

MINUTES OF THE MEETING OF
THE BOARD OF DIRECTORS OF
FRANKLIN COUNTY WATER DISTRICT
HELD: December 21, 1970

THE STATE OF TEXAS

FRANKLIN COUNTY WATER DISTRICT

COUNTY OF FRANKLIN

On this the 21st day of December, 1970, the Board of Directors of Franklin County Water District convened in regular session in their office located in the courthouse at Mount Vernon, Texas, with the following members present:

W. C. NEWSOME	PRESIDENT
LANDON RAMSAY	VICE PRESIDENT
HORRIS MORRIS	SECRETARY
A. J. LAWS	DIRECTOR
K. P. LESTER	DIRECTOR

and with the following absent: NONE.

Also present were Messrs. Walter F. Hicks, Jr., Engineer for the District; Woodrow Edwards, Attorney for the District; and L. J. Flanagan, former appraiser and land purchaser for the District.

The President of the Board called the meeting to order, declared a quorum present, and that the meeting was duly convened and ready to transact business.

The President reported that the TIME EXTENSION for W. R. Boyd, Inc. which he was authorized to execute as President of the Board of Directors at the meeting held December 7, 1970, was duly executed on December 14, 1970 and copies mailed as directed to W. R. Boyd, Inc. and Wisenbaker, Fix & Associates.

Mr. Edwards reported that the McClung heirs had agreed to make the following settlement: They would settle the lawsuit now pending in the District Court, No. 5395, if Franklin County Water District would agree to pay them \$175.00 per acre for the 90.062 acres of land heretofore taken by the District in eminent domain proceedings instead of the \$135.00 per acre awarded by the Commissioners in said eminent domain proceedings. On June 25, 1970 the amount of \$12,158.37 had been paid to the registry of the court for Sallie A. McClung et al, being the amount awarded by the Commissioners. If Franklin County Water District accepts the agreement of settlement the District would owe the further sum of \$3,602.48 to Sallie A. McClung et als, being the difference of \$135.00 per acre and \$175.00 per acre for the said 90.062 acres of land.

WHEREUPON, Motion was made by K. P. Lester, and duly seconded by Landon Ramsay, to make settlement with the McClung heirs, being styled No. 5395 in the District Court, and to pay them the further sum of \$3,602.48, being the difference between \$175 per acre and \$135 per acre for 90.062 acres of land. After discussion the question was put by the President and all members present voted "AYE". None voted "NO".

Mr. Edwards discussed the A. L. Stocks lawsuit and the Board unanimously recommended that Mr. Edwards pursue negotiations with Mr. Stock and try to make a settlement with him.

Mr. Edwards also stated that January 11 and 18 are the dates set for the hearing of the suits now pending in the District Court.

Mr. Hicks stated that it was his understanding that Lone Star Steel Lake will go before the Texas Water Rights Commission to ask that they be allowed to double their capacity pumping water out of Cypress Creek and, if they do so, he recommended that representatives from Franklin County Water District should be at that meeting. A telephone call was placed to the Texas Water Rights Commission and it was learned that Lone Star Steel's application had not been received by them at this time.

Mr. Hicks also reported that the timber clearing is complete and when the Texas Water Development Board approves it, final payment can be made to W. R. Boyd, Inc., Contract, after it has been determined that all bills outstanding have been satisfied.

Mr. Hicks also stated that all the ranges have not been run to date and they need to verify the ones that have been set.

Mr. Ramsay reported that he had discussed the marking of the lake area boundary lines with Phil Campbell. Mr. Campbell stated that he mark the boundary lines with steel poles and they would be driven in the ground instead of digging holes. He also stated that he would use 1 tractor, one trailer, 1 truck, and 1 person besides him and the price would be \$6.00 per hour. If he hires another man to assist them, the price would be \$8.00 per hour instead of \$6.00 per hour. He also stated to Mr. Ramsay that he would store the steel posts at his home and take them to the lake area as they were needed.

Whereupon, Motion was made by K. P. Lester, and duly seconded by Horris Morris, to authorize Landon Ramsay to employ Mr. Campbell to place the markers for the boundary lines. After discussion, the question was put by the President and all members present voted "AYE". None voted "NO".

Mr. Hicks suggested that the District contact Mr. John Cowan, Surveyor, and request that he have a man to come here to locate the corners and let Mr. Campbell and his man or men work behind him which would speed the progress of Mr. Campbell's work. The office secretary was instructed to contact Mr. Cowan to see if a man would be available to show Mr. Campbell the corners when and if Mr. Campbell accepts the job.

Mr. Edwards reported that the Kings, through Earl Sharp, Trustee, were desirous of leasing additional land which amounts to about 150 acres; said 150 acres including the land the District acquired from the W. L. Smith heirs but being subject to the right of the W. L. Smith heirs to leasback the amount of land to which they would be entitled.

WHEREUPON, K. P. Lester moved adoption of the following resolution:

"RESOLVED that the Franklin County Water District lease an additional 150 acres of land, more or less, to Earl Sharp, Trustee, and that the President and Secretary have authority to execute a lease agreement for said 150 acres in behalf of Franklin County Water District."

The second was made by Landon Ramsay, and after discussion, and the question being put by the President, all members present voted "AYE". None voted "NO".

A copy of the lease agreement is attached hereto and made a part of these Minutes.

Mr. Edwards discussed the extra mileage that W. C. Newsome has to make in connection with the business of the District and had instructed Mr. Newsome to keep an account of same. A statement was presented showing Mr. Newsome had travelled 325 miles on District business. Whereupon MOTION was made by A. J. LAWS, and duly seconded by K. P. LESTER to reimburse Mr. Newsome for his extra mileage expenses at the rate of 10 cents per mile, being \$32.50. Vice President Landon Ramsay presided and after discussion he put the question. The following members voted "AYE": Messrs. Ramsay, Morris, Laws and Lester. None voted "NO". Mr. Newsome did not vote.

MOTION was made by LANDON RAMSAY, and duly seconded by by A. J. LAWS, to reimburse Horris Morris the sum of \$10.00 for extra mileage expenses incurred on business for the District. After discussion the question was put by the President and the following members voted "AYE": Messrs. Newsome, Ramsay, Laws and Lester. None voted "NO". Mr. Morris did not vote.

MOTION was made by LANDON RAMSAY, and duly seconded by A. J. LAWS, to pay the monthly bills now due. After discussion, the President put the question and all members present voted "AYE". None voted "NO".

The bills are as follows:

Check No.

795 Sallie A. McClung et als – Settlement Agreement	\$ 3,602.48
795 Vilbig Construction Company – Payment No. 25	37,308.74
797 Wisenbaker, Fix & Associates, Eng. & Insp. fee	2,613.07
798 W. C. Newsome, Director's fees	60.00
799 Landon Ramsay, Director's fees	60.00
800 A. J. Laws, Director's fees	60.00
801 K. P. Lester, Director's fees	60.00
803 Horris Morris, Director's fees and mileage	50.00

804 W. C. Newsome, Reimbursement for mileage	32.50
805 General Telephone Company of the SW – monthly bill	41.36
806 First National Bank, Mt. Vernon – withholding tax	136.80
807 Glen Fowler – Building safeguards around derrick	<u>265.00</u>
Total amount expended	\$44,289.95

Mr. Flanagan stated that he had enjoyed the association with all persons connected with the Franklin County Water District and that he just wanted to come visit with them at this meeting to wish them a Very Happy Christmas and New Year.

There being no further business, the meeting was adjourned.

MINUTES APPROVED this 21st day of December, 1970.

W. C. Newsome, President

Landon Ramsay, Vice President

Horris Morris, Secretary

A. J. Laws, Director

K. P. Lester, Director