

Councilman Bartholomew moved that the applications be granted, subject to the approval of the Lake Austin Navigation Board. The motion prevailed by the following vote: "yes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; "nays," none.

The application of Ray T. Stevens, 300 Congress Avenue, for a license to operate as a taxicab a 1941 Chevrolet Sedan, D.C., Serial No. 3A011-10685, Motor No. AA213279, State License No. H-14-540, approved by the Acting City Manager, was submitted. Councilman Wolf moved that the application be granted. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: "yes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; "nays," none.

The application of Ward Henry Barnett, 4310 Alice Avenue, for a taxicab driver's permit, approved by the Acting City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion was seconded by Councilman Wolf, and the same prevailed by the following vote: "yes," Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; "nays," none.

Acting City Manager Seaholm submitted the application of P. L. Bible for a permit for a skating rink at his amusement park, 505 Barton Springs Road. It was the recommendation of the Council that the permit be granted.

Upon motion, seconded and carried, the meeting was recessed at 11:40 A. M., subject to call of the Mayor.

APPROVED, Tom Miller
MAYOR

ATTEST:

Hallie M. Liles
CITY CLERK

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, September 18, 1942

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building, on September 18, 1942, at 10:30 A. M., with Mayor Tom Miller presiding, the meeting having been held on Friday instead of Thursday, at the request of the Mayor. Roll call showed the following members present: Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; absent, Councilman Bartholomew.

There were present also: Acting City Manager Seaholm, Acting City Attorney Randle, City Engineer Motheral, and Chief of Police Thorp.

The Minutes of the regular meeting of September 10 were read, and upon motion of Councilman Gillis, were adopted as read by the following vote: "yes," Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; "nays," none; Councilman Bartholomew absent.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING CERTAIN ALLEYS FOR PUBLIC TRAFFIC IN BLOCKS 17, 19, 21, and 23, OF A SUBDIVISION OF A PORTION OF OUTLOTS 13 AND 29, DIVISION "O", IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, RELINQUISHING THE CONTROL OF SAME FOR PUBLIC TRAFFIC BY THE CITY OF AUSTIN, BUT RESERVING ALL OTHER RIGHTS THEREIN NOW OWNED OR HELD BY THE CITY OF AUSTIN; AND DECLARING AN EMERGENCY.

The Ordinance was read the first time and Councilman Gillis moved that the rules be suspended and the Ordinance be placed on its second reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: "ayes," Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; "nays," none; Councilman Bartholomew absent.

The Ordinance was then read the second time and Councilman Gillis moved that the rules be further suspended and the Ordinance be placed on its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: "ayes," Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; "nays," none; Councilman Bartholomew absent.

The Ordinance was then read the third time and Councilman Gillis moved that the Ordinance be finally passed. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: "ayes," Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; "nays," none; Councilman Bartholomew absent.

The Mayor then declared that the Ordinance had been finally passed.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING A CERTAIN PORTION OF EAST SIXTH STREET, AS SHOWN ON A PLAT OF PIPKIN ADDITION NO. 2, WHICH PLAT IS RECORDED AT BOOK 4, PAGES 118-119, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, RELINQUISHING THE CONTROL OF SAME BY THE CITY OF AUSTIN; AND DECLARING AN EMERGENCY.

The Ordinance was read the first time and Councilman Gillis moved that the rules be suspended and the Ordinance be placed on its second reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: "ayes," Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; "nays," none; Councilman Bartholomew absent.

The Ordinance was read the second time and Councilman Wolf moved that the rules be further suspended and the Ordinance be placed on its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: "ayes," Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; "nays," none; Councilman Bartholomew absent.

The Ordinance was read the third time and Councilman Wolf moved that the Ordinance be finally passed. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: "ayes," Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; "nays," none; Councilman Bartholomew absent.

The Mayor then declared that the Ordinance had been finally passed.

Councilman Alford offered the following resolution:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in EAST 19TH STREET from Speedway east 125 feet, the centerline of which gas main shall be 19 feet south of, and parallel to, the north property line of East 19th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

- (2) A gas main in SPEEDWAY from East 19th Street north 30 feet, the centerline of which gas main shall be 11 feet west of, and parallel to, the east property line of Speedway.

Said gas main described above shall have a covering of not less than 2½ feet.

- (3) A gas main in EAST 23RD STREET across Red River Street intersection, the centerline of which gas main shall be 8 feet north of, and parallel to, the south property line of said East 23rd Street.

Said gas main described above shall have a covering of not less than 2½ feet.

- (4) A gas main in RED RIVER STREET across East 23rd Street intersection, the centerline of which gas main shall be 6 feet east of, and parallel to, the east property line of Red River Street.

Said gas main described above shall have a covering of not less than 2½ feet.

- (5) A gas regulator pit in EAST 23RD STREET at Red River Street intersection, the centerline of which gas regulator pit shall be 8 feet north of, and parallel to, the south property line of East 23rd Street.

- (6) A gas regulator pit in RED RIVER STREET at East 23rd Street intersection, the centerline of which gas regulator pit shall be 2 feet east of, and parallel to, the east property line of Red River Street.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Upon motion of Councilman Alford, the foregoing resolution was adopted by the following vote: "ayes," Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; "nays," none; Councilman Bartholomew absent.

Councilman Wolf offered the following resolution:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager, or in his absence the Acting City Manager, be, and he is hereby, authorized and directed to execute for and in behalf of the City of Austin a warranty deed to Ben H. Powell, conveying a tract of land fronting approximately 250 feet on Lamar Boulevard, for a consideration of \$10,000.00, all substantially in accordance with the terms and conditions of the form of warranty deed hereto attached and made a part hereof for all purposes.

(Deed attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENT:

COUNTY OF TRAVIS :

That the City of Austin, a municipal corporation, situated in the County of Travis, State of Texas, acting by and through its Acting City Manager, Walter E. Seaholm, duly authorized by the City Council

of said City by resolution duly passed, for and in consideration of Ten Thousand Dollars (\$10,000.00) cash to it in hand paid by Ben H. Powell of the County of Travis, State of Texas, has granted, sold and conveyed, and by these presents does grant, sell and convey unto Ben H. Powell, with the restriction and upon the covenant and condition below stated, all that certain tract or parcel of land described as follows:

1.78 acres of land, the same being a portion of the Isaac Decker League in Travis County, Texas, and being out of and a part of those certain tracts or parcels of land conveyed to the City of Austin by the following two deeds of conveyance: (1) by Henry Paggi by deed dated December 6, 1940, of record in Volume 660, pages 261-263, of the Deed Records of Travis County, Texas, and (2) by John F. Butler et al by deed dated June 28, 1941, of record in Volume 681, pages 199-203, of the Deed Records of Travis County, Texas, and which 1.78 acres of land is more particularly described by metes and bounds as follows:

BEGINNING at an iron stake set at the intersection of the north line of Butler Road and the west line of Lamar Boulevard, said iron stake also marking the southeast corner of a 1.332 acre tract of land described in the aforementioned Paggi to City of Austin tract;

THENCE along the south line of the said City of Austin tract of land, the same being the north line of Butler Road, N. 60° 04' W. 340.30 feet to a point, and from which point an iron stake at the intersection of the west line of Jessie Street and the north line of Butler Road bears N. 60° 04' W. 50.0 feet;

THENCE N. 29° 58' E. 245.28 feet to a point;

THENCE S. 60° 04' E. 291.82 feet to a point in the west line of Lamar Boulevard and from which point an iron stake set at an angle point in the west line of said Lamar Boulevard bears N. 18° 47' E. 96.18 feet;

THENCE along the east line of said City of Austin tract of land, same being the west line of Lamar Boulevard, S. 18° 47' W. 250.0 feet to the place of beginning.

TO HAVE AND TO HOLD the above described tract of land together with all and singular the rights and appurtenances thereunto belonging unto the said Ben H. Powell, his heirs and assigns forever, and the City of Austin does hereby bind itself and its successors to warrant and forever defend all and singular the said premises unto the said Ben H. Powell, his heirs and assigns, against every person whosoever lawfully claiming or to claim the same or any part thereof.

But the above conveyance is subject to the covenant, hereby made by grantee, and the condition that no spirituous, vinous, or malt liquors, or other intoxicating beverages shall ever be sold or offered for sale upon the premises hereby conveyed or any part thereof. This restriction shall be a covenant running with the land hereby conveyed. In the event of a breach thereof, the same may be enforced by the City of Austin, its successors or assigns, or by any other interested party, by injunction or other legal or equitable remedy in any court of competent jurisdiction.

WITNESS the hand of the City of Austin by Walter E. Seaholm, its Acting City Manager, duly authorized by the City Council of said City by its resolution duly passed, attested by the City Clerk, with the seal of the City of Austin affixed, this the ____ day of _____, 1942.

CITY OF AUSTIN

Attest:

By _____
Acting City Manager

City Clerk

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

BEFORE ME, the undersigned authority, on this day personally appeared Walter E. Seaholm, Acting City Manager of the City of Austin, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as the act and deed of the City of Austin for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND and seal of office, on this the ____ day of _____, 1942.

Notary Public in and for Travis
County, T e x a s .

Upon motion of Councilman Wolf, the foregoing resolution was adopted by the following vote: "ayes," Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; "nays," none; Councilman Bartholomew absent.

The application of Lucian Simpson Wallace, Route 2, Box 464, for a taxicab driver's permit, approved by the Acting City Manager, was submitted. Councilman Alford moved that the application be granted. The motion prevailed by the following vote: "ayes," Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; "nays," none; Councilman Bartholomew absent.

The following applications for licenses to operate private boats were submitted:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Barnhouse, William T. - 300 West 37th Street	Canoe, 4-passenger
Crawford, J. L., Jr. - 1013 East 38th Street	Montgomery-Ward, Outboard, 1942 Model, "La Cucarache" Johnson, 4-passenger
Coppeck, Gladys W. - 2712 White Avenue	Montgomery-Ward, Outboard, 1942 Model, Water Witch, 4-passenger

Councilman Alford moved that the applications be granted, subject to approval of same by the Lake Austin Navigation Board. The motion prevailed by the following vote: "ayes," Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; "nays," none; Councilman Bartholomew absent.

Acting City Manager Seaholm was authorized to cancel the performance bond of J. R. Blackmore & Sons filed with their contract for the erection of a baseball park and stadium on the Butler tract, owing to the deferment of said project for the duration of the war.

Councilman Wolf offered the following resolution:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$250 per month for the duration of the war be appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying the salary of an assistant coordinator for defense activities; and

BE IT FURTHER RESOLVED:

THAT the Acting City Manager be, and he is hereby, authorized to employ such assistant coordinator at a monthly salary of \$250.

Upon motion of Councilman Wolf, the foregoing resolution was adopted by the following vote: "ayes," Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; "nays," none; Councilman Bartholomew absent.

Upon motion, seconded and carried, the meeting was recessed at 11:20 A. M., subject to call of the Mayor.

APPROVED: Tom Miller
Mayor

ATTEST:

Lucian M. Kees
City Clerk