

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 13, 1945  
11:15 A. M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

## Roll call

Present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and  
Councilman Wolf

Absent: None

Present also: Guiton Morgan, City Manager; J. E. Motheral, City Engineer;  
W. T. Williams, City Attorney; R. D. Thorp, Chief of Police; and James A. Garri-  
son Director of Safety.

Pursuant to published notice thereof, the public hearing on the proposal  
of the City Council to amend the Zoning Ordinance in the following particulars,  
to-wit:

To amend the USE designation of the following described prop-  
erty so as to change the same from "B" Residence District  
to "C" Commercial District, to-wit:

Lots 1, 2, 3, 4, Block "D" Raymond Addi-  
tion, Outlot 2, Division "Z" in the City  
of Austin, Texas.

was duly opened at the appointed hour.

Mrs. Chas. Ledbetter appeared and asked that her property located imme-  
diately north of the property proposed to be changed be included in such change  
as she did not think that her property should be considered as residence property  
when business property was so close to it. Judge Ben Powell also appeared and  
asked that his property located on the north side of Lamar Boulevard, between  
8th and 9th streets, be included in the change to "C" Commercial District.

The Council instructed the City Attorney to include the additional  
property in the ordinance to be prepared covering such change.

Councilman Bartholomew moved that the zoning change as requested on the  
property located on the west side of Lamar Boulevard, from the alley north of  
6th street to 9th street, be granted and the City Attorney instructed to prepare  
an ordinance covering such change to be taken up at the next Council meeting.  
The motion prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and  
Councilman Wolf

Noes: None

Absent: None

Mrs. Richard Pryor, Safety Chairman of the Austin Council of PTA, appeared to request that the Council have something done about the traffic hazards existing at Ridgetop School, where the children coming from the eastern part of this school district and crossing the new Airport Boulevard be given some added protection while crossing the street. Mrs. Willie, from the Ridgetop Mother's Club, and Mrs. Umschid, from Winn Mother's Club, also appeared in the interest of added safety measures for the children in their schools. The Mayor assured these ladies that everything possible would be done to relieve these conditions complained of.

Tom Southerland, representing the Young Democrats, and Robert Eckhardt, representing the Texas Social Agencies, appeared before the Council to discuss the housing shortage in Austin for veterans returning to the University and also to work in Austin. After a lengthy discussion, the Mayor stated that the City of Austin would do everything within reason to relieve this situation, and, if the Government would release the houses and barracks in the nearby army camps and allow the City to move the houses to Austin for the use of the veterans, that the City would furnish the ground for the houses and the utilities and make them useable for the returning veterans. The Mayor further stated that the City of Austin was prohibited from furnishing the money to build or buy houses for the veterans by a Constitutional provision:

The following applications for taxicab driver's permits, duly approved by the City Manager, were submitted:

Benjamin Cecil Bishop,	1009 Spence street
Clark Bostick	403 West 38th street
Hubert Alvin Dismuke,	1007 West 11th street
Silas Johnnie Foster,	1601 West 47th street
George Edward Overstreet	306 East 13th street
Daniel Joel Scheumack,	72 Chicon street
Lonnie Elbert Triplet,	600 Davis street
David Elbert Turner,	917 East 39th street
Clarence Hawkins,	1301 Newning Avenue

Councilman Alford moved that the permits be granted. The motion prevailed by the following vote:

Ayes:	Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf
Noes:	None
Absent:	None

The following taxicab operators' licenses, duly approved by the City Manager, were submitted:

Clark Bostick,	403 West 38th street
DeSoto Sedan, 1941 model, Motor #SA99312, License FT 4843.	
Henry Claude Gardner,	503 Lockhart Drive
4-door DeLuxe Sedan, 1938 Dodge, Motor #D8-28636, License S.O.80	
Homer Lawson Green,	1955 Sabine street
4-door Sedan, 1938 DeSoto, Motor #1372596, License FT 2396	
Harrell M. Jamar,	Route 2, Box 163B
4-door Ford DeLuxe, 1938 Model, Motor #18-4316263, License 9686	
Thomas Edward Leavell,	2307 Sabine street
4-door Mercury Sedan, 1940 model, Motor #203109, License FS 4235	
Transfer of Lic. 143, Charles D. Gower, cancelled.	
Jack C. Miller,	1010 Lavaca street
1940 Buick Sedan, Motor #43841997, License FE 6235	

Claude Wilson 1906 Eva street  
 4-door Sedan, 1941 Plymouth, Motor #P12-13529, License FR 3969  
 Clarence Hawkins, 1301 Newning Avenue  
 Plymouth Sedan, 1941 model, Motor #D12-212723, License FA 2573

Councilman Wolf moved that the licenses be granted. The motion prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and  
 Councilman Wolf  
 Noes: None  
 Absent: None

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the General Budget for the City of Austin, Texas, for the year 1946, has been prepared by Guiton Morgan, City Manager, and filed with the City Clerk in the manner and form as provided by the City Charter of the City of Austin, and open to public inspection; Now, Therefore,

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

THAT a meeting of said City Council be, and the same is, hereby called to meet in its Council Chamber in its Municipal Building in the City of Austin at 8 o'clock p. m., on the 20th day of December, 1945, for the purpose of a public hearing on the General Budget of the City of Austin, at which hearing any taxpayer interested for or against the said budget will be heard and at the conclusion of such hearing the budget will be acted upon by the City Council.

Which motion carrying with it the adoption of the resolution prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and  
 Councilman Wolf  
 Noes: None  
 Absent: None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Central Feed Store, acting by and through Odas Jung, has presented to the City Council of the City of Austin a request for permission to construct, maintain and operate a pipe line to carry molasses, said pipe line to be two (2) inches in diameter and to extend from the west property line of Brushy Street easterly approximately 130 feet at a location two (2) feet south of the north property line of East 5th Street within the City of Austin, Travis County, Texas; and

WHEREAS, the City Engineer has recommended that said installation be approved and the City Council of the City of Austin has reviewed and considered said recommendation; therefore,

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

THAT, Central Feed Store, acting by and through Odas Jung, be and the

same is hereby permitted to construct, maintain and operate a pipe line to carry molasses, said pipe line to be two (2) inches in diameter and to extend from the west property line of Brushy Street easterly approximately 130 feet at a location two (2) feet south of the north property line of East 5th Street within the City of Austin, Travis County, Texas.

The construction, maintenance and operation of the aforesaid pipe line shall be carried out at the expense of the applicant and under the direction and supervision of the City Engineer of the City of Austin or his duly authorized representative, and shall have a minimum cover of 30 inches, and in the acceptance of this permit the said Central Feed Store will assume all damages which may occur to public or private property by virtue of this pipe line being placed in East 5th street at the location above described.

It is further understood that any damages whatsoever caused to existing utilities during the course of construction, maintenance or operation of said pipe line shall be paid for by the applicant above named.

Which motion carrying with the adoption of the resolution prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and  
Councilman Wolf  
Noes: None  
Absent: None

Councilman Gillis offered the following resolution and moved its adoption:

(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; and, 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 WEST 49th STREET, from a point 7.5 feet west of Ramsey Avenue, westerly 118 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north line of said West 49th Street.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(2) A gas main in OXFORD AVENUE, from a point 20 feet south of Ashby Street south 198 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east line of said Oxford Avenue.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

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 franchises granted to said company by the City of Austin.

Which motion carrying with it the adoption of the resolution prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and  
Councilman Wolf  
Noes: None  
Absent: None

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT owners of and parties interested in property in the City of Austin assessed for taxes for the year 1945, who have filed appeals from the valuations set by the Board of Equalization, are hereby given an opportunity to appeal from the action of the Board of Equalization and City Tax Assessor and Collector to the City Council of the City of Austin for review of values and taxes assessed against them and their property for said year, and a meeting of the City Council will be held at its Council Chamber, in the Municipal Building, at 7:30 p. m., on December 20, 1945, for the purpose of hearing and deciding such appeals.

The City Tax Assessor and Collector is hereby directed to give notice of said hearing to all parties making such appeals.

Which motion carrying with it the adoption of the resolution prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and  
Councilman Wolf  
Noes: None  
Abstn: None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT Guiton Morgan, City Manager of the City of Austin, be and he is hereby authorized and directed to execute to James Bascom Giles and his wife, Effie Dean Giles, a deed conveying two (2) tracts of land, each being out of and a part of the Thomas L. Hawkins Survey Number 9 within the City of Austin, Travis County, Texas, and being out of and a part of that certain 100-acre tract or parcel of land conveyed to the City of Austin by Nye Patterson, et al, by deed dated February 28, 1941, of record in Volume 668, at Page 396, of the Deed Records of Travis County, Texas, and which two (2) tracts of land are to be conveyed to James Bascom Giles and wife, Effie Dean Giles, and are more particularly described by metes and bounds as follows:

TRACT NO. 1:

Containing Five one Hundredths (0.05) of one acre of land and being more particularly described as beginning at an iron stake at the northwest corner of the aforementioned 100-acre tract of land, said iron stake also marking a corner of the James Bascom Giles tract of land;

Thence with the north line of the City of Austin tract (Austin Municipal Airport), same being the south line of the said Giles tract S. 59°35' E. 50.0 feet to an iron stake and from which iron stake another iron stake in concrete at the southeast corner of the said Giles tract bears S. 59°35' E. 376.74 feet;

Thence S. 29°46' W. 47.91 feet to an iron stake on the segment of a curve whose radius is 1989.80 feet, same being the north right-of-way line of Airport Boulevard;

Thence following said curving line to the left an arc distance of 51.10 feet, the sub chord of which arc bears N. 48°20' W. 51.10 feet to an iron stake in the west line of the City of Austin Tract (Austin Municipal Airport), same being the east line of the James Bascom Giles tract of land;

Thence with the west line of the said City of Austin tract of land, same being the east line of the Giles tract N. 29°46' E. 37.93 feet to the place of beginning.

TRACT NO. 2:

Containing Two and Twenty One-hundredths (2.20) acres of land and being more particularly described as beginning at an iron stake in the west line of Wilshire Boulevard, same being the east line of the W. L. Bradfield, et al tract of land and from which iron stake another iron stake at the southeast corner of the said W. L. Bradfield, et al tract of land bears S. 30°07' W. 582.26 feet;

Thence with the west line of the City of Austin tract (Austin Municipal Airport) N. 30°07' E. 38.61 feet to an iron stake at the northeast corner of the W. L. Bradfield, et al tract of land, same being the southeast corner of the James Bascom Giles tract, and from which iron stake an Elm tree 12 inches in diameter marked "X" bears S. 82°E. 55.7 feet and another Elm tree 18 inches in diameter marked "X" bears N. 45°E. 75.0 feet;

Thence continuing with the west line of the said City of Austin tract, same being the east line of the James Bascom Giles tract of land N. 29°46' E. 572.91 feet to an iron stake on the segment of a curve whose radius is 1829.80 feet, same being the

south right-of-way line of Airport Boulevard;

Thence following said curving line to the right an arc distance of 308.0 feet, the sub chord of which arc bears S.  $43^{\circ}14'$  E. 307.64 feet to the point of curvature of a curve whose intersection angle is  $123^{\circ}15'$ , whose tangent distance is 142.43 feet, and whose radius is 76.93 feet;

Thence following said curving line to the right an arc distance of 165.49 feet, the long chord of which arc bears S.  $29^{\circ}06'$  W. 135.37 feet to an iron stake at the point of tangency of said curve, said iron stake also being in the north line of Wilshire Boulevard;

Thence with the north line of Wilshire Boulevard S.  $84^{\circ}43'$  W. 207.06 feet to an iron stake at the point of curvature of a curve whose intersection angle is  $54^{\circ}36'$ , whose tangent distance is 170.33 feet and whose radius is 330.0 feet;

Thence following said curving line to the left an arc distance of 314.47 feet, the long chord of which arc bears S.  $57^{\circ}25'$  W. 302.71 feet to an iron stake at the point of tangency of said curve, same being the place of beginning.

Which motion carrying with it the adoption of the resolution prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf

Noes: None

Absent: None

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT Guiton Morgan, City Manager, be and he is hereby authorized and directed to execute a release of all public utility reservations now existing on those two (2) tracts of land, each being a portion of the Thomas Place, a subdivision of a portion of the Daniel J. Gilbert Survey within the City of Austin, Travis County, Texas, according to a map or plat of said Thomas Place, of record in Book 4, at page 167, of the Plat Records of Travis County, Texas, such utility reservations being provided upon the map or plat of said Thomas Place, above referred to, and is more particularly described as follows:

TRACT NO. 1: The west three (3') feet of Lot 7 of said Thomas Place.

TRACT NO. 2: The east three (3') feet of Lot 8 of said Thomas Place.

Which motion carrying with it the adoption of the resolution prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf

Noes: None

Absent: None

Councilman Wolf introduced the following ordinance:

AN ORDINANCE REGULATING THE DISCHARGE, POSSESSION, BARTER, EXCHANGE OR SALE OF FIREWORKS WITHIN THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PRESCRIBING A SAVING CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Alford moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Bartholomew, and same prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf  
Noes: None  
Absent: None

The ordinance was read the second time and Councilman Alford moved that the rule be suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Bartholomew, and same prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf  
Noes: None  
Absent: None

The ordinance was read the third time and Councilman Alford moved that the ordinance be finally passed. The motion was seconded by Councilman Bartholomew, and the same prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and Councilman Wolf  
Noes: None  
Absent: None

Thereupon the Mayor declared the ordinance finally passed.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; THE AMENDATORY ORDINANCE HEREBY ENACTED CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT AND FROM FIRST HEIGHT AND AREA DISTRICT TO SECOND HEIGHT AND AREA DISTRICT OF THAT PROPERTY LYING BETWEEN 24TH STREET AND 25TH STREET; AND BETWEEN



SAN GABRIEL STREET AND RIO GRANDE STREET;  
AND CHANGING THE USE DESIGNATION FROM "C"  
COMMERCIAL TO "C-1" COMMERCIAL DISTRICT OF  
EAST ONE-HALF OF BLOCK 139, AND THE WEST ONE-  
HALF OF BLOCK 140, ALL PROPERTY HEREBY REZONED  
BEING LOCATED IN THE CITY OF AUSTIN, TEXAS; AND  
ORDERING A CHANGE IN THE USE MAP, SO AS TO RE-  
CORD THE CHANGES HEREBY ORDERED; AND DECLARING  
AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance passed to its second reading. The motion was seconded by Councilman Gillis, and same prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and  
Councilman Wolf  
Noes: None  
Absent: None

The ordinance was read the second time and Councilman Wolf moved that the rule be suspended and the ordinance passed to its third reading. The motion was seconded by Councilman Gillis, and same prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and  
Councilman Wolf  
Noes: None  
Absent: None

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion was seconded by Councilman Gillis, and same prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and  
Councilman Wolf  
Noes: None  
Absent: None

Thereupon the Mayor declared the ordinance finally passed.

The following requests for changes of zoning were received and referred to the Zoning Board for their consideration and recommendations:

Mrs. Sadie E. Gideon, 1415 Wooldridge Drive, change from "A" Residence to "B" Residence, 110 feet by 171 feet off the south part of the north one-half of Block 64, Division "D", located on the west side of Salado Street, between 26th and 28th streets, and owned by Mrs. Gideon.

O. H. Buaas, owner of 2003 East 1st street, to change same from "C" Commercial to "C-2" Commercial.

Judge Ben H. Powell, owner of Lots 2 and 3, Block 8, Silliman's Subdivision of Outlot 5, Division "Z", City of Austin, from "B" Residence to "C" Commercial.

Robert C. Sneed, owner of Lot 8, Goodall Wooten Subdivision of Outlot 53, Division "D", from "A" Residence to "B" Residence.

The following report of the BOARD OF ADJUSTMENT on the application of WESTENFIELD DEVELOPMENT COMPANY by THOMAS A. GRAHAM, for change in zoning, from "A" Residence to "B" Residence, and a part from "A" Residence to "C-2" Commercial, of property in Tarrytown and in Westfield Additions to the City of Austin, was received and ordered filed:

"December 8, 1945

Hon Mayor and City Council  
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on November 20, 1945:

### R E S O L U T I O N

1. WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Thomas A. Graham requesting changes in the Use Designation of the following property:

- a. Lots 1 and 22 of Tarrytown, from an "A" Residence District to a "C" Commercial District;
- b. Lots 2, 3, 23 and 24, of Tarrytown, from an "A" Residence District to a "B" Residence District;
- c. Lots 1 to 20 of Tarrytown, No. 1, from "C" Commercial District to a "C-2" Commercial District; and
- d. Lots 1, 2, 3 and 4 of Resubdivision of Westfield A, from an "A" Residence District to a "B" Residence District; and

2. WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on November 21, 1945, at which Thomas A. Graham and Coleman Gay, attorney for the applicant, appeared and plead for the granting of the application; and

3. WHEREAS, the applicant confirmed that he desired a change of the property under "a" above for the purpose of developing this site for theatre and other commercial uses and that he desired the property under "b" above, which are lots adjacent to the property in "a" on Windsor Road and Exposition Boulevard, respectively, as a buffer between the remaining "A" Residence District, and the proposed "C" Commercial District on the corner applied for in "a", and further he desired to change "c" above for the purpose of installing a liquor package store in this area to serve this section of the city, and the change under "d" above which are lots fronting on Stanford Lane beginning at Windsor Road for the purpose of developing the same for apartments; and that he felt that these changes would in no way adversely affect the surrounding property as homesteads and that there was a need and some desire for the expansion of the commercial area which now consists of the block between Windsor Road and Indian Trail, Exposition Boulevard and Spring Lane; and

4. WHEREAS, at this meeting there appeared a large number of property owners adjacent to and in the immediate vicinity of the property proposed to be changed as well as other sections of West Austin, a list of whom is attached

hereto, and also representatives of the new Good Shepherd Episcopal Church and of the Austin Ministerial Association, who vigorously opposed this change contending that the introduction of the sale of wine, beer and liquor in the present community center would adversely affect all of the surrounding property in the entire neighborhood, and that the introduction of apartments and multi-family dwellings would also destroy the residential homestead character of the neighborhood, and disclosed the fact that the deeds to property in Tarrytown contained restrictions against commercial use of property and the sale of wine, beer and liquor, and that this section had been sold to the public with the representation that it was an exclusive residential area with the exception of the community center which was provided by the City Council in its Zoning Ordinance, and that there was ample room still left in this community center for further commercial expansion, and that they desired to maintain the present high character of this area as a peaceful residential section where their children could grow up in a healthy, moral environment and that they were uncompromisingly opposed to any further changes in the use classification of any of the property in this section of the city and, especially, for the sale of beer, wine and liquor; and

5. WHEREAS, the applicant after hearing the opposition withdrew his request for the change of lots 1 to 20 in Tarrytown No. 1, from a "C" Commercial District to a "C-2" Commercial District, which would have permitted the sale of beer, wine and liquor in this area, which left the changes requested under "a", "b", and "d" above for determination; and

6. WHEREAS, the Board carefully considered all the facts, circumstances and conditions involved in this application on the premise that the City Council desires to maintain the integrity, spirit and purpose of the Zoning Ordinance of the City of Austin which is provided for in the City Charter in detail, and has, through the years, been accepted and approved by the citizenship of Austin; therefore,

7. BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT, all the changes requested in this application be NOT recommended for the following principal reasons:

a. That, by extent, these changes would have resulted in the change of the classification of this community center to that of a segregated section of regulated "C" Commercial District which would have permitted many other uses which are now excluded from a community center, and would have denied the property owners of this area the protection provided for community centers after long study by the Zoning Board of Adjustment and the wisdom of the City Council in writing the same into the Ordinance.

b. That the change asked for from a "C" Commercial to a "C-2" Commercial zone would have been in direct conflict with the policy of the present City Administration to regulate the sale of wine, beer and liquor through the Zoning Ordinance throughout the city. The provisions of the Zoning Ordinance were written into the ordinance by the City Council after a long study of the best means of safeguarding the public from the evils attendant upon this Use, which resulted in the creation of specific zones where this Use could be enjoyed and where police protection could be easily provided and to prevent the scattering of such Uses throughout the corporate limits of the city, and further that such a change would also have permitted any such obnoxious Uses in this community center which

are permitted in a Commercial "C-2" District.

c. That the provisions for community centers by the Zoning Ordinance are a special protective feature of the ordinance for Residential Areas where certain retail services are desirable for the convenience of the neighborhood and by the terms of the ordinance are restricted areas where only such activities may be pursued which do not adversely affect the enjoyment of the adjoining residential property as home sites and the healthful and peaceful and safe enjoyment of home life, and that the granting of this application would defeat the purpose and intent of the City Council in the establishment of these community centers.

d. That the granting of this application would, in fact, destroy that part of the ordinance providing for community centers throughout the entire city in setting a precedent which property owners in all other sections of the city would have a right to request under any principle of equality.

Respectfully submitted,

BOARD OF ADJUSTMENT

/ s / By H. F. Kuehne, Chairman."

The following report of the BOARD OF ADJUSTMENT on the application of CHESTER A. SCHUTZ for a change in zoning, from "A" Residence to "C" Commercial, of his property located at the northeast corner of West 35th Street and Kerbey Lane, was received and ordered filed:

" December 10, 1945

Hon. Mayor and City Council  
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on December 4, 1945.

#### R E S O L U T I O N

1. WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Chester Schutz requesting changes in the Use Designation of the following property:

Lot No. 1 in Jefferson Street Addition, being the northeast corner of the intersection of West 35th Street and Kerbey Lane,

from an "A" Residence District to a "C" Commercial District; and

2. WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on December 4, 1945, at which Chester A. Schutz appeared and plead for the granting of the application; and

3. WHEREAS, the applicant confirmed that he had purchased this property for the purpose of erecting a commercial building thereon and was not informed by the real estate agent that this property was not zoned for commercial pur-

poses; and

4. WHEREAS, at the hearing a large number of property owners appeared protesting this change and presented a petition which is attached hereto requesting the denial of this change; and it was brought out that offers had been made for this lot for residential purposes just prior to its sale to the applicant; and

5. WHEREAS, the Zoning Maps of the City of Austin disclose that there is now a community center at the intersection of Jefferson Street and West 35th Street and that the property referred to above is located 214 feet east of the designated "C" Commercial District at the northeast corner of Jefferson Street and West 35th Street, leaving three residential lots and an intervening street between the present and proposed commercial property; and

6. WHEREAS, in view of the fact that there is now an ample community center established at the intersection of West 35th Street and Jefferson Street of which only two diagonal corners are now developed, leaving ample room for further expansion to meet the needs of this section of the community, and that the granting of this application would establish a spot zone in the same area of the intervening "A" Residence District, and that no convenience and necessity was established at the hearing for additional commercial property at this time, and that the granting of this application would be contrary to sound zoning principles; therefore

7. BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT, the change of the Use Designation of the above property be NOT recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

/ s /

By H. F. Kuehne, Chairman

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1938 through 1944, were assessed in the name of J. E. KUTSCHER, on Lot 28, Block 1, University Park, and for the years 1936 and 1937 on the NE corner triangle Lot 28, Block 1, University Park, in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$266.75, and for non-payment of same at maturity, penalty in the sum of \$13.35 has been assessed, and interest in the amount of \$58.68 has accrued, making the total amount of taxes, penalty and interest due \$338.78; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$13.35 and one-half of the interest in the sum of \$29.34; therefore

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

THAT the aforesaid penalty in the sum of \$13.35 and one-half of the interest in the sum of \$29.34 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$13.35 and said interest in the sum of \$29.34 off

his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of the taxes and one-half of the interest as aforesaid.

Which motion carrying with it the adoption of the resolution prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and  
Councilman Wolf  
Noes: None  
Absent: None

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, delinquent taxes, on personal property, have been paid to the Tax Collector of the City of Austin by the following named parties for the years and in the amounts set opposite the name of each of them, viz:

<u>Name</u>	<u>Years</u>	<u>Amount Collected</u>
R. L. Batts	1941, 1942, 1944	\$ 9.61
A. J. Cadd	1935, 1937-1939, 1941	6.40
R. A. Corley	1942 thru 1944	11.58
J. C. Jacques	1940 thru 1944	72.03
Clifford H. James	1940 thru 1942	11.87
Dennis C. Lane	1944	5.40
C. C. Baker	1941 thru 1944	14.01
Walter Callan	1942 & 1944	10.40
Tom G. Die	1943 & 1944	16.00
David Durst	1939	.24
East Ave Groc. & Mkt.	1939 & 1938	24.01
Vincent Farro	1937 thru 1942	20.82
C. E. James	1940 thru 1943	12.77
Anice Jenkins	1936	9.70
Mrs. John Jester	1941 thru 1943	1.00
E. W. Hester	1943	6.04
Timothy B. Johns	1932, 1933 & 1944	5.40
Gussie O. Adams	1941	3.31
Dr. E. H. Givens	1944	13.08
W. B. Hendon	1936 & 1938	8.27
B. N. Holman	1938 thru 1944	41.96
James Holt	1942 thru 1944	11.19
Paul F. Herman	1928, 1930, 1934-1938 & 1943	10.24
J. B. Hightower	1941, 1943	30.88
Eric G. Johnson	1939 & 1941-1944	14.32
C. R. Scales	1938	34.10
William H. Davis	1944	3.36

WHEREAS, all of said payments constitute a final settlement of personal taxes due for the years indicated; Now, Therefore,

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

THAT the Tax Assessor and Collector of the City of Austin be, and he is hereby authorized to record full payment on all delinquent personal property taxes against said parties and their property for the years for which said tax was assessed.

Which motion carrying with it the adoption of the resolution prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller and  
Councilman Wolf  
Noes: None  
Absent: None

There being no further business, upon motion, seconded and carried, the meeting was recessed at 2 P. M., subject to the call of the Mayor.

APPROVED:

Tom Miller.  
M a y o r

ATTEST:

\_\_\_\_\_  
Deputy City Clerk