

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 12, 1945
11:10 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-4
Absent : Councilman Wolf - 1

Present also: Walter E. Seaholm, City Manager; J. E. Motheral, City Engineer; W. T. Williams, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the minutes was dispensed with.

Mrs. Alice P. McDonald came before the Council and presented a petition asking for permission to make a survey of some vacant lots in Oakwood Cemetery where there appears to be no one buried, in order to locate a lot to which she can remove the remains of her deceased family now buried on a lot containing the bodies of unknown persons.

After a discussion of the matter, it was the sense of the City Council that, in view of the fact that there has been a contest over the present family burial lot of the said Mrs. Alice P. McDonald and the inadequacy of the records in the case, the City Manager be instructed to sell the said Mrs. Alice P. McDonald a lot in Oakwood Cemetery at half price if one can be located that is unoccupied and for sale.

A committee from the Chamber of Commerce, composed of O. P. LOCKHART, A. G. ADAMS, W. E. LONG, and others, and State Highway Engineers, DeWITT GREER, D.E.H. MANIGAULT, and JAC GUBBELS, came before the Council in the interest of the proposed interstate highway through the City.

The Committee then reported that the Highway Committee of the Chamber of Commerce, at a recent meeting, had gone on record as recommending to the City Council (1) the early completion of Lamar Boulevard cutoff and the acquisition of the necessary right-of-way for completion of the highway; and (2) the acquisition of a 160-foot - preferably a 200-foot - right-of-way for the proposed interstate highway.

The City Engineer then reported that all of the right-of-way for Lamar Boulevard, with the exception of that portion from 30th to 38th Streets, had already been acquired.

The State Highway Engineers reported that the State Highway Department had recommended that the interstate highway through the City be located in the vicinity of East Avenue and its extension, and that a 200-foot right-of-way be acquired by the City.

Following a lengthy discussion, the above matter was taken under further consideration.

ED ST. JOHN, representing the Game and Fish Committee of the Chamber of Commerce, came before the Council and advised that said Committee had gone on record as indorsing the establishment of a fish hatchery in the Lake Austin area, or any other suitable location.

The application of EMMETT EUGENE BRINKLEY, 2008 East 1st Street, for a taxicab driver's permit was submitted. Councilman Gillis moved that, on the recommendation of the Chief of Police, applicant be granted a ninety days probationary permit. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

The application of STACY WELLAR HICKMAN, 1216 Holly Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT Walter E. Seaholm, City Manager of the City of Austin, be, and he is hereby, authorized and directed to execute and deliver to the United States of America, or to any agency or governmental authority thereof which may be designated by its officials, a general warranty deed to the land in the James P. Wallace League in Travis County, Texas, which is being conveyed to the City of Austin by The Orphan Home of the St. John Regular Baptist Association, hereinafter described, which deed of conveyance shall describe and convey the identical land so being conveyed to the City of Austin, which land is described as follows, to-wit:

FIRST TRACT: One hundred and three and fifteen one-hundredths (103.15) acres of land out of the said James P. Wallace League, in Travis County, Texas, about two (2) miles north of the City of Austin, and described as follows:

BEGINNING at the N.W. corner of the Charles Compton Homestead Tract in said League, which is also the northwest corner

of the second tract herein conveyed.

THENCE S. $60\frac{1}{2}^{\circ}$ E. with the N. boundary line of said Compton tract 1036 varas to the N.E. corner of the same on the west line of the Austin and Dessau County Road at a post for corner;

THENCE N. 30° E. 562 varas with the W. line of said road to the S.E. corner of the James E. Lucy tract, a post for the N.E. corner of this 103.15 acre tract;

THENCE N. 60° W. 1020 varas with the James E. Lucy S. line to a post for the N.W. corner of this 103.15 acre tract, the same being the N.E. corner of a 73-acre tract at one time sold to Sloss;

THENCE S. $31\frac{1}{2}^{\circ}$ W. with the E. line of said 73-acre tract 572 varas to the place of beginning, containing one hundred and three and fifteen one-hundredths (103.15) acres of land, and being the same tract described in a Deed recorded in Book 243, pages 269-270 of the Travis County, Texas, Deed Records, hereby referred to.

SECOND TRACT: Containing two hundred (200) acres of land, exclusive of the right-of-way of the Austin and Northwestern Railroad, also a part of the said James P. Wallace League in Travis County, Texas, and a part of which is known as the Compton place and more particularly described as follows, to-wit:

BEGINNING 507.5 varas north $31^{\circ}10'$ east from the southeast corner of the James Lensing tract out of said League, and being also the N.W. corner of a tract of 106.8 acres of land conveyed by George W. Walling, Jr., et al, to L. L. Campbell;

THENCE north $31^{\circ}10'$ east 98.25 varas to a stone set in the ground on the east bank of Waller Creek for a corner of Lensing's tract;

THENCE south $59-3/4^{\circ}$ east 160 varas to another corner of Lensing's tract, a stone set in the ground;

THENCE parallel with a line of Bois d'Arc hedge north $30^{\circ}40'$ east $211\frac{1}{2}$ varas to the northeast corner of Lensing's tract;

THENCE north $31\frac{1}{2}^{\circ}$ east crossing the Austin & Northwestern Railroad at 453 varas, 775 varas to a stone set in the ground;

THENCE south $59-3/4^{\circ}$ east 1039.4 varas to the corner on west line of a lane;

THENCE with the said west line of said lane south $30^{\circ}10'$ west crossing a branch at 1041 varas, 1088.05 varas to the southeast corner of this tract; and being also the northeast corner of the said tract of 106.8 acres conveyed to said L. L. Campbell;

THENCE north $59-3/4^{\circ}$ west with the north line of said 106.8 acre tract 1204.6 varas to the place of beginning, and being the same tract described in a Deed recorded in Volume 171, pages 191-192, of the Travis County, Texas, Deed Records, hereby referred to.

The City Manager shall execute and deliver such deed promptly upon the execution and delivery of the deed from The Orphan Home of the St. John Regular Baptist Association, to 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

Noes : None

Absent: Councilman Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT for the purpose of widening Windsor Road, the parcel of land hereinafter described be, and the same is hereby, dedicated to the public for the uses and purposes of a public street, to-wit:

Eleven hundred seventy-two (1172) square feet of land, the same being a portion of Lot 6, Block 18, of Westfield "A", a Subdivision by R. Niles Graham, et al, of a portion of the George W. Spear League within the City of Austin, Travis County, Texas, according to a map or plat of said Westfield "A" of record in Book 3, at page 107, of the Plat Records of Travis County, Texas, and which 1172 square feet of land is out of and a portion of that certain tract or parcel of land conveyed to the City of Austin by E. D. Burnett, et ux, by deed dated September 3, 1937, as recorded in Volume 569, at page 409, of the Deed Records of Travis County, Texas, and which 1172 square feet of land is to be conveyed to the public for the purpose of widening Windsor Road on the south side thereof, and is more particularly described by metes and bounds as follows:

BEGINNING at an iron stake in the east line of the said City of Austin tract, same being the west line of Forest Trail and from which iron stake another iron stake at the southeast corner of said tract bears S. 16°00' W. 54.05 feet;

THENCE N. 37°50' W. 76.22 feet to an iron stake at the point of curvature of a curve whose radius is 1430.60 feet;

THENCE following said curving line to the left an arc distance of 80.48 feet, the subchord of which arc bears N. 39°27' W. 80.47 feet to an iron stake in the west line of the said City of Austin tract, same being the east line of Stamford Land and from which iron stake another iron stake at the southwest corner of said tract bears S. 32°19' W. 85.03 feet;

THENCE with the west line of said City tract, same being the east line of Stamford Lane, N. 32°19' E. 2.66 feet to the northwest corner of said tract;

THENCE with the north line of said City tract S. 44°32' E. 84.47 feet to a point;

THENCE continuing with the north line of said City tract S. 36°44' E. 67.20 feet to the northeast corner of said tract;

THENCE with the west line of Forest Trail, same being the east line of said City of Austin tract, S. 16°00' W. 10.95 feet to 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
Noes : None
Absent: Councilman Wolf

Mayor Miller called up for its third reading, 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 OF THAT CERTAIN PROPERTY KNOWN AS LOTS 41 TO 73, BOTH INCLUSIVE, OUTLOT 1, DIVISION "X", AS SHOWN ON PAGE 56 OF THE CITY SECTION MAP OF THE CITY OF AUSTIN, TEXAS, AND KNOWN AS PROPERTY ON ELMWOOD PLACE AND THE 600 BLOCK OF PARK PLACE, AUSTIN, TEXAS; AND CHANGING THE HEIGHT AND AREA DESIGNATION FROM FIRST TO SECOND; AND ORDERING A DELINEATION OF THE OFFICIAL USE MAP SO AS TO SHOW THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was then read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion carried by the following vote:

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

Thereupon Mayor Miller announced that the ordinance had been finally passed.

The following report of the Board of Adjustment on the application of Ouida F. Nalle for change in zoning of the property at the northwest corner of East Avenue and the new Airport Boulevard was received; and ordered filed:

"Austin, Texas
July 11, 1945

Honorable 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 July 10, 1945:

R E S O L U T I O N .

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 Ouida F. Nalle requesting a change in the Use designation of the following property:

A triangular-shaped tract about one-half acre in area, bounded on the north by East 45th Street, on the east by East Avenue, and on the southwest by State Highway No. 29,

from "A" Residence District to "C-1" Commercial District; and

WHEREAS, the Board carefully considered this application at a meeting held on July 10, 1945, and finds that this petition is for a small triangular tract left in place after construction of new State Highway No. 29 lying adjacent to East Avenue and 45th Street; and

WHEREAS, East 45th Street is a major thoroughfare extending all the way across town, terminating eventually at Lake Austin and that East Avenue is now under consideration as the Interstate Highway, and that State Highway No. 29 is also a major highway connecting Montopolis Bridge with Highway No. 2, all of which highways and streets are major thoroughfares in the street pattern of the City of Austin and will carry ever increasing traffic in the future; and

WHEREAS, East Avenue is now being considered as the route of the Interstate Highway which has the approval of the City Plan Commission, the Chamber of Commerce, and the State Highway Department, and will, in all probability be 200 feet in width, which would further decrease to a considerable extent the area of this triangle; and

WHEREAS, the Board of Adjustment, after considering the immediate and future circumstances and conditions affecting this property due to the character of the bounding thoroughfares and highways, one of which is not yet fully determined, deems that any change of the present zoning classification of this triangle is premature in view of the fact that the final size of the tract, should the Interstate Highway become a reality, is not yet known; and

WHEREAS, the zoning of this property as a "C-1" Commercial District would permit uses such as the sale of wine and beer which as experience has demonstrated, would create serious traffic hazards when located on major

thoroughfares and highways where insufficient parking areas are provided and the operation of the business is not properly supervised, as might be the case in this instance, and furthermore, State Highway Departments, generally, throughout the Nation frown upon establishments serving alcoholic beverages immediately on major highways; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the above requested change be not recommended to the City Council as being premature and not subject to proper determination under the present conditions and circumstances, and that further study be given to the proper use of this triangle as and when the right-of-way has been finally determined and the size of the usable area is known and the volume of traffic on the bounding highways and thoroughfares may be determined and the traffic hazards at this location be evaluated.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman . "

The following report of the Board of Adjustment on the withdrawal of the application of Emaline Johnson for change in zoning of the property located at 1409 East 4th Street, was received and ordered filed:

" Austin, Texas
July 11, 1945

Mr. Walter Seaholm
City Manager
Austin, Texas

Dear Sir:

At a meeting held by the Board of Adjustment on June 25, 1945, the application of Emaline Johnson, through her attorney, Kenneth R. Lamkin, for a change in Use designation of property located at 1409 East 4th Street from "D" Industrial District to "C-1" Commercial District to permit the sale of beer and wine in a restaurant was considered by the Board pursuant to a referral of the matter to the Board by you.

The Board investigated the proposed change and heard the Applicant and her attorney, and after a lengthy discussion of the matter, the Board suggested to the Applicant to withdraw the application in view of the fact that the requested change will place her property in a more restricted zone and would prevent its use for industrial purposes, which would tend to adversely affect the value of the property and would create an inconsistent "spot" zone in this large industrial area.

After careful consideration of the Board's suggestions, the applicant agreed to withdraw the application and in writing so informed the City Council.

Attached hereto is the original application submitted through Kenneth R. Lamkin by Emaline Johnson, together with letters of withdrawal by Kenneth R. Lamkin, acting for and in behalf of Emaline Johnson.

Due to all the conditions and circumstances and the willingness of the Applicant to continue her business as heretofore, the Board recommends the acceptance of the withdrawal and dismissal of the case.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

The following report of the Board of Adjustment on the withdrawal of the application of Owen D. Neyland for change in zoning of the lot at the southwest corner of East 44th Street and Bennett Avenue, was received and ordered filed:

" Austin, Texas
July 11, 1945

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

On July 5, 1945, the City Council referred to the Board of Adjustment the application of Owen D. Neyland, 1011 East 44th Street, for a change in the zoning of the property at the southwest corner of East 44th Street and Bennett Avenue from "A" Residence District to "C" Commercial District.

This referral was set for consideration by the Board at its meeting held on July 10, 1945. At this meeting, the Board received a petition signed by thirty property owners adjacent to and in the immediate vicinity of the property mentioned in the application, protesting this change. At the same time, the Board was informed that the Applicant, Owen D. Neyland, had withdrawn his application and was so informing the City Council in writing.

Due to these circumstances, the Board dismissed further consideration of the matter and recommends to the City Council the acceptance of the withdrawal and dismissal of the case, especially in view of the overwhelming protest of the neighborhood to this change.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

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; 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 5TH STREET from a point 215' west of Pace Street, westerly 256 feet, the centerline of which gas main shall be 13.5 feet north of, and parallel to, the south property line of said East 5th Street.

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

- (2) A gas main in EVANS AVENUE from a point 184 feet south of East 51st Street southerly 30 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Evans Avenue;

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

- (3) A gas main in ALAMO STREET from a point 27 feet north of East 22nd Street south to East 22nd Street, the centerline of which gas main shall be 6 feet east of, and parallel to, the west property line of said Alamo Street.

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

- (4) A gas main in EAST 22nd STREET from Alamo Street easterly 34 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said East 22nd Street.

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 franchise 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

Noes : None

Absent: Councilman Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Frank Barron, Inc., is the Contractor for the alteration of a building located at 709 Congress Avenue, and desires a portion of the sidewalk abutting the south one-half of Lot 3, Block 84, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore,

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

THAT space for the uses hereinabove enumerated be granted to said Frank Barron, Inc., the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Congress Avenue to the east curb line of Congress Avenue; thence in a southerly direction and parallel with the centerline of Congress Avenue approximately 23 feet to a point; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the southwest corner of the above described property.

THAT the above privileges and allotment of space are granted to the said Frank Barron, Inc., hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall erect and maintain continuously in good condition during the use of said space hereby allotted, a substantial walkway at least 4 feet wide in the clear on the inside and at least 8 feet high, the same to be covered solidly on the building side with boards to

height of 8 feet. The top of the walkway shall be covered solidly with boards at least 2 inches thick, which shall be supported at intervals sufficiently close to prevent sagging of the roofing boards. The roof of said walkway shall be covered with a roofing material which will prevent leaking of the roof and provide a dry walkway at all times. No wood strips or obstructions of any kind shall be permitted along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load. The Contractor will also be permitted to use two parking meter spaces immediately in front of the entrance in the barricade for the delivery or removal of materials on the construction work.

(2) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(3) That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(4) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(5) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment, and other obstructions shall be removed not later than September 15, 1945.

(6) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(7) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(8) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building purposes, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. C. Lankford is the Contractor for the repainting of a building located at 131 West 7th Street, and desires a portion of the sidewalk space abutting the west part of Lots 7 and 8, Block 70, of the Original City of Austin, Travis County, Texas, during the repainting of the building, such space to be used in the work and for the storage of materials therefor; therefore,

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

THAT space for the uses hereinabove enumerated be granted to said J. C. Lankford, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the northeast corner of the above described property; thence in a northerly direction and at right angles to the centerline of West 7th Street to a point half way between the property line and the south curb line of West 7th Street; thence in a westerly direction and parallel with the centerline of West 7th Street approximately 55 feet to a point; thence in a southerly direction and parallel with the centerline of Colorado Street and half way between the west property line and the east curb line of Colorado Street approximately 92 feet to a point; thence in an easterly direction and at right angles to the centerline of Colorado Street to the southwest corner of the above described property.

THAT the above privileges and allotment of space are granted to the said J. C. Lankford, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor will be permitted to move his scaffolding within the above described area as his work progresses and at all times to rope off the area immediately in use in order to protect pedestrians from any falling objects or paint.

(2) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment, and other obstructions shall be removed not later than August 1, 1945.

(3) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation

of additional barriers or safeguards if the conditions demand it.

(4) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(5) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building purposes, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(6) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1000.00), which shall protect, indemnify and hold harmless the City of Austin from all claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller

Noes : None

Absent: Councilman Wolf

ROSWELL MILLER came before the Council and asked that the action of the City Council vacating Wayside Drive be rescinded. The matter was referred to the City Engineer and the City Attorney for a report at the next regular meeting.

There being no further business, upon motion, seconded and carried, the meeting was recessed at 12:45 P. M., subject to call of the Mayor .

ATTEST:

APPROVED:

Tom Miller
MAYOR

Thelma M. Kellar
CITY CLERK