

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 28TH DAY OF APRIL, 1953, at 1:30 P.M.

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

PRESENT

Joe B. Hogsett
Houston Hill
Dan H. Priest
W. L. Pier
A. T. Seymour, Jr.

Also present were Messrs. Sidney L. Samuels, General
Counsel, C. L. McNair, General Manager of the District, and Marvin
C. Nichols of the firm of Freese and Nichols, consulting engineers
of the District.

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

1.

The Board of Directors first considered the opening of bids
on the purchase of two certain parcels of land, one of which is sit-
uated in Wise County, Texas, and the other in Tarrant County, Texas.
Advertisement had been duly made concerning the intent of the District
to sell the aforesaid two tracts with provision that the bids on same
would be opened at the office of the District at 1:30 P.M., April 28,
1953, or as soon thereafter as practicable, with the right on the
part of the District to reject any and all proposals of purchase, and
the hour and date having arrived, the Board then proceeded to open the

bids and read the contents thereof: There were three proposals of purchase, one from Mr. Roger B. Owings, Fair Building, Fort Worth, Texas, in which he offered the sum of \$50,525.00 as purchase money for tract No. 2 of 175 acres of land, more or less, out of the J. Wilcox Surveys Nos. 50 and 51 in Tarrant County, Texas, which had been purchased by the District from Stock Yards National Bank, and in which proposal he tendered a cashier's check in the amount of \$2,526.25, which amount was 5 per cent of the amount so bid; and a proposal or bid from Dr. Abe Greines of the City of Fort Worth, Tarrant County, Texas, in which he, the said Dr. Abe Greines, offered to pay \$53,125.00 for the tract of 175 acres out of the J. Wilcox Surveys, Nos. 50 and 51, (on which the said Roger B. Owings, above mentioned, had bid the sum of \$50,525.00) and also enclosed in his bid a cashier's check in the amount of \$2,656.25, drawn on Union Bank & Trust Company of Fort Worth, representing 5 per cent of the amount of said bid, and it appearing to the Directors that the said bid of the said Dr. Abe Greines was the higher of the two bids so tendered for the purchase of the said land in the said Wilcox Surveys; and it further appearing from the bid of the said Dr. Abe Greines that he would abide the decision of the Board should it accept his bid that the District retain and reserve to itself in the conveyance of such property, an undivided one-half interest in and to the minerals, including oil and gas, lying in and under the aforesaid lands, and it further appearing the bid of the said Dr. Greines represented the highest bid, that is to say there being but two bids on the property, that the bid of the said Dr. Greines was higher and

greater in amount than that of the said Roger B. Owings, on motion of Director Seymour, seconded by Director Priest, the bid of the said Dr. Greines was accepted and that in the conveyance of such property to the said Dr. Greines that the District retain and reserve to itself an undivided one-half interest in and to minerals, including oil and gas, lying in and under the tract aforesaid; moreover, that a valid flood and water easement be also retained in said deed of conveyance.

The motion having been submitted to the Board, the same was unanimously carried, all the Directors voting "aye" thereon.

It was further ordered in connection with said motion that when the transaction was concluded that the cashier's check above mentioned enclosed in the bid of the said Dr. Greines be credited as part of the purchase money of the tract aforesaid.

On motion of Director Seymour, seconded by Director Priest, it was ordered that inasmuch as the bid above mentioned of Mr. Roger B. Owings for the land in the J. Wilcox Survey had been rejected, in view of the higher bid therefor by Dr. Abe Greines, that the cashier's check which Mr. Roger B. Owings had enclosed in his bid be returned to him. On submission of said motion the same was unanimously carried, all the Directors voting "aye" thereon. The cashier's check tendered by said Roger B. Owings was then and there delivered to him.

④ It appearing to the Board that, with respect to the parcel of land consisting of 1.67 acres, more or less, situated in Wise County, Texas, only one bid had been submitted which was the bid of Mr. Vernon C. Langford, who offered to pay therefor the amount of

\$1,347.50, and that he enclosed with his bid a check dated April 22, 1953, payable to the order of Tarrant County Water Control and Improvement District Number One, executed by the said V.C. Langford, and drawn on North Fort Worth State Bank, and it further appearing to the Board that this bid was a fair bid and that it was to the interest of the District to accept the same. Director Hill, seconded by Director Priest, moved that such bid be accepted and, further, that in the conveyance of said land to the said Vernon C. Langford there be reserved and retained to the District an undivided one-half interest in and to the minerals, including oil and gas, lying in and under the aforesaid lands, and moreover, that a valid flood and water easement be also retained in said conveyance for the benefit of the District, which should be defined in the said deed of conveyance. The motion having been submitted to the Board, all the Directors voted "aye" thereon, and it was accordingly so ordered. (x)

It was further resolved by the Board that when each one of the foregoing land transactions shall have been completed, that the conveyance in each instance should be executed and acknowledged on behalf of the District by Mr. Joe B. Hogsett, President, and attested and acknowledged by the Secretary, Mr. Dan H. Priest, with the seal of the corporation impressed thereon.

2.

The Directors had previously received copies of the minutes of April 21, 1953, at 1:30 P.M., and having found no objections thereto it was ordered that they be approved, signed and placed on record.

3.

Following the above proceedings, Mr. McNair presented the written request of Mr. George Liser, a lessee of the District, for the transfer and assignment of his interest in a certain land lease for the year 1953, to Mrs. Jannie F. Turbeville, 3124 Westcliff Road, West Fort Worth, Texas. Upon recommendation of Mr. McNair, Director Pier moved, seconded by Director Seymour, that the transfer and assignment of the land lease be approved, subject to Mrs. Turbeville's giving the District her written acceptance of the lease. It was so ordered.

4.

Land Agent, Mr. Ben F. Hickey, brought to the attention of the Board a contract for the purchase of Lots Nos. 8, 10 and 11, in Block No. 22, of Evans-Pearson-Westwood Addition to the City of Fort Worth, Tarrant County, Texas, and all improvements situated thereon, for which there should be paid to the sellers, J. B. Moates, and W. W. Graham, each joined by his wife, the sum of \$9,928.00, and that the transaction be concluded through the Rattikin Title Company, which company was to issue title insurance policy thereon to the District, which property was to be acquired in connection with Program B, Flood Prevention, and was necessary therefor.

On motion of Director Hill, seconded by Director Pier, it was ordered that when said transaction was properly concluded and a valid title to said property had been conveyed by the owners thereof to the District, that a voucher-check be drawn, payable to the owners of the property and to be delivered to them when such deed had been duly executed and acknowledged, and delivered to a representative of the District. All the Directors voted "aye" thereon, and it was accord-

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ingly so ordered.

5.

There was presented to the the Board by Ben F. Hickey, Land Agent of the District, the matter of a purchase for flood improvement of an easement from A. E. Burnett.

It appearing that the land involved was in the A. Gauhenant Survey in Tarrant County, Texas, described as follows:

Beginning at a point in the South boundary line of the White Settlement Road, also known as Franklin Street, 195.1 South $86^{\circ} 18'$ East of the West line of the A. Gauhenant Survey, said point being the Northeasterly right-of-way line of the Jacksboro Highway; thence South $86^{\circ} 18'$ East along the South line of White Settlement Road a distance of 160 feet to a point in the top of the levee; thence South $42^{\circ} 57'$ West along the top of the levee a distance of 105 feet to a point in the Northeasterly right-of-way line of the Jacksboro Highway; thence North $47^{\circ} .03'$ west along the Northeasterly line of the Jacksboro Highway a distance of 129 feet to the place of beginning.

Mr. Samuels, Counsel for the District, was asked to explain the situation to the Board. Thereupon, the Counsel explained that it appeared from reading of the documents placed before him by Mr. Hickey, that a three-cornered contract, as it were, had been drawn between the Fort Worth Improvement District Number One (generally known and styled by the people, as the Levee District), styled as First Party, Tarrant County, styled Second Party, and A.E. Burnett styled Third Party. In this contract the Fort Worth Improvement District Number One, was described as the owner of the property above mentioned, and that Tarrant County therein described as Second Party, was the owner and holder of an easement granted by the Levee District under date of May 20, 1931, by instrument recorded in Vol. 1137, p.273

of the Deed Records of Tarrant County, Texas, and that said easement so granted to Tarrant County was for right-of-way purposes. The instrument further recited that Tarrant County, described as the Second Party in the instrument, approved the execution of an easement granted by the Levee District to A. E. Burnett, but that said approval should not impose on Tarrant County any obligation or duty and should not render Tarrant County liable for any obligation, express or implied, with respect to the maintenance, use or development of right-of-way purposes, and that the Levee District with a qualified approval by Tarrant County, did lease to A. E. Burnett the tract of land for a period of five years from May 5, 1945, to be used by Burnett for the purpose of erecting and building a garage thereon, and that the said building to be occupied as a business building as aforesaid. There was an option in the instrument whereby Burnett agreed to pay to the Levee District \$200.00 per year for five years, with option of a further period of five years, ending May 1, 1955.

Burnett, as stated to Mr. Hickey, had exercised the option, and that the renewal lease had yet two years to run, and that Burnett was deriving an income of \$90.00 per month from the occupant of the building, and that he, Burnett, must be compensated in the loss he would incur in the event the property should be acquired and used by the District.

Following this explanation, Mr. Hickey was directed by the Board to enter into negotiations with Burnett concerning the matter, but before concluding any arrangements for purchase, to seek instruction from the Board as to the course to be pursued.

This resolution was unanimously passed, all the Directors

voting "aye" thereon, and Mr. Hickey was then and there personally advised of the action of the Board.

6.

Mr. Marvin C. Nichols, Engineer of the District, presented a communication of writing dated April 24, 1953, executed by Freese and Nichols, by Mr. Joe B. Mapes, wherein he submitted to the Board a minimum wage schedule which had been approved heretofore for Northeast 12th Street and Cold Springs Road Bridges. It was proposed in this communication that the District use this same minimum wage schedule in the contract documents for the West 7th Street Bridge extension. This scale was attached to and made a part of the written communication above mentioned.

Mr. Nichols explained that such schedule represented the minimum hourly rate to be paid by the contractors to the workers on the bridge, and that this schedule had been used by the City of Fort Worth in public improvement, and had heretofore been authorized in other bridges by the District.

On motion of Director Hill, seconded by Director Pier, such minimum wage schedule was authorized and the said communication with the minimum wage rate schedule attached be made a part of these minutes and annexed thereto. The motion, on being submitted, was unanimously approved all the Directors voting "aye" thereon. It was accordingly so ordered.

7.

Mr. Marvin C. Nichols, Engineer of the District, who was in attendance on this meeting, brought before the Board for its consideration a letter from Col. H. R. Hallock, District Engineer of the Corps

of Engineers of the U. S. Army, with respect to a former letter from the office of the Corps of Engineers, dated January 27, 1953, which was addressed to the City of Fort Worth, a copy of which had been supplied to the District for reference. This letter to the City of Fort Worth concerned a bill in the amount of \$43,000.00, the estimated cost of four drainage structures, the estimated cost of the additional construction of lengthening four drainage structures required by the extra width of levee improvement in connection with the Floodway Project.

It further appears from the letter of April 27, 1953, from Col. Hallock, that through error, the Secretary of the Army at Washington had provided that the funds for the payment of this improvement were to come from the City of Fort Worth, when in truth, and in fact, since such improvement and the cost thereof represented part of the Floodway Project, growing out of Program B for Flood Prevention, such funds should be contributed by Tarrant County Water Control and Improvement District Number One as an integral part of the Floodway Project.

On the letter of April 27, 1953, addressed to the District, Col. Hallock had stated that in order to comply literally with the requirements of the order of the Secretary of the Army (who had inadvertently stated that the funds should come from the City of Fort Worth, when he should have stated that they were to be paid by this District) it was necessary that the expenditure of the \$43,000.00 be reimbursed in form by the City of Fort Worth, and pursuing the subject, Col. Hallock stated in his letter, "it is believed that if mutual agreement can be reached between the City of Fort Worth and the Tarrant County Water Control and Improvement District Number One, whereby the latter will turn over the necessary funds to the City, who will then turn the

funds over to the Government, the necessary requirements will have been met." Continuing, Col. Hallock stated, "If this plan is not acceptable, it will be necessary to request the Secretary of the Army to amend the acceptance authority to specify a different contributing agency, which action would probably take several weeks."

This letter from Col. Hallock is made a part of these minutes and attached hereto.

When the reading of this letter from Col. Hallock had been concluded, Mr. Nichols then stated that he would address to Mr. C. M. Thelin, Director of Public Works, City Hall, Fort Worth, a communication in which reference would be made to the letter of Col. Hallock, and explain to Mr. Thelin that Col. Hallock had requested that if possible the payment be made to the Federal Government through the City of Fort Worth, and that the Board of Directors of Tarrant County Water Control and Improvement District Number One at their meeting on April 28, 1953, approved the payment of the \$43,000.00 in the manner requested by Col. Hallock on condition that the City Council of the City of Fort Worth by appropriate resolution agree to transmit the \$43,000.00 (thus to be received by the City of Fort Worth from the District) to the Federal Government.

Mr. Nichols requested that this matter be presented to the City Council at an early date, and that on receipt of a copy of the resolution of the City Council of the City of Fort Worth agreeing promptly to transmit the \$43,000.00 to the Federal Government, a voucher-check in the amount of \$43,000.00 payable to the City of Fort Worth will be issued by the District. A copy of Mr. Nichols' letter, bearing date of April 29, 1953, is attached hereto in folio and made

a part of these minutes.

The foregoing matter having been thoroughly canvassed by the Board, thereupon a motion was submitted by Director Pier, seconded by Director Seymour, that action be taken in accordance with the request of Col. Hallock on receipt of an official resolution of the City Council of the City of Fort Worth, that the amount so transmitted to the City Government by this District, be in turn promptly transmitted by check by the City of Fort Worth to the Federal Government, and that when such resolution has been passed by the City Government of Fort Worth, and transmitted to the District, that a voucher-check be drawn and transmitted to the City of Fort Worth in the amount of \$43,000.00 for the purpose for which such expenditure had been made by the Federal Government. On submission of the motion, the same was unanimously carried, all the Directors voting "aye" thereon, and it was accordingly so ordered.

8.

President Hogsett reported to the Board that \$2,950,000.00 United States Treasury Bills owned by the several funds of the District would mature during the month of May, 1953, and that the Board should determine whether such securities should be merged into other securities of a like kind. The said securities are deposited in the safekeeping department of the Fort Worth National Bank of Fort Worth, Texas, for which the District holds the bank's official safekeeping department trust receipts described as follows:

S. K. No. B 49638 for \$2,600,000.00 U. S. Treasury Bills, dated 2-5-53, maturity 5-7-1953, owned by "Construction Fund."

SK No. B 49628 for \$100,000.00 U. S. Treasury Bill dated 2-5-53, maturity 5-7-1953, owned by "Interest and Sinking Fund."

S. K. No. B49694 for \$100,000.00 U. S. Treasury Bill dated 2-13-1953, maturity 5-14-1953, owned by "Interest and Sinking Fun."

SK No. B 49695 for \$100,000.00 U. S. Treasury Bill, dated 2-13-1953, maturity 5-14-1953, owned by "Maintenance Fund".

S.K. No. B49779 for \$50,000.00 U. S. Treasury Bill, dated 2-19-1953, maturity 5-21-1953, owned by "Maintenance Fund."

After discussion of the matter, Director Priest moved, seconded by Director Seymour, that President Hogsett be authorized to make deposit of \$600,000.00 (out of the \$2,600,000.00 proceeds, United States Treasury Bills maturing May 7, 1953) in the District's Depository, the Continental National Bank of Fort Worth, to the credit of the District's "Construction Fund", and make reinvestment of so much of the \$2,000,000.00 balance of the Proceeds of said maturing \$2,600,000.00 United States treasury bills, as may be re-invested in like securities, for the use and benefit of said fund; further, that President Hogsett be authorized to make reinvestment of so much of the proceeds of the other described maturing United States Treasury Bills as may be reinvested in like securities, for the use and benefit of the several funds of the District as shown above. Upon a vote being taken, the motion carried and it was so ordered.

9.

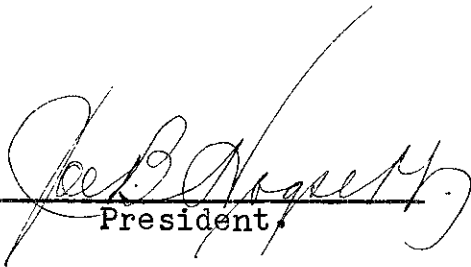
It was brought to the attention of the Directors that the Interest and Sinking Fund has a cash balance of \$173,718.43, and of this amount \$66,545.00 will be needed to pay interest due June 15, 1953, on Improvement Bonds, Series 1950, and that the District

could purchase \$100,000.00 91-day United States Treasury Bills, as a temporary investment for the use and benefit of the "Interest and Sinking Fund".

After discussion of the matter, Director Priest moved, seconded by Director Seymour, that President Hogsett be authorized to make the purchase as a temporary investment for the use and benefit of said fund. Upon a vote being taken the motion carried and it was so ordered.

10.

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



President.



Secretary.

April 29, 1953

TCWC 110#1

Mr. C. M. Thalins,
Director of Public Works,
City Hall,
Fort Worth, Texas.

Dear Mr. Thalins:

Under date of April 27, 1953, Col. H. H. Hallock, District Engineer, addressed a letter to Tarrant County Water Control and Improvement District No. 1 concerning payment by local interests of the estimated cost of the additional construction of lengthening four drainage structures required by the extra width of levee embankment desired by the sponsoring agency. Payment requested at this time is \$43,000.00. Copy of this letter is attached.

It is necessary for the District Engineer, Corps of Engineers, to secure authorization of the Secretary of the Army, in order for contributions on construction to be accepted by him. Through a misunderstanding authorization was given the District Engineer to accept contribution on these structures from the City of Fort Worth. The contribution is to be made by the Tarrant County Water Control and Improvement District No. 1. The work is nearing completion under contract awarded by the Corps of Engineers.

Col. Hallock has requested that if possible payment be made to the Government through the City of Fort Worth. The Board of Directors, Tarrant County Water Control and Improvement District No. 1 at their meeting April 28, 1953 approved payment of the \$43,000.00 in the manner requested by Col. Hallock on condition that the City Council of Fort Worth by appropriate resolution agree to transmit the \$43,000.00 to the Government.

It will be appreciated if you will present this matter to the City Council at any early date. It has been our understanding you are agreeable to the proposed procedure. Upon receipt of a copy of the resolution of City Council agreeing to transmit the \$43,000.00 to the Government, check in the amount of \$43,000.00 payable to the City of Fort Worth will be issued by Tarrant County Water Control and Improvement District No. 1

D. Thalins file

APR 29 1953

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Please forward the original bill in the amount of \$43,000.00 to us. This bill was returned to you by Col. Trainer under date of January 27, 1953.

Yours very truly,

FRENSE AND NICHOLS,

By *Marvin C. Nichols*

Marvin C. Nichols
District Engineer
Tarrant County Water Control
and Improvement District No. 1

MCN:rm

cc: Col. H. R. Hallock
District Engineer,
Corps of Engineers,
Fort Worth, Texas.

Joe E. Hogsett,
W. T. Waggoner Bldg.,
Fort Worth, Texas.

Sidney L. Samuels,
Electric Bldg.,
Fort Worth, Texas.

Tarrant County Water Control
and Improvement District No. 1

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