

MINUTES OF A 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  
5TH DAY OF OCTOBER, 1951, AT 2:00 P.M.

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

PRESENT

Joe B. Hogsett  
Houston Hill  
Dan H. Priest  
Gaylord J. Stone  
W. L. Pier

Also present were Sidney L. Samuels, General Counsel, and C. L. McNair, General Manager.

Director Hogsett acted in his capacity as President, and Director Priest acted in his capacity as Secretary, whereupon proceedings were had and done, as follows:

1.

The Directors had previously received copies of the minutes of September 11, 1951, held at 2:00 P. M. Having found no objections thereto, it was ordered that they be approved, signed and placed on record.

2.

The President referred to a written communication dated June 6, 1951, from the Board of Park Commissioners, City of Fort Worth, Texas, in which the Park Department sought to secure certain lands west of the Trinity River under the hill, extending from the Rock Island tracks on the north to Lancaster Avenue on the south, for the purpose of establishing a negro park and nine-hole golf course, which letter is on file among the records of the District; the President then directed the attention of the Board to a reply to such communication by the

Board, consisting of a written communication dated June 15, 1951, addressed to Honorable H. J. Adams, Superintendent of Parks, in Fort Worth, Texas, in which the District, in brief, stated that this District, at that time, had no authority under agreement with the Corps of Army Engineers to allow the use of the area mentioned in the Park Board letter for any purposes other than a floodway easement, and that under such agreement we were prohibited from making any change whatever in the use of the property, and it was suggested in the letter of the District that the Park Department should take up the subject with the Corps of Army Engineers in Fort Worth.

The President then further proceeded to say that the Federal Army Engineers in a conference with the Board of Park Commissioners had agreed that such use of the lands in question could be made, subject to the uses of the lands for floodway easement.

The President then suggested that a letter be written under authority of the Board of Directors of the District, addressed to the Mayor and City Council of the City of Fort Worth, and to the Superintendent and members of the Park Board of the City of Fort Worth, informing the two bodies above mentioned that this District looked with favor upon the concession that was sought to be obtained, and that when due authorization had been granted by the Corps of Federal Army Engineers for the uses which the Park Board and the City sought to have made of the property, this District would be willing to grant an easement to the City of Fort Worth and its subsidiary, the Park Board, for the negro golf course. The President also suggested that in this letter it should be explained to both such municipal bodies that the easement to be granted by this District would be coupled with a pro-

vision that, whenever in the judgment of the Board of Directors of this District, conditions should arise whereby the uses of the property for the golf course should conflict with the public uses to which such area should be devoted by the District, it would then become the duty of the District to recall the easement and revoke the same, in which event, automatically the right to use the property for such park and golf course purposes would cease.

The matter having been discussed, on motion of Director Hill, seconded by Director Pier, it was resolved that such letter should be written and prepared, and signed by the President of this Board, and transmitted to the Mayor and City Council of the City of Fort Worth, and to the Superintendent of the Park Board of the City of Fort Worth. Before the adjournment of the present meeting, such letter was prepared and by unanimous vote of the Directors, the letter in whole was approved, and authorized to be signed on behalf of the District by the President of this Board, and a copy of such letter be attached to these minutes. All the Directors voted "aye" on the resolution concerning this matter.

3.

The President, once again, called to the attention of the Directors the letter dated August 24, 1951, from the Corps of Engineers of the United States Army, which was signed by H.R. Hallock, Colonel, CE Executive Officer, in which the District was informed that construction of a part of the Fort Worth Floodway between stations 11/50 and 50/50, under the initial contract had been completed and that in consequence thereof the maintenance and operation of the completed works was a responsibility of this District, and asking that

the District assume responsibility for the maintenance and operation of such works. The letter proceeded at some length, but since it was before the meeting for action and would be attached in folio to these minutes and made a part of the records of the District, it was unnecessary to review same at length.

The President then asked the members of the Board what action should be taken thereon, but in that connection the President placed before the meeting a written communication from Freese and Nichols, Consulting Engineers of the District, dated September 8, 1951, in which it was pointed out that Mr. Marvin C. Nichols, in company with Mr. McNair, General Manager of the District, and Mr. Ben F. Hickey, Land Agent for the District, had made an inspection of the work to which the Engineers had referred, which inspection was made on September 7, 1951, and that the work to which the Engineers referred in their written communication was but a small part of the work, and that it was not contemplated that the District would be required to take over such small "sections", however, Mr. Nichols stated that the following items were not in first class condition as of the date of the letter of September 8, 1951, addressed to the District:

- a. Apparently no sodding of the levee slopes on the river side has been done.
- b. Grass sodding on the right side bank of the river is not a good stand.
- c. There is a low or settled place on the left bank near Station 23 4 00.
- d. The small pilot channel in the center of the river was not constructed.

At the conclusion of these items of objections, Mr. Nichols, who had signed the letter of Freese and Nichols, suggested that before

we accord with the requirements of the Federal Engineers, that an inspection of the ground be made by representatives of the District and of the Corps of Engineers.

The President then suggested that inasmuch as Mr. Nichols was out of the City at the present time, that no action be taken with respect to the acceptance of the work of the Federal Engineers, and that the Board await the return of Mr. Nichols and have a further conference with him as the consulting engineer of the District, and a joint inspection of the work as Mr. Nichols had recommended in his letter above mentioned.

Thereupon, it was unanimously agreed by all members of the Board that no action be taken on the request of the Army Engineers until further conference with Mr. Nichols, and a further inspection of the work be made by representatives of the District in conjunction with representatives of the Army Engineers.

It was further ordered that this letter from Freese and Nichols, dated September 8, 1951, signed by Mr. Nichols, be attached in folio to these minutes and made a part of the records of the District.

4.

The attorney for the District, Mr. Sidney L. Samuels, then brought before the meeting the matter of the proposed sale of parts of Lots 33 and 34, Sylvania Addition, Second Filing, and Block "H", Chambers Addition, which tracts were situated southwesterly of the tract to be acquired from J. M. Ellis for Channel Changes in the West Fork of the Trinity River, both tracts being situated in the corporate limits of the City of Fort Worth. Mr. Samuels then exhibited to the

Board the deed of conveyance from the District to the City of Fort Worth, which embraced the property in question, but described by metes and bounds, for which the City was to pay to the District a cash consideration of \$7,200.00. On motion of Director Pier, seconded by Director Hill, the conveyance of said property for the consideration above mentioned was authorized, and the President and Secretary of the District instructed to execute the same on behalf of the District and to deliver said deed of conveyance to the proper authorities of the City of Fort Worth on the payment of the consideration set out in the deed. The motion having been placed before the Board, all the Directors voted "aye" thereon and no director voted in the negative, and the Chair declared the motion carried.

5.

On motion of Director Stone, seconded by Director Priest, it was ordered that all moneys and funds resulting from rental of any property, as well as sales of any property acquired by the District and paid for out of Tarrant County Tax Remission funds, growing out of the flood disaster of May, 1949, be ear-marked and deposited by the District in the District's depository in a separate and special fund, for flood protection purposes, and that this practice date from the present time and that the motion shall include the money consideration arising from the deed of conveyance by the District to the City of Fort Worth in respect to Lots 33 and 34, Sylvania Addition, Second Filing and Block "H", of Chambers Addition to the City of Fort Worth. The motion having been discussed, the Chair then submitted the motion and each and all of the Directors voted "aye" thereon, and the motion was declared unanimously adopted.

6.

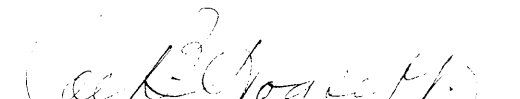
The communication under date of September 21, 1951, from Mr. Robert Sansom, Attorney for General Portland Cement Company and Trinity Portland Cement Company Division, with respect to the Marine Creek Flood Control Project was placed before the meeting, and its contents read and considered. The letter is attached in folio to these minutes and made a part of the records of the District.


Mr. Sansom referred to his prior appearance before the Board with respect to the subject matter of his communication and the fact that no answer had yet been vouchsafed by the Directors of the District.

It was then determined by the Directors that answer should be made as soon as practicable to the communication of Mr. Sansom, but that such answer had been delayed by the absence of Mr. Marvin C. Nichols, Consulting Engineer of the District, and that at a subsequent meeting, in the event the attendance of Mr. Nichols could be secured, the matter presented by Mr. Sansom should be considered and a reply accorded to Mr. Sansom, and that meanwhile a letter should be directed to him informing him of this action on the part of the Board.

7.

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

  
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President.

  
\_\_\_\_\_  
Secretary.

To be attached to minutes of Oct. 5, 1951  
at 2:00 P M.

October 5, 1951.

To the Honorable Mayor and City Council  
of the City of Fort Worth, Texas

To the Honorable Superintendent and Members  
of the Park Board of the City of Fort Worth

Gentlemen:

In response to negotiations heretofore conducted between your respective parties on the one hand, and the President of the Board of Directors of Tarrant County Water Control and Improvement District Number One on the other, in which Mr. Ray Runder, Chief of Operations of the Federal Board of Engineers of the City of Fort Worth, participated, concerning the concession to be granted by Tarrant County Water Control and Improvement District Number One for a negro golf course to be conducted and operated on certain floodway lands owned by the District, which lands generally speaking, involve an area south of the Rock Island Railroad to Lancaster and on the west side of the Fork of the Trinity River (to be hereinafter more definitely described by metes and bounds and outlined on a map for that purpose), we beg leave to say:

The Board of Directors of this District look with favor on the concession you seek to have the District make for the above purpose, and we shall be prepared to make the concession you have solicited when the authorities of the Federal Government, who, in certain aspects, have received from this District a floodway easement, shall have authorized and empowered this District to grant an easement to the City of Fort Worth and its subsidiary, the Park Board, for a negro golf course.

Lest our position be misunderstood, it is both necessary and competent that we should now explain that such concession by the District would be coupled with a provision that whenever, in the judgment of the Board of Directors of the District, conditions should arise whereby the uses of the property for the golf course purpose above mentioned should conflict with the public uses to which such area should be devoted by the District, it would then become necessary for the District to recall the easement and revoke the same, in which event, automatically the rights to use the property for such park purposes would cease.



To the Honorable Mayor and City Council  
of the City of Fort Worth

To the Honorable Superintendent and Members  
of the Park Board of the City of Fort Worth 10-5-51 #2.

The Board of Directors, as trustees of the District, must keep in mind the paramount purpose for which the area was acquired, and in making this explanation, we are prompted by no other consideration than to keep and maintain the property for its original uses.

We are very glad to cooperate with the Park Department and assure you when the requisite authority from the Federal Government has been laid before us, the District will execute whatever instruments may be appropriate with the conditions annexed thereto which are hereinabove indicated.

Very truly yours,

TARRANT COUNTY WATER CONTROL AND  
IMPROVEMENT DISTRICT NUMBER ONE.

By: 

President.

SLS:mh

FREESE AND NICHOLS  
CONSULTING ENGINEERS  
407-410 DANCIGER BUILDING  
TELEPHONE 3-5431  
FORT WORTH, TEXAS

To be attached to minutes  
of October 5, 1951, at  
2:00 P M.

September 8, 1951

Mr. Joe B. Hogsett, President  
Board of Directors  
Tarrant County Water Control &  
Improvement District #1  
Danciger Building  
Fort Worth, Texas

Dear Mr. Hogsett:

Referring to letter from District Engineer, Corps of Engineers, dated August 24, 1951, relative to the taking over by the District of the completed portion of the Fort Worth Floodway between stations approximately 11 / 50 and 50 / 50, we would make the following comments:


1. The undersigned, in company with Mr. McNair and Mr. Hickey, made an inspection of the work September 7, 1951.
2. This is a small portion of the work and we did not contemplate that the District would be required to take over the work in such small sections; however, we see no particular objections to taking the work over in small segments.
3. We do not believe the following items are in first class condition as of this date:
  - a. Apparently no sodding of the levee slope on the river side has been done.
  - b. Grass sodding on the right side bank of the river is not a good stand.
  - c. There is a low or settled place on the left bank near Station 23 / 00.
  - d. The small pilot channel in the center of the river was not constructed.

- e. No sodding was done on the right bank of the river across the peninsula of the land acquired from Jim Ellis.
- f. We believe your letter of acceptance of the transfer should be more specific as to the completed portion of the floodway which is being taken over.

We would suggest that prior to the execution of the transferral letter that an inspection on the ground be made by representatives of the District and the Corps of Engineers.

Respectfully submitted,

FREESE AND NICHOLS



Marvin C. Nichols

MCN:lk

To be attached to minutes of Oct. 5, 1951, at 2:00 P.M.

**ROBERT SANSON**

ATTORNEY AT LAW  
907 BURK BURNETT BUILDING  
FORT WORTH, TEXAS

September 21, 1951

Tarrant County Water Control  
and Improvement District No. 1  
502 Danciger Building  
Fort Worth, Texas

Re: General Portland Cement Company  
Trinity Portland Cement Co. Division --  
Marine Creek Flood Control Project

Gentlemen:

Herein your body is termed the "District" and your Directors the "Board". This letter has reference to the District's "Program B, Flood Control Improvements", as set out in the printed Report made by your engineers Freese & Nichols under date of August, 1950, and thereafter adopted by your Board. I write on behalf of my above named client (the "Cement Company"), insofar as my said client is affected by that portion of your said Program B which is described on page 28 and following pages of the said Engineers' Report under the designation "Marine Creek Project".

My client Cement Company first became aware of the implications of your Marine Creek Project, so far as such plans affected said Company's plant in Tarrant County located just north of Fort Worth, through newspaper publicity which came to my client's attention during the last few days of August, 1950. The matter having been promptly referred by the Cement Company to me, I thereupon contacted Mr. Marvin Nichols, of Freese & Nichols, who was very cooperative in furnishing me information, including a copy of the said Report above mentioned.

From my study of said Report, coupled with a factual study made by me and the Cement Company engineers on the ground, we reached the conclusion that if the Marine Creek phase of your Program B were to be carried out as planned, great damage and injury to my client's multi-million dollar plant would be a natural and probable consequence.

I thereupon requested of Board President Hogsett, and was readily granted, the privilege of appearing at the next Board meeting, which was held on September 5, 1950. At that meeting I stated verbally, in the Cement Company's behalf, its grave objections to the location of the Water District's contemplated dam on Marine Creek, and informed the Board that in the opinion of myself and my client, such great injury would result from carrying out the Marine Creek program in its contemplated form as would undoubtedly give rise to damages materially exceeding any amount that could be disbursed out of District funds made available by the bond issue,

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and still leave sufficient funds remaining to take care of construction costs and other costs attendant upon the fulfillment of the Marine Creek Flood Control Plan. As I recall it, there was a pretty full attendance of Board members at the September 5th meeting, and I have no doubt that everyone present will recall my personal appearance, my statement at the meeting of the above conclusions, my presentation of facts and argument supporting my conclusions, and also my suggestion that further study be made or ordered by the Water Board to consider changes in the Marine Creek dam and the location thereof that would minimize (or possibly avoid entirely) damage to the Cement Company's plant, and still remain adequate for the control of possible future floods on the Marine Creek watershed.

Upon my presentation of the above matter to the Board (and I thank you for the courteous manner in which I was received), I then withdrew from the meeting. When the next day's newspapers mentioned that the Water Board at its said September 5th meeting had "reviewed" Program B, and had approved a call for an election on the \$7,000,000 bond issue to carry out the program, but in which newspaper reports I saw no mention of the fact that any one had objected to any phase of the program, I thereupon contacted one or more members of the Board, and was assured (I also received the same assurance from Engineer Nichols) that there was nothing about the action taken at said September 5th meeting that would prevent any subsequent revision that might be determined upon of the details of carrying into effect the Marine Creek phase of the Flood Control Program. I felt re-assured -- particularly in view of the assurance I received in my said subsequent contacts with members of the Board and Mr. Nichols, to the effect that the protests urged by the Cement Company would be looked into and given due consideration, and that I would be given ample opportunity to appear again before any final decision was made on the Marine Creek phase of the program.

Thereupon, in conjunction with the Engineering Office of the Cement Company, I made further investigation, and arrived at the conclusion that removal of the site of the proposed Marine Creek dam only about a third of a mile northerly up said creek, would afford a location for a dam just as high as the original location, and which would be a much shorter and less expensive dam -- the only possible drawback to such change of location, so far as I or my client could determine, being that there was one draw whose water drainage would not be caught by a dam in such new location. At considerable expense, my client prepared, based on aerial photography, in part, a contour map showing both the original and the proposed new location, for a Marine Creek flood retarding dam, with other pertinent data. I thereupon exhibited this map to Mr. Nichols, and urged that his firm investigate the feasibility of a removal of the dam site to the

suggested new location. In addition, I thereafter personally contacted members of the Board from time to time, in the course of which contacts I talked with all of the members of the Board at least once, and some of them (particularly President Hogsett) several times, and on such contacts I urged the removal of the dam to such substitute location.

Without undertaking to quote any particular officer or member of the Board in so many words, I will say that I received what I deemed reliable assurance that the matter of change in the location of the dam would be fully investigated and explored, and I find a notation in my file on this matter, made in November after the successful outcome of the bond issue election held on October 27th, that the Board Engineers, Freese & Nichols, had been definitely directed (through Mr. Marvin Nichols) to proceed promptly with a re-survey of the Marine Creek phase of Program B. And when (along in the latter part of December) I called the attention of President Hogsett to the fact that according to my information, no such re-survey of work had been begun, Mr. Hogsett was kind enough to assure me that steps would be taken to see that the re-survey work would be started as soon as Mr. Nichols returned to town, which return was expected shortly after January 1st.

I thereupon waited until the latter part of January, and then, still hearing no news of any engineering investigations being made to determine the feasibility of the suggested re-location of the dam, I renewed my request for action to contact with Mr. Nichols, who confirmed to me that he had in fact been instructed by the Board to make a re-survey of the Marine Creek location looking toward the feasibility of a substitute dam site -- however, more time went by without any results, so far as I was informed. I find a notation in my file where I contacted Mr. Nichols about the matter on March 17, 1951, and was told by him that the reason for inaction was that the Army Engineers had been crowding his firm for plans for bridges, etc., in connection with the main (downtown Fort Worth) phase of Program B, but that he would institute his further study of the Marine Creek situation in the near future, and should be able to report his conclusions to the Water Board thereon in about six weeks. I next find in my file a notation of a conversation I had with President Hogsett on June 7th in which I was informed that Mr. Nichols had promised the Board (at a meeting held shortly prior to said date) that he would "put his men out on the job right away", or words to that effect. There was nothing though until the latter part of last July, at which time I called on Mr. Nichols and asked him about prospects of action in the matter, whereupon Mr. Nichols stated, smilingly but somewhat ruefully, that the Board was "breathing down his neck" about the matter, and at such time suggested a

meeting on the ground with the Cement Company engineers and me. The earliest date that could be worked out for the meeting was July 27th, at which time Mr. Nichols and some one or more associates from his office, Mr. Joe Hogsett, certain Cement Company officials (including its local engineer), and I, met out on the Cement Company's plant property, and made an actual inspection tour on foot over its grounds. No attention was paid at this time, so far as I was aware, to any consideration of the feasibility of moving the proposed dam to the substitute location further up Marine Creek, but I at least regarded it as a step in the right direction, and naturally hoped that it would lead on into the matter of the survey which the Board had requested its engineers to make of the feasibility of the suggested dam location change. However, over six weeks have gone by since then, and I still have heard nothing further about the matter.

Recently, looking toward the possibility of further attempt on my part to get a decision in this matter, it occurred to me to inspect the minutes of the Water Board meetings and see just what the minutes reflected concerning my objections on behalf of the Cement Company to the originally contemplated location of the Marine Creek dam, and concerning the survey supposedly ordered by the Water Board to be made by its engineers of the feasibility of the dam location change that had been suggested. Imagine my surprise when I found upon such inspection that in none of the minutes of the numerous meetings of the Water Board held on and after said September 5, 1950 date, was any mention whatever made of the foregoing matters. I found nothing in the minutes reflecting that I appeared at the September 5 meeting and urged objections to Program B on behalf of the Cement Company. I found nothing in those or any later minutes evidencing the giving by the Board of any instructions to its engineers that they make a study on the ground and then report thereon to the Board, concerning the feasibility or non-feasibility of the suggested change in location of the Marine Creek dam. Such entire silence of the minutes on said matters is the occasion for my having made this letter much more detailed (I fear to tedious length) than I would otherwise have done -- this being the method I have adopted (assuming that this letter will become part of your files) in order to at least partly remedy the omission from your minutes of any mention of such matters, and in order to make the record show something of my client's previous (but unavailing) efforts to get action. For their information and possible convenience, I am mailing copies of this letter to all members of the Board, to its engineers, and its attorneys.

It has now been more than one year since the Cement Company first presented to the Board its objections to the Marine Creek phase of Program B, and pointed out the great injury

to the Cement Company and its properties which it found would accrue from the original Program B plan. Frankly, as I have stated to the Board all along, the Cement Company will in the event the plan in its original form is adopted, be compelled to seriously apprehend what may well be practically a total confiscation of the Company's local plant. It seems to me to be obvious, and I think the Board will agree, that my client is entitled to a determination by the Board concerning whether it will proceed with its original Program B for Marine Creek, or whether there will be an alteration of such plans which will permit survival of the Cement Company's local plant. I am not writing this letter for the purpose of making any threats, nor do I even impliedly intend to threaten any affirmative action on the Cement Company's part at this time, but I do submit to you gentlemen that in all fairness the Cement Company is entitled to learn where it stands in this matter. There is, as I am sure you know, a serious shortage of cement, and has been for some time. It is entirely reasonable that my client might well wish to formulate plans for increasing still more the present large capacity of its Fort Worth plant, but of course in such case no definite decision on improvements or enlargements could be made, as things stand now.

Please understand that this letter is in no sense written merely as a complaint, nor is it intended as a charge of dereliction or negligence on any one's part. Your Board is composed of citizenry of Fort Worth of the highest class, all of whom I have the pleasure of knowing, some intimately, and I know there is not a man on the Board who would ever knowingly act unfairly, either in a public or personal matter. Your engineers are of high reputation and ability, doing a large volume of business, and, being a professional man myself, I can readily understand that Mr. Nichols and his firm often find themselves unable to meet all of the demands upon their time. Nevertheless, I do feel that sufficient time has now elapsed to entitle the Cement Company to some certain knowledge of a definite decision of the Board concerning its plans on Marine Creek.

And in this connection, I pledge myself and my client to every practicable degree of cooperation toward clarifying the existing situation.

May I hear from the District at an early date on this matter?

RS:lnm

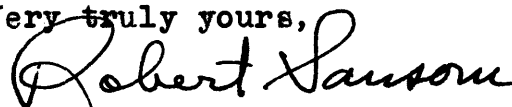
Copies to:

Board Members Joe B. Hogsett  
Houston Hill  
Dan H. Priest  
Gaylord J. Stone  
W. L. Pier

Engineers  
Attorneys

Freese & Nichols  
Samuels, Brown, Herman & Scott

Very truly yours,



(Robert Sansom)



