

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS OF  
TARRANT REGIONAL WATER DISTRICT  
HELD ON THE 17<sup>TH</sup> DAY OF AUGUST 2004 AT 9:30 A.M.

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

<u>Present</u>	<u>Absent</u>
George W. Shannon	Hal S. Sparks III
Victor W. Henderson	Brian Newby
Jack R. Stevens	

Also present were, James M. Oliver Alan Thomas, Ken Brummett, Steve Christian, Woody Frossard, Nancy King, David Marshall, Wayne Owen, Madeline Robson and Sandra Swinnea.

Also in attendance were George Christie, legal counsel for the District; Dick Fish of Save Eagle Mountain Lake, David Pettit of Webber & Co., Nancy Reed, C. D. Reynolds, Michael Pennington and Earl Alexander. Director Shannon convened the meeting with the assurance from management that all requirements of the "open meetings" laws had been met.

1.

On a motion made by Director Henderson and seconded by Director Stevens, the Directors unanimously voted to approve the minutes from the meeting held July 20, 2004. It was accordingly ordered that such minutes be placed in the permanent files of the District.

2.

Dick Fish of Save Eagle Mountain Lake and Lake Country Homeowners commented that they are happy about the lake levels and many boaters have been enjoying the lake.

3.

The Board heard and will take under advisement comments from Nancy Reed regarding the response of June 14, 2004 by Alan Thomas for permit exception requests at Cedar Creek Reservoir.

4.

The President and presiding officer next called an executive session at 9:47 a.m. under Chapter 551.071 of the Government Code to consider pending or contemplated litigation - Gragg lawsuit and under Chapter 551.072 of the Government Code to consider real property issues - Eagle Mountain Connection.

5.

Upon completion of the executive session at 10:20 a.m., the President reopened the meeting.

6.

With the recommendation of management, Director Henderson moved to place a proposal to adopt a tax rate of .02 (per \$100) on the agenda of the September 21, 2004 Board meeting. Director Stevens seconded the motion and the vote in favor was unanimous

7.

With the recommendation of management, Director Stevens moved to participate in Tax Increment Financing District Ten (Cabella's Store/Lone Star TIF). Director Henderson seconded the motion and the vote in favor was unanimous.

8.

With the recommendation of management, Director Henderson moved to grant an abatement of ad valorem property taxes on increases to the assessed valuation of the real property attributable to planned redevelopment of the Montgomery Ward building. Director Stevens seconded the motion and the vote in favor was unanimous.

9.

With the recommendation of management, Director Stevens moved to participate in Tax Increment Financing District Eleven (Southwest Parkway Project TIF). Director Henderson seconded the motion and the vote in favor was unanimous.

With the recommendation of management, Director Henderson moved to approve a Memorandum of Understanding (MOU) between Trinity River Authority and Tarrant Regional Water District that would allow Trinity River Authority to unconditionally withdraw their protest of the District's Wetland Permit. Additionally, the General Manager was granted authority to execute the MOU. Director Stevens seconded the motion and the vote in favor was unanimous.

## 11a.

With the recommendation of management, Director Stevens moved to approve the purchase of the following easements necessary for construction of the Eagle Mountain Connection Project from Chapel Creek Limited Partnership for the negotiated purchase price of \$893,152. Should owner(s) of such land decline to accept the authorized purchase offer, staff was given authority to commence eminent domain proceedings.

- TRACT # 1:** 21.416 acres (932,849 sq. ft.) in fee simple, being a portion of a tract of land situated in the N. Holbrook Survey, A-647, Tarrant County, Texas, also being a portion of those certain tracts of land known as TRACT IIA and TRACT IIB as conveyed by deed to Chapel Creek Limited Partnership in Volume 11029, Page 1159, Deed Records, Tarrant County, Texas;
- TRACT # 2:** 9.498 acres, more or less, in fee simple, situated in the N. Holbrook Survey, A-647, Tarrant County, Texas, also being a portion of that certain tract of land known as TRACT IIB conveyed by deed to Chapel Creek Limited Partnership, recorded in Volume 11029, Page 1159, Deed Records, Tarrant County, Texas;
- TRACT # 3:** 3.476 acres (151,413 sq. ft.) in fee simple, being a portion of a tract of land situated in the N. Holbrook Survey, A-647, Tarrant County, Texas, also being a portion of that certain tract of land known as TRACT IIA as conveyed by deed to Chapel Creek Limited Partnership in Volume 11029, Page 1159, Deed Records, Tarrant County, Texas;
- TRACT # 4:** 8.959 acres (390,245 sq. ft.) in permanent easement, being situated in the N. Holbrook Survey, A-647, Tarrant County, Texas, also being a portion of that certain tract of land known as TRACT IIA as conveyed by deed to Chapel Creek Limited Partnership in Volume 11029, Page 1159, Deed Records, Tarrant County, Texas;
- TRACT # 5:** 3.134 acres (136,515 sq. ft.) in permanent easement and approximately 1.05 acres (45,738 sq. ft.) in temporary construction easement, being situated in the C.K. Gleason Survey, A-559, Tarrant County, Texas, also being a portion of that certain tract of land called Tract I and conveyed by deed to Chapel Creek Limited Partnership, recorded in Volume 11029, Page 1159, Deed Records, Tarrant County, Texas;

The above-described five (5) parcels comprise a total of 30.914 acres in fee simple for the Eagle Mountain Connection balancing reservoir, 3.476 acres in fee simple for rerouting the TXU Electric Delivery Co. right-of-way, 12.093 acres in permanent pipeline(s) easement, and approximately 1.05 acres in temporary construction easement, from Chapel Creek Limited Partnership, a Texas limited partnership for a negotiated purchase price not to exceed \$19,000.00 per acre for the 30.914 acres in fee simple, 3.476 acres in fee simple and 12.093 acres in permanent easement, and a negotiated purchase price not to exceed \$9,500.00 per acre for approximately 1.05 acres in temporary construction easement.

### RESOLUTION FOR THE BOARD OF DIRECTORS

With the recommendation of management, Director Stevens moved to authorize the commencement of eminent domain proceedings to acquire:

TRACT # 1: 21.416 acres (932,849 sq. ft.) in fee simple, being a portion of a tract of land situated in the N. Holbrook Survey, A-647, Tarrant County, Texas, also being a portion of those certain tracts of land known as TRACT IIA and TRACT IIB as conveyed by deed to Chapel Creek Limited Partnership in Volume 11029, Page 1159, Deed Records, Tarrant County, Texas;

TRACT # 2: 9.498 acres, more or less, in fee simple, situated in the N. Holbrook Survey, A-647, Tarrant County, Texas, also being a portion of that certain tract of land known as TRACT IIB conveyed by deed to Chapel Creek Limited Partnership, recorded in Volume 11029, Page 1159, Deed Records, Tarrant County, Texas;

TRACT # 3: 3.476 acres (151,413 sq. ft.) in fee simple, being a portion of a tract of land situated in the N. Holbrook Survey, A-647, Tarrant County, Texas, also being a portion of that certain tract of land known as TRACT IIA as conveyed by deed to Chapel Creek Limited Partnership in Volume 11029, Page 1159, Deed Records, Tarrant County, Texas;

TRACT # 4: 8.959 acres (390,245 sq. ft.) in permanent easement, being situated in the N. Holbrook Survey, A-647, Tarrant County, Texas, also being a portion of that certain tract of land known as TRACT IIA as conveyed by deed to Chapel Creek Limited Partnership in Volume 11029, Page 1159, Deed Records, Tarrant County, Texas;

TRACT # 5: 3.134 acres (136,515 sq. ft.) in permanent easement and approximately 1.05 acres (45,738 sq. ft.) in temporary construction easement, being situated in the C.K. Gleason Survey, A-559, Tarrant County, Texas, also being a portion of that certain tract of land called Tract I and conveyed by deed to Chapel Creek Limited Partnership, recorded in Volume 11029, Page 1159, Deed Records, Tarrant County, Texas;

(such lands being determined by management and the Board to be necessary to construct the Eagle Mountain Connection Pipeline), if the owner of such land, Chapel Creek Limited Partnership, a Texas limited partnership, decline(s) to accept the Board-authorized purchase offer of \$19,000.00 per acre for the 30.914 acres in fee simple, 3.476 acres in fee simple and 12.093 acres in permanent easement; and a negotiated purchase price not to exceed \$9,500.00 per acre for approximately 1.05 acres in temporary construction easement; the total negotiated purchase price for all five (5) parcels being \$893,152. Director Henderson seconded the motion and the vote in favor was unanimous.

In addition, R. Steve Christian is granted authority to execute all documents necessary to complete this transaction. Funding for this purchase is included in the 2002 Bond Issue. Director Henderson seconded the motion and the vote in favor was unanimous.

11b.

With the recommendation of management, Director Stevens moved to approve the purchase of the following easements for construction of the Eagle Mountain Connection Project from Steve Paulsen Properties, LTD., for the total appraised value of \$32,624.

**1.040 acres (45,311 sq. ft.) in permanent easement, situated in the R. Arse Survey, A-5, Tarrant County, Texas, also being a portion of the westerly residue of that certain tract of land conveyed to Steve Paulsen Properties, LTD. in Volume 16005, Page 294, Deed Records, Tarrant County, Texas, from Steve Paulsen Properties, LTD., a Texas.**

### **RESOLUTION FOR THE BOARD OF DIRECTORS**

**With the recommendation of management, Director Stevens moved to authorize the commencement of eminent domain proceedings to acquire 1.040 acres (45,311 sq. ft.) in permanent easement, situated in the R. Arse Survey, A-5, Tarrant County, Texas, also being a portion of the westerly residue of that certain tract of land conveyed to Steve Paulsen Properties, LTD. in Volume 16005, Page 294, Deed Records, Tarrant County, Texas (such lands being determined by management and the Board to be necessary to construct the Eagle Mountain Connection Pipeline), if the owner of such land, Steve Paulsen Properties, LTD., a Texas limited partnership, declines to accept the Board-authorized purchase offer of \$32,624. Further, R. Steve Christian is granted authority to execute all documents necessary to acquire this land, whether by eminent domain or by purchase. Director Henderson seconded the motion and the vote in favor was unanimous.**

In addition, R. Steve Christian is granted authority to execute all documents necessary to complete this transaction. Funding for this purchase is included in the 2002 Bond Issue. Director Henderson seconded the motion and the vote in favor was unanimous.

11c.

With the recommendation of management, Director Stevens moved to approve the purchase of the following easements necessary for construction of the Eagle Mountain Connection Project from Madelon L. Bradshaw and Martha Leonard Griffith and Miranda Leonard and BANK ONE, Trustee of the Mary Leonard Children's Trust for the total negotiated price of \$110,140. Should owner(s) of such land decline to accept the authorized purchase offer, staff was given authority to commence eminent domain proceedings.

2.925 acres in permanent easement situated in the G.M. Pettitt Survey, Abstract 1235 and the Sarah Pettitt Survey, Abstract 1234, Tarrant County, Texas, also being a portion of that certain tract of land called "SOUTHEAST TRACT" and conveyed by deed to Marvin Leonard, Trustee in Volume 4495, Page 94, Deed Records, Tarrant County, Texas.

6.514 acres in permanent easement situated in the C.K. Gleason Survey, Abstract 559 and the Sarah Pettitt Survey, Abstract 1234, Tarrant County, Texas, also being a portion of that certain tract of land called "North Tract" and conveyed by deed to Marvin Leonard, Trustee, recorded in Volume 4495, Page 94, Deed Records, Tarrant County, Texas.

The above-described two parcels comprise a total of 9.439 acres in permanent easement from Madelon L. Bradshaw and Martha Leonard Griffith and Miranda Leonard and BANK ONE, Trustee of the Mary Leonard Children's Trust.

### **RESOLUTION FOR THE BOARD OF DIRECTORS**

With the recommendation of management, Director Stevens moved to authorize the commencement of eminent domain proceedings to acquire:

2.925 acres in permanent easement situated in the G.M. Pettitt Survey, Abstract 1235 and the Sarah Pettitt Survey, Abstract 1234, Tarrant County, Texas, also being a portion of that certain tract of land called "SOUTHEAST TRACT" and conveyed by deed to Marvin Leonard, Trustee in Volume 4495, Page 94, Deed Records, Tarrant County, Texas.

6.514 acres in permanent easement situated in the C.K. Gleason Survey, Abstract 559 and the Sarah Pettitt Survey, Abstract 1234, Tarrant County, Texas, also being a portion of that certain tract of land called "North Tract" and conveyed by deed to Marvin Leonard, Trustee, recorded in Volume 4495, Page 94, Deed Records, Tarrant County, Texas.

The above-described two parcels comprise a total of 9.439 acres in permanent easement (such lands being determined by management and the Board to be necessary to construct the Eagle Mountain Connection Pipeline), if the owner of such land, Madelon L. Bradshaw and Martha Leonard Griffith and Miranda Leonard and BANK ONE, Trustee of the Mary Leonard Children's Trust, decline(s) to accept the Board-authorized purchase offer of \$110,140. Further, R. Steve Christian is granted authority to execute all documents necessary to acquire this land, whether by eminent domain or by purchase. Director Henderson seconded the motion and the vote in favor was unanimous.

In addition, R. Steve Christian is granted authority to execute all documents necessary to complete this transaction. Funding for this purchase is included in the 2002 Bond Issue. Director Henderson seconded the motion and the vote in favor was unanimous.

11d.

With the recommendation of management, Director Stevens moved to approve the purchase of the following easements necessary for construction of the Eagle Mountain Connection Project from Karen Walters, Individually and/or as Trustee of the Mary Maxine Stewart Watkins Trust, and/or Trust beneficiaries for the total negotiated purchase price of \$16,000. Should owner(s) of such land decline to accept the authorized purchase offer, staff was given authority to commence eminent domain proceedings.

**0.675 acre (29,410 sq. ft.) in permanent easement, situated in the J. Smallwood Survey, A-1452, also being a portion of that certain tract conveyed by deed to Mary Maxine Stewart Watkins Trust in deed recorded in Volume 10929, Page 1381, Deed Records, Tarrant County, Texas from Karen Walters, Individually and/or as Trustee of the Mary Maxine Stewart Watkins Trust, and/or Trust beneficiaries.**

### **RESOLUTION FOR THE BOARD OF DIRECTORS**

With the recommendation of management, Director Stevens moved to authorize the commencement of eminent domain proceedings to acquire 0.675 acre (29,410 sq. ft.) in permanent easement, situated in the J. Smallwood Survey, A-1452 also being a portion of that certain tract conveyed by deed to Mary Maxine Stewart Watkins Trust recorded in Volume 10929, Page 1381, Deed Records, Tarrant County, Texas (such lands being determined by management and the Board to be necessary to construct the Eagle Mountain Connection Pipeline), if the owner of such land, Karen Walters, Individually and/or as Trustee of the Mary Maxine Stewart Watkins Trust, and/or the beneficiaries thereof, decline(s) to accept the Board-authorized purchase offer of \$16,000. Further, R. Steve Christian is granted authority to execute all documents necessary to acquire this land, whether by eminent domain or by purchase. Director Henderson seconded the motion and the vote in favor was unanimous.

In addition, R. Steve Christian is granted authority to execute all documents necessary to complete this transaction. Funding for this purchase is included in the 2002 Bond Issue. Director Henderson seconded the motion and the vote in favor was unanimous.

11e.

With the recommendation of management, Director Stevens moved to approve the purchase of the following easements necessary for construction of the Eagle Mountain Connection Project from Michael L. Wells for the total negotiated price of \$48,412. Should

owner(s) of such land decline to accept the authorized purchase offer, staff was given authority to commence eminent domain proceedings.

**3.166 acres in permanent easement, and 0.258 acre in temporary construction easement, situated in the J. Wilcox Survey, A-1704, also being a portion of that certain tract conveyed by deed to Michael L. Wells in deed recorded in Volume 16127, Page 62, Deed Records, Tarrant County, Texas from Michael L. Wells**

### **RESOLUTION FOR THE BOARD OF DIRECTORS**

With the recommendation of management, Director Stevens moved to authorize the commencement of eminent domain proceedings to acquire 3.16 acres (137,924 sq. ft.) in permanent easement, and 0.258 acre in temporary construction easement, situated in the J. Wilcox Survey, A-1704, also being a portion of that certain tract conveyed by deed to Michael L. Wells in deed recorded in Volume 16127, Page 62, Deed Records, Tarrant County, Texas (such lands being determined by management and the Board to be necessary to construct the Eagle Mountain Connection Pipeline), if the owner of such land, Michael L. Wells, declines to accept the Board-authorized purchase offer of \$48,412. Further, R. Steve Christian is granted authority to execute all documents necessary to acquire this land, whether by eminent domain or by purchase. Director Henderson seconded the motion and the vote in favor was unanimous.

In addition, R. Steve Christian is granted authority to execute all documents necessary to complete this transaction. Funding for this purchase is included in the 2002 Bond Issue. Director Henderson seconded the motion and the vote in favor was unanimous.

12.

With the recommendation of management, Director Henderson moved to approve Change Order Number 07 to the contract with Archer Western for the Richland-Chambers High-Capacity Expansion Project in the amount of \$135,887.78. Additionally, the Board reviewed and instructed the General Manager to sign the attached letter (Attachment A) to KBR regarding concerns of omissions or ambiguities in the plans and specifications by KBR on the project. Funding for this project is included in the 2002 Bond Issue. Director Stevens seconded the motion and the vote in favor was unanimous.

13.

With the recommendation of management, Director Stevens moved to approve a contract with Freese and Nichols to conduct the West Fork probable maximum flood study at a total cost of \$23,800. Funding for this contract is included in the FY 2004 General Fund Budget. Director Henderson seconded the motion and the vote in favor was unanimous.



14.

The Board was updated on sand and gravel mining at District reservoirs.

15.

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

George W. Shannon  
President

Hal S. [Signature]  
Secretary

**TARRANT REGIONAL WATER DISTRICT**

800 East North Side Drive  
Fort Worth, Texas 76102-1097

**BOARD OF DIRECTORS**  
George W. Shannon, President  
Victor W. Henderson, Vice President  
Hal S. Sparks III, Secretary  
Brian C. Newby  
Jack R. Stevens



P.O. Box 4508  
Fort Worth, Texas 76164-0508  
Telephone 817-335-2491  
FAX 817-877-5137

James M. Oliver  
General Manager

August 17, 2004

Mr. Robert Smith  
KBR  
1444 Oak Lawn Avenue, Suite 100  
Dallas, TX 75207

Re: Richland-Chambers High Capacity Expansion Project

Dear Bob,

At today's meeting, the District's Board of Directors approved change order number seven to the construction contract with Archer Western Contractors in the amount of \$135,887.78. During the review process, it was noted that of the total amount, \$88,377.90 is a result of omissions or ambiguities in the plans and specifications prepared by KBR.

While there is no question relating to the necessity of the proposed changes, pricing under change order conditions, as opposed to the competitive environment of the bidding process, is not to the District's financial advantage. District staff has assured me that the engineering work required to correct these items will not be billed to the District and we appreciate your willingness to accept that responsibility.

As the relationship between KBR and the District continues into the future, I trust that similar occurrences will be avoided.

Sincerely,

Jim Oliver  
General Manager

Cc: Board of Directors