

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF
TARRANT COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NUMBER ONE
HELD IN THE DISTRICT OFFICE AT FORT WORTH, TEXAS, ON
THE 18TH DAY OF MAY, 1954, AT 2:00 P. M.

The call of the roll disclosed the presence of the 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
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 for the
District.

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

1.

The Directors had previously received copies of the minutes
of a meeting held May 7, 1954 at 1:30 P.M., in the District Office,
Fort Worth, Texas, and having found no objections thereto, it was
ordered that they be approved, signed and placed on record.

2.

On motion of Director Priest, seconded by Director Hill,
Voucher-Checks #5245 to #5279, inclusive, were approved, having there-
tofore 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 voted aye thereon.

3.

Mr. C. L. McNair, General Manager of the District, brought to the attention of the Board the matter of purchasing one acre of land in Jack County, Texas, described as follows:

"One Acre, as conveyed by R. M. Sipe to T. M. Jones, County Judge of Jack County, and his successors in office "In trust for public free School purposes", Nov. 14, 1884 and as recorded in Vol. B-7, page 423, Deed Records of Jack County, more particularly described as follows: BEGINNING at a stone 260 varas South of the Northwest corner of a 160 acre tract in the name of L. P. Adamson; thence East 75-1/3 varas, stone for corner, P. O. bears N. 1 vara; thence South 75-1/3 varas, a stone for corner, a stone bears N. 50° W 2-1/3 vrs., marked "X"; thence West 75-1/3 varas, a stone for corner; thence North 75-1/3 varas, to the place of beginning, containing one acre of land."

This tract is the property of Jacksboro Public Schools which body, acting through Mr. Lewis A. Moore, Superintendent of the Schools, addressed a communication under date of May 11, 1954 to Mr. C. L. McNair in which it was stated as follows:

"The Jacksboro Independent School Board went on record to sell your water control district a small tract of land of about one acre that lies within the boundary of your district. Mr. Worth Nelson discussed this matter with J. D. Craft, president of our school Board. Our Board agreed to sell this to you for fifty dollars (\$50.00) net to us or fifty dollars (\$50.00) per acre if there is more than one acre. We are to reserve all mineral rights. If you are interested in this proposition please let us know."

The purchase of this tract was recommended by Mr. McNair inasmuch as it joined to and connected with a contiguous tract of land owned by the District. On motion of Director Hill, seconded by Director Pier, Mr. McNair was authorized to proceed with the matter and in the name of and on behalf of the Board to accept the offer of sale by Mr. Moore,

School Superintendent, and to pay therefor the sum of \$50.00. On the submission of the motion all the Directors voted aye thereon.

4.

Mr. Ben F. Hickey, Land Agent of the District, presented to the Board certain contracts of purchase of lands necessary to carry out certain features of Program B of the Flood Prevention Plan. There were four (4) separate and distinct tracts of land all situated in Tarrant County, Texas, and enumerated as follows:

1. Nannie Mary Salter

Lot 11, Block 14, Brookside Annex to the City of Fort Worth, Tarrant County, Texas, and all improvements thereon.

2. Bill Lynch and wife, Iona Mae Lynch

All of Lot 14, Block 7, Brookside Annex to the City of Fort Worth, Tarrant County, Texas, and all improvements thereon.

3. Ben L. Rauch and wife, Esther B. Rauch

Lot 15, Block 19, Evans-Pearson Westwood Addition to the City of Fort Worth, Tarrant County, Texas.

4. J. M. Kerns and wife, Cecile Kerns

All of Lot X and North 50 feet of Lot Y as required for levee system, with all improvements on both lots; in partition of Lot 117, Brookside Acres Addition to the City of Fort Worth, Tarrant County, Texas.

In addition to the foregoing tracts Mr. Hickey, pursuant to prior instructions of the Board, presented to the Board for its consideration and approval a quitclaim deed from the District to Texas Electric Service Company, a corporation, in which the District released its interest in and to said Texas Electric Service Company a certain tract of land, a part of A. Gouhenant Survey, Abstract No. 582, situated just north of the Court House in Tarrant County, Texas, and embracing a portion of a tract of land conveyed to St. Louis,

Arkansas & Texas Railway Company by Deed of record in Vol. 48, page 127 of the Deed Records of Tarrant County, Texas, which tract thus quitclaimed by the District to said Company is more particularly described in said Quitclaim Deed. There was retained by the District in said deed an easement in, under and upon the land which said easement is now found of record in Vol. 2664, page 45, of the Deed Records of Tarrant County, Texas, and the said Texas Electric Service Company accepted the Quitclaim Deed with the easement therein retained by the District. On motion of Director Priest, seconded by Director Pier, all the matters presented to the Board for such approval were authorized by the Board, all the Directors voting aye thereon.

Following the presentation of the foregoing matters and their approval by the Board, Mr. Hickey presented one other matter which concerned the purchase by the District of one new Ford Dump Truck for which Mr. Hickey was authorized to pay to the lowest bidder (Texas Motors) the amount of said low bid of \$2,545.24. It appearing to the Board that the purchase of said truck was necessary to the uses of the District in levee maintenance of Program B, on motion of Director Priest, seconded by Director Pier, the purchase of such truck was authorized, approved and ratified, all the Directors voting aye thereon, and it was ordered that proper voucher issue therefor.

5.

Mr. Sidney L. Samuels, Counsel for the District, presented to the Board a written opinion with respect to the request from the City of Fort Worth that the District should join with said City in employing a group of engineering experts to explore and locate an additional water supply and to assist in the payment of compensation to such experts in the performance of such services. It was pointed out

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by the Counsel in the communication dated May 12, 1954 that the District was not so circumstanced that it could lawfully expend funds for such services. In the opinion so rendered, the Counsel announced that there were two funds, derived from taxation, which were available to the District in conducting its affairs and in supporting the requirements of its Sinking Fund and the expense to be incurred in the maintenance of the two dams on the West Fork of the Trinity River - Eagle Mountain Lake and Lake Bridgeport - and in providing available moneys to meet current expenses. And therefore, briefly stated, the moneys in said two funds were not available for any other purposes than those for which the tax levy provided. The Board ordered the opinion to be filed among the papers of the District and to be attached in folio to these minutes.

6.

The Counsel further informed the Board that he, Sidney L. Samuels, had been in Long Distance communication with the Bureau of Yards and Docks in Washington concerning the matter of exchange of lands between the District and the Federal Government growing out of the lands which were temporarily granted to the Federal Government during World War II which the Federal Government had used for the period of the War and still held in its possession of approximately 464.64 acres which according to the terms of use by the Government was to be relinquished to the District when the War was concluded. Mr. Samuels then stated that in response to this communication with the Washington authorities it would appear that Washington had directed the officer in charge of the Eighth Naval District at New Orleans to communicate with the Board of Directors of the District and to that end there had been received by the Board a communication dated at New

Orleans May 17, 1954, signed by J. A. Stelger, Captain, CEC, USN, District Civil Engineer, by direction of the Commandant at New Orleans, reading as follows:

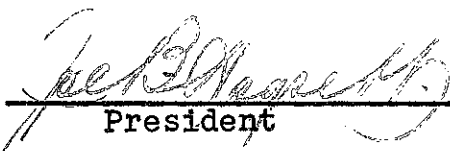
"The Bureau of Yards and Docks has recently considered the proposals of the Tarrant County Water Control and Improvement District No. 1 in connection with the pending exchange of lands at Eagle Mountain Lake, Texas. It is considered that a meeting with a representative of this Headquarters would be beneficial in an endeavor to resolve this matter, and such is suggested.

If you will advise as to the time that such a meeting will be convenient to you, a representative will meet with you in your office in an effort to conclude this matter."

After the reading of the foregoing communication Mr. Samuels was directed to communicate over Long Distance telephone with Captain J. A. Stelger, above mentioned, to the effect that unless the Federal Government had a specific proposition to submit another conference with the Board would be futile. And accordingly Mr. Samuels was so instructed by the Board. The letter from Captain Stelger to which reference was hereinabove made is attached in folio to these minutes.

7.

There being no further business to come before the meeting, it was adjourned.



President



Secretary

*This to be a part of the
minutes of May 18, 1954*
HEADQUARTERS EIGHTH NAVAL DISTRICT
FEDERAL BUILDING
NEW ORLEANS 12, LA.

In reply address not the signer
of this letter, but Commandant,
Eighth Naval District, Federal
Building, New Orleans 12, La.

Refer to No.

44/HS/ca

Serial: 44-179

17 MAY 1954

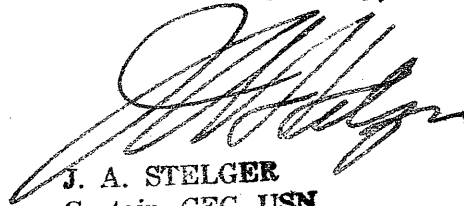
Mr. Sidney L. Samuels
Attorney-at-Law
Danciger Building
Fifth & Throckmorton Streets
Fort Worth, Texas

Dear Mr. Samuels:

The Bureau of Yards and Docks has recently considered the proposals of the Tarrant County Water Control and Improvement District No. 1 in connection with the pending exchange of lands at Eagle Mountain Lake, Texas. It is considered that a meeting with a representative of this Headquarters would be beneficial in an endeavor to resolve this matter, and such is suggested.

If you will advise as to the time that such a meeting will be convenient to you, a representative will meet with you in your office in an effort to conclude this matter.

Yours very truly,



J. A. STELGER
Captain, CEC, USN
District Civil Engineer
By direction of the Commandant

May 18, 1954

Mr. Lewis A. Moore, Superintendent
Jacksboro Public Schools
Jacksboro, Texas

Dear Mr. Moore:

The Board of Directors of this District, at a regular meeting today, authorized the purchase of the one (1) acre tract of land belonging to the Jack County School System according to the terms and consideration as stated in your letter of May 11, 1954.

We will submit a deed for your approval within the next week, or if you prefer you may prepare the instrument.

Respectfully yours,

TARRANT COUNTY WATER CONTROL AND
IMPROVEMENT DISTRICT NUMBER ONE

By C. L. McNair, General Manager

CLMcN:s

*Willoughby Tract
L. P. Adamson Survey*

A. G. BEENE
HIGH SCHOOL PRINCIPAL
H. ELENBURG
ELEMENTARY PRINCIPAL

*This to be a part of the
minutes of May 18, 1954*

J. CRAFT
PRESIDENT
DAVE GIBSON
SECRETARY

Jacksboro Public Schools

LEWIS A. MOORE, SUPERINTENDENT

Jacksboro, Texas

May 11, 1954

Mr. C. L. McNair, General Manager
Tarrant County Water Control Improvement Dist. No. 1
Decatur, Texas

Dear Mr. McNair:

The Jacksboro Independent School Board went on record to sell your water control district a small track of land of about one acre that lies within the boundary of your district. Mr. Worth Nelson discussed this matter with J. D. Craft, president of our school Board. Our Board agreed to sell this to you for fifty dollars (\$50.00) net to us or fifty dollars (\$50.00) per acre if there is more than one acre. We are to reserve all mineral rights. If you are interested in this proposition please let us know.

Sincerely yours,

Lewis A. Moore
Lewis A. Moore, Superintendent
Jacksboro Public Schools

LAM:em

*Contents read to the Board
at meeting 5-18-54
C.L.M.*

*The Board authorized payment
according to terms and conditions
and herein above stated -
C.L.M.*

SIDNEY L. SAMUELS
JESSE M. BROWN
A. M. HERMAN
WILLIAM M. BROWN
JOHN M. SCOTT
ARDELL M. YOUNG
WILLIAM D. CAMPBELL

SAMUELS, BROWN, HERMAN & SCOTT

ATTORNEYS AND COUNSELORS AT LAW

12TH FLOOR ELECTRIC BUILDING

FORT WORTH, TEXAS

May 12, 1954

To the Board of Directors of Tarrant County
Water Control and Improvement District No. One,
Fort Worth, Texas.

In Re: Matter of sharing expense in
exploring the presence of additional
water supply.

Gentlemen of the Board:

In answer to the question propounded to me at a prior meeting of the Board, with respect to the power of the District to appropriate moneys out of its present resources to share, with the City of Fort Worth, the expenses of searching out and exploring an additional water supply, I have this to say:

First; Let me observe that aside from a meagre and somewhat uncertain income from the rental of lands owned by the District, the money resources of the District consists of two funds - one is the Sinking Fund, and the other is the Maintenance Fund. Both funds, the result and product of the taxing power of the District are distinctively earmarked, and set apart exclusively to the satisfaction of certain definite obligations of the District.

In this connection, it is almost superfluous to say that the Sinking Fund occupies a status quite to itself which forbids its use to any other purpose than to pay the principal of that part of two outstanding bond issues (or the part that yet remains unpaid and to be liquidated in the future) and the interest thereon as same accrues from time to time. Obviously, this fund is beyond temptation to utilize in any other way than the purpose to which it was dedicated.

The Maintenance Fund represents a fund which is to be applied to immediate uses such as the repair of the two dams in the channel of the West Fork of the Trinity River and the payment of current expenses. The total tax now assessed and levied by the District for the creation of the two funds, above mentioned, is 32¢ on every one-hundred dollars of property taxable valuations. Of this tax, 5¢ is for the purpose of accumulating the Maintenance Fund.

As you know, as the Maintenance Fund is used from time to time, the moneys derived from the 5¢ part of the total tax is devoted to the maintenance of Eagle Mountain Lake and Lake Bridgeport, and also to meet current expenses in the operation of the District and in the performance of its functions.

It is a rule of law that where the question of a tax on certain property is submitted to the voters by a governmental agency, a covenant arises between the governing body and the voters that the proceeds of such tax shall be applied to the purposes for which it is levied, and thereby becomes not a general fund but one specific in its nature and may not be used or diverted for any other plan than that for which it is designated. It is also a cardinal rule of law that when a tax is levied upon the property of the citizen for an express purpose, the use of same may not be changed and expended for some other objective. It has been calculated that the 5¢ tax thus levied and collected no more than suffices to meet repairs of the two reservoirs in the bed of the river and to pay the various expenditures in operating the District, the employment of engineers, watchmen, office force, salary of counsel, the employment of land agent, stenographers and secretaries, fees to the auditor and to the tax collector and many other miscellanies, which make up the outlay of moneys from this particular fund. As hereinabove stated, we have no general or emergency fund from which to draw moneys for things outside the scope of the tax levies, which I have pointed out. It follows that to create a fund to enable the District to compensate, in whole or in part, a group of expert engineers to explore potential territory for an additional water supply would, in my opinion, make imperative the levy of an additional tax, and this levy could not be lawfully imposed without the consent and authority of the property-owning tax paying voters within the boundaries of the District.

There are very many other questions that present themselves concerning the exploration that is contemplated by the city. These problems, however, grow out of the locality in which the additional water supply should be found as the result of such exploration. It is often the case that such exploration or surveys are theoretical, just as in the search for gas and oil lying under the earth.

I am not unmindful of the co-operation which you would personally like to extend to the City in the contemplated search for a more abundant supply of water to our inhabitants.

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I, myself, regret that I should be impelled by considerations, legal and practical, to reach the conclusion that as at present circumstanced, the District has no available resources which would enable it to join with the City in this laudable endeavor.

Very sincerely,

SIDNEY L. SAMUELS.

SLS:OC