

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 23RD DAY OF APRIL, 1954, AT 1:30 P. M.

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

PRESENT

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

ABSENT

Dan H. Priest

Also present were Messrs. Sidney L. Samuels, General Coun-  
sel of the District; C. L. McNair, General Manager of the District;  
Ben F. Hickey, Land Agent and Office 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  
in the absence of Director Priest, Director Pier acted as Secretary,  
whereupon proceedings were had and done as follows:

1.

The Directors had previously received copies of the minutes  
of a meeting held April 9, 1954, at 1:30 P.M., and having found no  
objections thereto, it was ordered that they be approved, signed and  
placed on record.

2.

The report of Pitner and Adams, Accountants, for the month  
of March, 1954, was received and filed subject to corrections and ad-  
ditions.

3.

On motion of Director Seymour, seconded by Director Hill, Voucher-Checks #5175 to #5184, inclusive, were approved, having theretofore received the approval and verification of Mr. J. M. Williams, County Auditor, who by virtue of the Statutes is the Auditor of this District as well. All the Directors present voted aye thereon.

4.

Mr. Marvin C. Nichols, Engineer of the District, presented to the Board for action thereon his written communication of April 6, 1954, with reference to the Brookside-Crestwood Levee and Floodway, which letter was addressed to the Board of Directors of this District. The letter in substance recited that Messrs. Freese and Nichols had been advised by the District Engineer of the Corps of Engineers of the Federal Government that plans and specifications for the Brookside-Crestwood Section of the floodway are nearing completion and that it is now expected that bids for the construction of this work will be received by the Corps of Engineers of the Federal Government in July, 1954. It further appears from this communication of Mr. Nichols that a conference was held in the office of Col. Hallock, District Engineer of the Federal Corps of Engineers, on September 25, 1953, at which time a general agreement was reached on some of the problems that confront the Engineers with reference to this phase of improvements in and under Program "B" of the Flood Control Program. The letter further referred to the fact that this conference was attended by the members of the Board of Directors of this District, also by City Manager Jones of the City of Fort Worth and staff members of this District and the

Engineers for the City of Fort Worth. It would appear from the text of this letter that agreement was made on the part of the District that the District would make certain money contributions out of its funds toward the completion of the Brookside-Crestwood Levee and Floodway. The letter then proceeds to indicate the details of the project and the work to be required thereunder and on page 4 of the letter the subject is summarized and the amounts to be contributed by the District in aid of the completion of this particular project are indicated and enumerated. This summary as understood by Mr. Nichols will be the contribution expected by the Federal Corps of Engineers from the District. This summary in words and figures is as follows, to-wit:

"From the foregoing we summarize what we understand will be the contribution expected by the Corps of Engineers to be paid by the District.

Crestwood Area

1. Relocation of levee across Greenwood Cemetery (C of E letter Jan. 14, 1954)	\$ 7,000.00
2. Relocation of levee Bailey to Westwood (C of E letter Jan. 14, 1954)	26,500.00
3. Interchanging levee and Rockwood Drive to keep Bailey Avenue open	10,000.00
4. Box culvert under Rockwood Drive near river mile 562 (estimated as 1/2 of two culverts our letter September 30, 1953)	4,000.00
Total Crestwood Area	\$47,500.00

Brookside Area

1. Ramp at Ovid Drive	\$ 6,300.00
2. Ramp at Deering Drive	4,600.00

3. One barrel of triple 6' x 6' culvert thru levee	18,000.00
4. 60 inch interchange culvert under Ohio Garden Road	1,900.00
5. 6' x 6' sluice under Brookside Drive (Items 1-5 C of E letter March 12, 1954)	6,800.00
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Total Brookside Area	<u>\$37,600.00</u>
TOTAL:	<u>\$85,100.00"</u>

Mr. Nichols' letter continues as follows:

"It is to be pointed out that if the tentative agreement with Mr. Robertson is consummated the net cost to the District will be reduced from \$85,100.00 to \$70,100.00. It is to be understood that the final amount to be paid by the District will be determined by the bids received by the Government for the work.

At the time of the conference September 25, 1953 Mr. Hickey estimated the cost of the right of way to the District in the Crestwood Area to be \$58,500.00. This cost will be eliminated under the plan now proposed. The present plan should also result in substantial savings in right of way costs thru Greenwood Cemetery property east of Greenwood. In program B we made an allowance of \$58,280.00 (exclusive of 9% for contingencies) for replacing roads and streets. Under the proposed plan this item will be largely eliminated. Under the present plan Rockwood Drive will be maintained in substantially its present location, which is to be preferred from the standpoint of flow of traffic. Some additional areas will be protected over that originally contemplated. We believe the present plan to be a much better plan than that originally contemplated by the Corps of Engineers. We believe the present plan will result in lower cost to the District.

We recommend that we be authorized to advise the Corps of Engineers of the willingness of the District to make a contribution to the Government in the estimated amount of \$85,100.00 as detailed above, the final amount to be paid to be determined upon final completion of the work."

On motion of Director Hill, seconded by Director Pier, the expenditure of the funds by the District as indicated in the summary was authorized and the contents of the letter from Mr. Nichols, read to the Board of Directors, was authorized and ratified with a further

possibility that the money so to be contributed by the District out of its funds when the work on the Brookside-Crestwood Fort Worth Floodway had been completed and the work of the Federal Engineers had been approved by Mr. Nichols, Engineer for the District. All the Directors present voted aye thereon and it was further ordered in that connection that the letter be attached in folio to these minutes and made a part thereof.

5.

Mr. McNair presented certain proposals for lease of the District's lands for the year 1954, which he recommended for approval as follows:

<u>PROPOSAL OF:</u>	<u>PROPERTY DESCRIPTION</u>	<u>TOTAL CONSIDERATION</u>
K. W. Davis	12 Acres out of Tract 325	\$350.00
John P. Bailey	Lot 5, Marshall Tract 283	50.00
C. B. Howard	Lot 6, Eustace Tract 310	50.00
Chas. T. Groce	54.15 Acres out of Tracts 259, 292 and 296	50.00

Upon consideration of each of the above lease proposals, Director Pier moved, seconded by Director Hill, that the said lease proposals be approved and closed in the usual manner, subject to the payment of the agreed rentals and execution of written contracts in the form required by the District. It was so ordered.

6.

Mr. Ben F. Hickey, Land Agent of the District appeared before the Board and requested resolution of the Board authorizing condemnation on the part of the District in three (3) separate and distinct cases where negotiations had failed for a voluntary purchase. Thereupon, Director Hill, seconded by Director Pier, moved that steps

be taken for condemnation of the following lands by a resolution of the Board of Directors of Tarrant County Water Control and Improvement District Number One, that inasmuch as the lands hereinafter described in this resolution are necessary and requisite for the use of the District in carrying out the flood prevention plans authorized by the voters of Tarrant County at the election held on Friday, October 27, 1950, that pursuant to same proceedings be instituted by the District in the County Court in eminent domain as the law requires. The names of the owners of the said three tracts and description of each one of said tracts are as follows:

TRACT NO. 1 - Greenwood Cemetery Association:

"A portion of the Heirs of J. P. Thomas Survey situated about 2-1/2 miles Northwest from the Courthouse in Tarrant County, Texas, and embracing a portion of the tract conveyed to Greenwood Cemetery Association by a deed of record in Vol. 1507, page 199, of the Deed Records of said Tarrant County.

Beginning at a pipe for the most northerly corner of said Cemetery tract, being also the northeast corner of lot 35, block 17 of "CRESTWOOD" (PARK SECTION) as same appears on the map of record in Vol. 1481, page 490 of said Deed Records.

Thence South 34 degrees 07 minutes West, along the most westerly line of said Cemetery tract 57 feet.

Thence South 10 degrees 59 minutes East, 85 feet westerly from and parallel to the center line of the levee proposed to be constructed, a distance of 612 feet to the beginning of a curve to the left with a radius of 563-34/100 feet.

Thence Southeasterly, along said curve, 85 feet from and concentric with said center line, a distance of 768-1/10 feet to the end of said curve.

Thence South 89 degrees 07 minutes East, 85 feet Southerly from and parallel to said center line, a distance of 230-62/100 feet to the beginning of a curve to the right with a radius of 298-06/100 feet.

Thence Southeasterly, along said curve, 85 feet from and concentric with said center line, a distance of 501-1/10 feet to the end of said curve.

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Thence South 7 degrees 12 minutes West, 85 feet from and parallel to said center line, a distance of 367-28/100 feet to a stake set at the beginning of a curve to the right with a radius of 488-69/100 feet.

Thence Southwesterly, along said curve, 85 feet from and concentric with said center line, a distance of 268-4/10 feet to the end of said curve.

Thence South 51 degrees 21 minutes East 35 feet to a point 50 feet from said center line.

Thence South 38 degrees 40 minutes West 50 feet from and parallel to said center line, a distance of 103-75/100 feet to the beginning of a curve to the left with a radius of 281-01/100 feet.

Thence Southerly, along said curve, fifty feet from and concentric with said center line, 169-8/10 feet to the end of said curve.

Thence South no degrees 11 minutes East 406 feet to a point 20 feet Westerly from said center line and the beginning of a curve to the left with a radius of 20 feet.

Thence Southeasterly, along said curve, 31-4/10 feet to a stake set for Station 0400 on the center line of said levee, and continuing along said curve in a northeasterly direction, a distance of 31-4/10 feet to a point 20 feet easterly from said center line.

Thence North 8 degrees 17 minutes East 406 feet to a point 50 feet from said center line at the beginning of a curve to the right with a radius of 181-01/100 feet.

Thence Northeasterly, along said curve, 109-4/10 feet to the end of said curve.

Thence North 38 degrees 40 minutes East, 50 feet from and parallel with said center line, a distance of 103-75/100 feet to the beginning of a curve to the left with a radius of 623-69/100 feet.

Thence Northeasterly, along said curve, 50 feet from and concentric with said center line, a distance of 204 feet to its intersection with the northeast line of Cemetery Association tract.

Thence along said line: along a curve to the right with a radius of 1196-3/10 feet a distance of 125 feet to a concrete monument; and North 6 degrees 27 minutes East 113-2/10 feet to a concrete monument; and North 8 degrees 54 minutes West 178-9/10 feet to a concrete monument; and

North 14 degrees 01 minutes East 270-2/10 feet to a concrete monument; and North 41 degrees 20 minutes West 353-7/10 feet to a concrete monument; and South 88 degrees 15 minutes West 481-3/10 feet to a concrete monument; and North 50 degrees 38 minutes West 386 feet to a concrete monument; and North 19 degrees 28 minutes West 610-3/10 feet to a concrete monument; and North no degrees 58 minutes West 151-3/10 feet to a concrete monument and the intersection with a curve to the left with a radius of 551-2/10 feet; and Northwesterly, along said curve, a distance of 75-7/10 feet to the place of beginning and estimated to contain seven and three-tenths (7-3/10) acres."

TRACT NO. 2 - Mrs. Lenora Johnson:

"A portion of the A. Gounah Survey in Fort Worth in Tarrant County, Texas, situated about one-half of a mile Westerly from the Courthouse in said Tarrant County, and embracing a portion of one of the tracts conveyed to Mrs. Lenora Johnson by a deed of record in Vol. 2493, page 331 of the deed records of said Tarrant County.

Beginning at an iron set in the west line of said Johnson tract, from which an iron set for the northeast corner of lot 4 in block 23 of Evans-Pearson Westwood, as same appears on the map of record in Vol. 310, page 18 of said Deed Records, bears north 89 degrees 20 minutes west 59-8/10 feet.

Thence North 42 degrees 57 minutes East 74 feet to a point in the east line of said Johnson tract from which an iron set in the southwest line of the right-of-way of Jacksboro Highway bears north 42 degrees 57 minutes east 5-3/10 feet.

Thence South no degrees 40 minutes West, along the east line of said Johnson tract, to its southeast corner in the south line of said A. Gounah Survey.

Thence Westerly, along said south line, 49-8/10 feet to the southwest corner of said Johnson tract.

Thence North no degrees 40 minutes East, along the west line of said Johnson tract to the place of beginning."

TRACT NO. 3 - Wm. E. and Flora O. Watkins:

"Lot 6, Block 1, Brookside Annex, an Addition to the City of Fort Worth, Tarrant County, Texas."

The motion having been submitted by the President, Mr. Joe B. Hogsett, all the Directors present voted aye thereon and Mr. Hickey



was instructed on behalf of the District to collaborate with the attorneys representing the District for the institution of said proceedings.

7.

Mr. Hickey then brought before the Board the results of his negotiations in the purchase from Mrs. Nell McCarthy as Lessee of a certain leasehold interest in and to the lands mentioned which properties are needed for the completion of Program "B". Said lands so to be acquired are described as follows, to-wit:

Being a part of the A. Gauhenant Survey in Tarrant County, Texas, described by metes and bounds as follows:

BEGINNING at the southwest corner of the said A. Gauhenant Survey;

THENCE North 1 degree 18 minutes west 154.9 feet to a point in the south right of way line of the Jacksboro Highway (State Highway No. 199) for a corner;

THENCE South 47 degrees 3 minutes east 208.8 feet to a corner of this tract;

THENCE South 1 degree 18 minutes east 12.5 feet to corner;

THENCE West to the place of beginning.

It was moved by Director Hill, seconded by Director Pier, that Mr. Hickey on behalf of the District purchase and acquire from the said Mrs. Nell McCarthy the full term of the lease which she holds on the said premises and property, and to pay the said Mrs. Nell McCarthy for the full interest and the assignment of said leasehold interest Eight Thousand Nine Hundred and No/100 (\$8900.00) Dollars and that he, the said Mr. Hickey, take from the said Mrs. Nell McCarthy, a widow, a full term conveyance of her leasehold interest in and to said

property which term is approximately eight (8) years from this date. The motion having been submitted, all the Directors present voted aye thereon and the said Ben F. Hickey instructed to act accordingly.

8.

There was brought before the Board for its consideration and approval two certain instruments of writing concerning right-of-way easements over a part of the J. P. Lusk Survey, situated about four (4) miles Northwest from the Courthouse in Tarrant County, Texas, which easement as explained by Mr. Hickey was essential for the Brookside-Crestwood Levee and flood control improvement. The first instrument consists of a right-of-way easement dated the 16th day of April, 1954, executed by E. H. Robertson and acknowledged by him before Leon J. Keeble, Notary Public in and for Tarrant County, Texas. The consideration recited in the easement conveyance was \$15,000.00 and other good and valuable considerations to be paid by E. H. Robertson, the Grantor in the conveyance, he pays the same because of the additional protection afforded by the District to his lands by the improvements created thereon by the levee constructed by the Corps of Engineers. The property is described in Vol. 2309, page 318 and Vol. 2444, page 593, of the Deed Records of Tarrant County, Texas. The said E. H. Robertson releases to the District any claim for damages that might be sustained by Grantor by reason of construction of said levee or channel on said property.

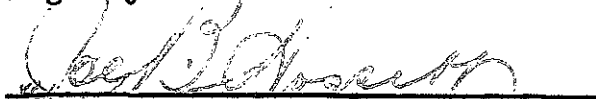
The instrument which acquires the said easement was dated the 22nd day of April, 1954, and was executed by the said E. H. Robertson and also by the District acting by and through Mr. Joe B. Hogsett and in substance this instrument refers to the conveyance of


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the easement in question in which there was made mention of the said sum of \$15,000.00 which in the other and companion instrument was stipulated to be paid by E. H. Robertson, the Grantor therein, to this District, in order to procure the construction of the levee on his lands hereinabove described. It further provided that the parties to this instrument, to-wit: The said E. H. Robertson and the said Tarrant County Water Control and Improvement District Number One, that the \$15,000.00 agreed to be paid by E. H. Robertson to the District is to be paid on the completion of the levee "rather than in advance of said construction". It further provided that it was understood and agreed between the parties that on the completion of the protection levee under and across the lands of the said E. H. Robertson, then that the said E. H. Robertson agrees to pay to the said Tarrant County Water Control and Improvement District Number One the said sum of \$15,000.00 in cash; and further that the said amount of money stated shall become due and payable by the said E. H. Robertson immediately upon the completion of the construction of the levee aforesaid and that on the completion of the construction of said levee the said amount (\$15,000.00) shall draw interest from maturity at the rate of six percent (6%) per annum and that said Robertson is to also pay ten percent (10%) attorney's fees in the event suit is brought on the said note or same is collected through the probate court. On motion of Director Hill, seconded by Director Seymour, the execution of the two instruments hereinabove described was ratified. All the Directors present voted aye thereon.

9.

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

  
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President

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Secretary