Debtor,' 61.79 acres of land, more or less, situated in Wise County, Texas, which land shall be described in the District's Deed in a manner meeting the approval of Hawley, Freese and Nichols, as Engineers for the District; further that, said deed shall be conditioned substantially as follows, i. e.: a—The consideration for said deed of easement shall be that the said Trustees, under an appropriate order of authorization by said court of jurisdiction, will convey to this District, by good and valid deed, a certain tract of land situated in Tarrant County, Texas, being 8.05 acres of land, more or less, and to invest in this District the fee simple title to said land; subject, however, to certain reservations of right by the said Trustees, as hereinafter will be related: The conveyance by the

District, and the reciprocal conveyance by the Trustees shall be the whole consideration, one for the other. b—Said deed of conveyance by the District to said Trustees shall be subject to the condition that if, at any time, said Trustees or their successors in title to said property, ceased to use the premises conveyed for the operation of public carrier trains over the same, the easement conveyed by the deed shall automatically cease to have further force or effect, and thereupon the District shall hold the title to said land as prior to the execution of said deed. c—Said deed shall further be conditioned as may be approved by Sidney L. Samuels and Ireland Hampton, as Attorneys for this District.

Further that, the deed of conveyance by said Trustees, covering said approximate 8.05 acres of land, situated in Tarrant County, Texas, may be conditioned as follows, i. e.: a—The Trustees are to expressly reserve the rights to: (1) Continue to maintain on said land their water pump station, together with all equipment and facilities deemed, or to be deemed, by said Trustees to be suited for taking and conducting water from the District's Eagle Mountain Reservoir, to trains to be operated on the Chicago, Rock Island and Gulf Railroad, but for no other purpose; (2)—that such pump station and facilities may be located or relocated upon said land, as may be desired by said Trustees; (3) that said Trustees may take borrow earth from said land at elevations lower than 649 feet above mean sea level for the pur-

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pose of constructing a levee, or levees, around its pump station, or other appurtenant facilities; and that they may trench and back-fill upon said land for the purpose of burying their pipe lines; (4) that the conveyance by the Trustees shall be further conditioned as may be deemed by the Attorneys and Engineers for this District to be needed for the protection of this District.

Further that, upon tender of reciprocal conveyances, in substantial keeping with the conditions of this order, C. A. Hickman, in his capacity as President of this District do be authorized and directed to execute the conveyance required to be executed by this District, in the name of the District, as its act and deed; further that, W. K. Stripling, in his capacity as Secretary of this District do attest said deed and imprint thereon the seal of this District—All to be done without other or further order by this Board of Directors: It is so ordered."

Upon the reading of said resolution, Director Cooke seconded the motion. Upon a vote being taken, Directors Hogsett, Cooke and Stripling voted for the motion, and President Hickman asked to be recorded as favoring the motion. The motion was carried and it was so ordered.

2.

There was presented to the Directors a stated account of Hawley and Freese, as Engineers for the District under their original contract with the District, for the sum \$5,172.50, with a request that they be paid on account the sum of \$5,150.00. The itemized stated account, together with the

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request for payment is attached to these Minutes and "Exhibit B." There was full examination of this account and said request for payment, whereupon Director Stripling made a motion that said account do be approved for payment; that there do be paid thereon the sum \$5,150, and the District's Voucher Check No. 4157, payable to Hawley and Freese, for said sum \$5,150.00, do be executed and delivered to said payees as a payment on the account stated. This motion was seconded by Director Cooke. Upon a vote being taken the motion was carried and it was so ordered.

3.

Director Hogsett made a motion that the District do cause to be delivered to the Continental National Bank of Fort Worth, its Cashier's Check No. 067510, dated April 8, 1935, for the sum \$1,000.00, payable to this District, which check was delivered as a good faith check at the time it became a bidder for service as Depositary for the District; for the reason that said bank has heretofore fully qualified under the law as Depositary for the District. The motion was seconded by Director Cooke. Upon a vote being taken the motion was carried and it was so ordered. (Receipt of Bank for said Voucher Check is attached to these minutes as "Exhibit C.").

4.

It was called to the attention of the Directors that Mr. Charles F. Roeser had given definite advice that he would accept the counter-proposal of this District whereby he would purchase from the District, under the prior notice of sale published by the District in conformity to the appropriate law, two certain tracts of land, as follows:

Tract One: 63.56 acres of land out of the L. J. Burgess 460 acre tract, a part of the J. Wilcox 640 acre Survey, Abstract No. 1703 (being that part thereof situated at elevation higher than 649 feet above mean sea level) at the price of \$75.00 per acre;

Tract Two: 30.57 acres of land from the 146.37 acre Hoskins tract, out of the J. Wilcox Survey No. 49, Abstract No. 1730 (being that part thereof which is situated higher than elevation 649 feet above mean sea level), at the price of \$100.00 per acre:

The conveyance of said two tracts of land to be subject to: (a) The existing leases thereon, which expire on December 31, 1935; (b) the reservation of certain rights, flood easements, and riparian water rights by the District; and (c) that the District will furnish abstracts of title to said land, brought down to this date, for examination by the Attorney for the purchaser, but that said abstracts are to be and remain the property of the District; with the understanding that the purchaser and his assigns shall have the right to procure said abstracts for reasonable times and under reasonable conditions, to admit of examination of the same. Upon consideration of this matter, Director Stripling made a motion that the proposal of sale as stated do be approved and confirmed; further that, actual conveyance of the land in question do be executed in the name of the District, in lawful form and that the deed so executed do be delivered to said purchaser without other or further order of this Board of Directors; subject only to the actual payment of the consideration for said land. This motion was seconded by Director Hogsett. Upon a vote being taken the motion was carried and it was so ordered.

5.

No further business was presented and the meeting was adjourned.

APPROVED:

C. P. Hickman
As President

W. H. Stripling
As Secretary

"EXHIBIT A" - 6/24/35.

The Trustees of the Chicago, Rock Island and Gulf Railway Company make the following proposition to the Tarrant County Water Control & Improvement District Number One:

The Water District is to convey to the said Trustees 61.79 acres of land to be used by the said Trustees for a right of way for the new railroad line to be built around the border of the lake, the description of which will be later given, which is to be conveyed in consideration of the said Trustees releasing the Water District from any claim for damages on account of inundation by the lake water of the tract of 8.05 acres of land, and all improvements and facilities situated thereon, which is now used by the said Trustees as a pump station near Newark. The said Trustees will either convey the title of the said 8.05 acres of land to the Water District, but with the right retained of the perpetual use of the said property as a water station by the said Trustees, and the right to take whatever water is needed for railway purposes from the lake, it being understood that the said Trustees may, if they wish, move the facilities and improvements to any part of the said tract desired; or will retain the title to the land as at present, and release the Water District from any claim of damage, either past or future, on account of inundation of the said improvements or facilities by water from the lake.

JOHN B. HAWLEY
S. W. FREESE
M. C. NICHOLS
H. A. HUNTER

WATER SUPPLY
WATER PURIFICATION
SEWERAGE
SEWAGE TREATMENT
FLOOD CONTROL
APPRAISALS

"EXHIBIT B" - 9/24/35.

HAWLEY, FREESE AND NICHOLS
CONSULTING ENGINEERS
407-410 CAPPS BUILDING
FORT WORTH, TEXAS

June 24, 1935

Honorable the Board of Directors,
Tarrant County Water Control and
Improvement District Number One,
Fort Worth, Texas.

Gentlemen:

Attached hereto please find Estimate Number 39
for \$5,172.50. Please authorize payment of \$5,150.00 on
account to us.

Respectfully submitted,

HAWLEY and FREESE

By *S.W. Freese*

JUN 24 1935

*Payment of \$5150.00 AUTHORIZED AT MEETING THIS DAY
SEE VOUCHER # 4157.*

[Signature]
6-24-35.

JUN 24 1935

JOHN B. HAWLEY
S. W. FREESE
M. C. NICHOLS
H. A. HUNTER

WATER SUPPLY
WATER PURIFICATION
SEWERAGE
SEWAGE TREATMENT
FLOOD CONTROL
APPRAISALS

HAWLEY, FREESE AND NICHOLS
CONSULTING ENGINEERS
407-410 CAPPS BUILDING
FORT WORTH, TEXAS

June 24, 1935

JUN 24 1935

TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE

In Account With

HAWLEY and FREESE

Estimated Cost

Eagle Mountain Dam-Contractor's Final Est.	\$2,654,276.85	
Clear Duke Land	177.60	
Cost to Complete	110,000.00	✓
Bridgeport Dam -Contractor's Final Est.	1,540,423.64	
Clear Laird Land	5,814.56	
Cost to Complete	31,000.00	✓
Lands - Eagle Mountain Fee	726,622.74	
Eagle Mountain Easement	3,864.70	
Carter-Meacham Easement	8,251.65	
Bridgeport Fee	580,588.00	
Bridgeport Easement	2,684.18	
Buckner Easement	381.50	
Levees	250,000.00	✓
Rock Island Railway	243,000.00	✓
Claims-Wise County Roads	45,000.00	
Jack County Roads	5,000.00	
Texas Pipe Line Co.	25,000.00	
Southwest Telephone Co.	210.00	
R. R. Harris	500.00	
Texas Power & Light Co.	3,500.00	
Wise County Bridge	150.00	
Southwestern Bell Telephone	3,913.00	
	<u>\$6,110,358.42</u>	@ 2 1/2% \$153,508.96

Completed Work

Eagle Mountain Dam-Contractor's Final Est.	\$2,654,276.85	
Clear Duke Land	177.60	
Bridgeport Dam -Contractor's Final Est.	1,540,423.64	
Clear Laird Land	5,814.56	
Rock Island Railway	243,000.00	✓
Lands-As above	1,322,392.77	
Claims-As above, except Jack Co. Roads	78,273.00	
	<u>\$5,844,358.42</u>	@ 2% 116,887.16

Total Engineering to Date

Amount Paid to Date (See Minutes of Apr. 16, 1934)	265,200.00	\$270,396.12
for \$23.62)	23.62	265,223.62

Balance

\$ 5,172.50

M. C. Nichols
M.C.N.
8-17-35

"EXHIBIT C" - 9/24/35.

TARRANT COUNTY WATER CONTROL AND
IMPROVEMENT DISTRICT NUMBER ONE

BOARD OF DIRECTORS

W. R. BENNETT, PRES.
E. E. BEWLEY, VICE-PRES.
W. K. STRIPLING, SEC'Y
JOE B. HOGSETT
C. A. HICKMAN

OFFICE CAPPS BUILDING

PHONE 3-2848

ED. B. CHEATHAM, OFFICE

FORT WORTH, TEXAS.

SIDNEY L. SAMUELS | ATTORNEYS
IRELAND HAMPTON |

HAWLEY AND FREESE
ENGINEERS

June 27, 1935.

RECEIVED of Tarrant County Water Control and Improve-
ment District Number One (delivered by Ireland Hampton),
Cashier's Check of this Bank, No. 067510, dated April 8, 1935,
for the sum One Thousand (\$1,000.00) Dollars, payable to
Tarrant County Water Control & Improvement District Number One.

This check was delivered as a good faith check with the
bid of this Bank to become Depository for said District, at the
time of receipt by us had not been endorsed.

Since the delivery of said check to said District, this
Bank has qualified as Depository for said District and the ob-
ject of the delivery of the check has been accomplished.

CONTINENTAL NATIONAL BANK OF FORT WORTH,

By 