

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 22, 1947
10:30 A.M.

Council Chamber, City Hall

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

Roll call

Present : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Absent : Councilman Bartholomew

Present also: Guiton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; R. D. Thorp. Chief of Police.

The reading of the Minutes was dispensed with.

The application of Ben H. Green for a permit to operate a mobile grocery bus on the streets of the City of Austin pending before the City Council came up for further consideration. A letter from the Chamber of Commerce, asking that action on the matter be deferred until after a public hearing, was received. The following independent grocerymen were present and also asked that the matter be postponed for a public hearing. Messrs. Joe Lucas, D. A. Shipwash, Sam Wood, Lomis Slaughter, Chas. L. Sandahl, G. C. Seiders, and others. Ben H. Green, applicant, was present and asked that the matter be acted on at this meeting.

Following considerable discussion, it was moved by Councilman Glass, seconded by Councilman Johnson, that the matter be postponed for a public hearing on Friday, June 6, at 8:00 o'clock P. M. ; and the City Attorney be directed to read the tentative ordinance prepared by him regulating and licensing peddlers.

Councilman Thornberry moved to amend the motion and instruct the City Attorney instead to have mimeographed copies of the tentative ordinance prepared for distribution to all interested persons for study pending the public hearing, which motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

The roll was then called on the motion by Councilman Glass, which motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilman Bartholomew

Pursuant to published notice thereof, the public hearing on the application of Mr. and Mrs. Julian C. Baldwin, et al, to amend the Zoning Ordinance and Zoning Maps of the City of Austin in the following particulars was opened:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "B" Residence, to wit:

Lots 1, 2, 3, 4, 5, and 6, Outlot 52, and being located on the north side of West 25th Street in the 700 and 800 blocks, in the City of Austin, Travis County, Texas,

No one appeared to protest the proposed change.

Thereupon Councilman Thornberry moved that the action of the Board of Adjustment be sustained and the change be approved, and the City Attorney be instructed to prepare the necessary ordinance for passage at the next regular meeting. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilman Bartholomew

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicant : Austin Building and Development Company

I. Referred to the Board by the City Council on : April 3, 1947

II. Property affected:

A 50-foot strip on that part of Bluff View Addition fronting on Fredericksburg Road, extending from Bluff Street to the north line of Bluff View Addition

III. To be changed

From : "A" Residence District

To : "C" Commercial District

IV. Considered by the Board on : April 15, 1947, and April 29, 1947, and reviewed May 13, 1947

V. Parties appearing:

For : Joe Bland, Barney P. Slaughter, and Herman W. Holtzer
of the Austin Building and Development Company, and
the son of Fred W. Adams

Against: None

VI. Action of the Board : Change not recommended

For the following reasons:

1. This application is for the zoning of a strip of land 50 feet deep and approximately 450 feet in length along Fredericksburg Road, extending from Bluff Street to within 66.58 feet of the Henry Brooks property which was recently zoned for commercial purposes, which intervening strip is the property of Fred W. Adams, who asks that his property be included in the above change.
2. The attached subdivision plat of Bluff View Addition which was approved by the City Planning Commission on May 11, 1946, upon the recommendation of the Director of Public Works with respect to engineering data, indicates the land to be changed in zoning classification, and further shows that there is an additional widening of the right-of-way of Fredericksburg Road for a distance of 30 feet extending from Bluff Street to a point 47.97 feet south of the north property line of said subdivision, being the boundary line between this subdivision and the property of Fred W. Adams. The present right-of-way of Fredericksburg Road is shown to be 80 feet in width with the exception of this section and the present paving on the highway is 40 feet. This leaves a strip 50 feet wide extending from the present paving to the present property line of the Bluff View Addition.
3. The applicant affirms that while the present extended right-of-way line of Fredericksburg Road lies on the bluff, that the entire area to be occupied by the commercial district will be excavated to a level grade a minimum distance of 50 feet in depth, the earth derived from the excavation to be used for filling a depression in the subdivision to create additional buildable lots.
4. The applicant further affirms that they desire this commercial area to develop a community center for the benefit of the residents of the subdivision, the center portion of which is zoned for "B" Residence purposes, and there would be a large number of people living in this area whose domestic needs would be served by this community center.

5. The Board individually viewed the site but owing to the fact that there is a 30-foot strip of excess land approximately 400 feet long lying between the east line of Bluff View subdivision and the normal right-of-way line of Fredericksburg Road, the Board deemed that the establishment of a commercial area abutting on this strip raises the question of the status of this excess strip of land as to whether it is a part of the right-of-way of Fredericksburg Road or still under ownership of the City of Austin and that the propriety of establishing this zone cannot be determined until the status of this excess land is definitely determined.
6. The Board is, therefore, unable to recommend this change on account of the existence of this intervening strip of land, the status of which is not known.

(Sgd) H. F. Kuehne
Chairman. "

Pursuant to published notice thereof, the public hearing on the application of Austin Building & Development Company to amend the Zoning Ordinance in the following particular :

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

A strip of land fifty (50) feet in width, fronting on Fredericksburg Road, and extending from Bluff Street on the south to the north line of Bluff View Addition, in the City of Austin, Travis County, Texas,

was duly opened.

No property owner or other interested person appeared to protest the proposed change.

Whereupon, the City Council deferred action on the matter for an inspection of the property on the ground to determine the status of the intervening 30-foot strip of land referred to in the Board's report.

Pursuant to published notice thereof, the public hearing on the application of Mrs. Goodall H. Wooten to amend the Zoning Ordinance in the following particular :

To amend the USE designation of the following described property so as to change the same from "C" Commercial District to "C-2" Commercial District, to-wit:

Lots 1 and 2, Block 75 of the Original City of Austin, being located in the 600 block of West 6th Street on the north side, in the City of Austin, Travis County, Texas,

was duly opened.

J. E. Harrison, representing Mrs. Wooten, and James Hastings, prospective tenant of the property, appeared on behalf of the change, Mr. Harrison

declaring that the change was only being asked for for a period of three years to put in a package store to enable a veteran to defray his expenses while attending the University, and that at the expiration of that time, the present zoning could be re-established.

The following property owners appeared and protested the change substantially as follows:

Mr. and Mrs. Henry Maerki, 605 West 7th Street, stated that this neighborhood had been their home for forty years and they very much objected to any more package stores there, as there were too many already.

R. T. Badger, 607 West 7th Street, stated that this neighborhood has been his home all of his life and he very much regretted that the matter of a veteran's application had come up in connection with the proposed change; that he was willing to help a veteran in any way he could consistently, but he was not willing to agree to a package store in the block where he lives in order to help one - that was asking too much; and that it was not right to change this side of the street because this is a residential block exclusively.

Miss Virginia Nagle stated that she objected to the change because it would be detrimental to the residential value of their property.

Mrs. Chas. Stephenson, representing the Council of Church Women, protested the change, and declared that the University of Texas does not approve of liquor establishments.

Mr. R. G. Mueller, by letter, opposed the change.

Following considerable discussion, Mayor Miller moved that the change be granted contingent upon the execution by Mrs. Wooten of an agreement in writing to limit the use of said premises to a package store only for a term of three years, said premises not to be used for liquor after said date, and if sold in the meantime to carry deed restrictions to this effect; the motion being withdrawn upon declaration by Mr. Harrison that his client would not agree to such restrictions.

No other property owners or interested persons desiring to be heard, Councilman Johnson moved that the hearing be closed and the action of the Board of Adjustment be sustained and the change be denied. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, and Thornberry

Noes : Mayor Miller

Absent: Councilman Bartholomew

Pursuant to published notice thereof, the public hearing on the application of Dr. J. L. Love and Joe Crow to amend the Zoning Ordinance in the following particular :

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "B" Residence District, to-wit:

Lots 11, 12, 13, 14, 15, 16, and 17, Block 6, Outlot 54, Division "D", being the property comprising the block bounded by West 25 $\frac{1}{2}$ Street, West 26th Street, Leon Street and Boulevard View, in the City of Austin.

was duly opened.

Mr. Joe Crowe, proponent, plead for the change on the grounds that the character and use of property in this area has definitely changed and is no longer regarded as an "A" Residence area; that a multiple-unit apartment house or fraternity will be built on the property in question if the change is granted; that the economic value of surrounding property will not be lowered, but, on the contrary, will be increased if the zoning is changed to a "B" classification; and that the property in question will remain vacant unless the change is granted.

The following property owners protested the change, substantially as follows:

Mr. and Mrs. Thurlow B. Weed, who declared that the change would be detrimental to the beautiful homes already there and to others that were going to be built; that there was no reason why this beautiful homesite area should be exploited for GI purposes when there were vacant lots nearer the University that could be used for this purpose; and that traffic congestion would be greatly increased on account of the narrow, dead-end street.

Dr. E. C. Barker, who declared that if the change is granted and the proponents have blanket authority to use it in any way they think profitable to them, it will be very objectionable to everybody in the neighborhood, and if the project contemplated is erected, it would not be a pleasant neighborhood in which to live.

Mr. and Mrs. Walter N. White, who objected to the change on account of the traffic congestion it would create, and the detriment to the residential value of their property.

Dr. Elizabeth Paterson, Mrs. S. L. Woolford, Miss Lois Ware, and Mr. Philip Graham (by letter) also protested the change.

No other property owners or interested persons desiring to be heard on the matter, the hearing was continued to the next regular meeting in order to afford the Council an opportunity to inspect the property on the ground.

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicant : Ted Deison

- I. Referred to the Board by the City Council on : April 10, 1947
- II. Property affected:

A portion of Lot 11, Block B, Jas. E. Bouldin Addition, and being located at the southwest corner of Fredericksburg Road and Bluff Street.

III. To be changed

From : "A" Residence District

To : "C" Commercial District

IV. Considered by the Board on : April 15, 1947, and April 29, 1947

V. Parties appearing:

For : Ted Deison

Against:None

VI. Action of the Board : Change not recommended

For the following reasons:

1. The property proposed to be changed is located at the southwest corner of Fredericksburg Road and Bluff Street south of the property requested to be changed by the Austin Building and Development Company north of Bluff Street.
2. The applicant affirms that there are now two residences and a garage on the property and that he proposes to establish a plumbing shop on this property and might sell off one residence and lot, and further affirms that in order to build his commercial building it would be necessary to install and backfill a 36" storm sewer owing to the topography of the ground.
3. The Board deemed that the property is unsuitable for business as it is located on the side of a hill and the adjacent property has been developed for residential uses, and further deemed that to change the zoning of this property would create a spot zone since the change of the property north of Bluff Street was not recommended by the Board, and would not be in response to any public demand as a plumbing shop could serve the public from any part of the City.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Glass moved that, in accordance with the request of the applicant, a public hearing on the foregoing application for change in zoning be set for Thursday, June 12, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilman Bartholomew

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicant : O. J. Hinton, through his attorney, E. H. Smartt

I. Referred to the Board by the City Council on : May 8, 1947

II. Property affected:

A tract of land 200 feet wide along North Loop Boulevard and 109 feet wide at the rear, and 265.12 feet deep along the State of Texas property east of a 40-foot drainage easement.

III. To be changed

From : "A" Residence District and First Height and Area District

To : "C" Commercial District and First Height and Area District

IV. Considered by the Board on : May 20, 1947

V. Parties appearing:

For : O. J. Hinton and E. H. Smartt and Mr. Balcar

Against: None

VI. Action of the Board : Above change recommended

For the following reasons:

1. This application is for the change of a parcel of land approximately 200 feet along North Loop Boulevard and 265 feet deep to permit the development of a community center project consisting of a probable grocery store, drug store, barber shop, cleaning and pressing shop, etc., to serve the needs of this neighborhood, the applicant affirming that off-street parking would be provided for the customers so that traffic congestion would not be created in the street.
2. The property is bounded on the east by the State of Texas cemetery for paupers, on the west by a 40-foot drainage easement in which the City proposes to construct an open ditch approximately 7 feet deep, on the south by the rear of a lot which faces west and over which the drainage ditch will be constructed, and on the north by North Loop Boulevard. The applicant owns the property west of the easement and affirms that he proposes to erect several residences facing west on Leralynn Street.
3. No objection was expressed by the property owners residing in this neighborhood and Mr. Balcar, owner of property south of this location, appeared and stated he had no objection to the proposed development.

4. The Board deems that this property would be suitable for a community center because of the size of the tract which would permit ample space around the proposed development for loading and unloading and off-street parking, and that because of its location is better suited to commercial development than residential, and further deems that owing to the location of the property in relation to other residential property in the neighborhood no one would be adversely affected by the proposed development.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Glass moved that a public hearing on the foregoing application for change in zoning be set for Thursday, June 12, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilman Bartholomew

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicant: Mrs. Bessie Menem

I. Referred to the Board by the City Council on : May 8, 1947

II. Property affected:

Lot 6, Morsland Place, Outlot 11, Division "A", being located at the southeast corner of East 6th Street and Perdenales Street.

III. To be changed

From : "E" Heavy Industrial District

To : "C-1" Commercial District

IV. Considered by the Board on : May 20, 1947

V. Parties appearing:

For : Mrs. Bessie Menem, Mr. Menem, Hafiz Sab

Against: Mrs. Clara Boyd, Mr. and Mrs. E. D. Nicholson, Oscar A. Newberg, Martin Torres, and J. W. Blakey

VI. Action of the Board: Change not recommended

For the following reasons:

1. This application is for the change of one lot under a single ownership, which would create a spot "C-1" Commercial District in an "E" Heavy Industrial District.
2. The applicant affirms that he has erected a cafe building, 40'x20', on the rear of his lot facing Perdenales Street and is requesting that the zone be changed to permit the serving of beer with meals in response to requests from employees of business establishments in this neighborhood.
3. Opposition to this change was expressed by five property owners who have their homes across East 6th Street north of this property, on the grounds that the operation of a cafe serving beer at this location would cause additional traffic and parking problems on a street which already carries a heavy load of through traffic to the Bastrop and Lockhart highways and would create noises which would disturb the neighborhood, and affirmed that there are ten residences on the north side of East 6th Street which have not been absorbed in the industrial development in this area.
4. The Board deemed that to change the zoning of this one lot would create a spot zone out of character with the surrounding zoning and development, and further deemed that the present classification for heavy industry is the proper zoning in a district which has been shown on the master plan of the City to be the correct area for industrial development.

(Sgd) H. F. Kuehne
Chairman. "

Councilman Glass moved that, in accordance with the request of the applicant, a public hearing on the foregoing application for a change in zoning be set for Thursday, June 12, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilman Bartholomew

The application of Mr. and Mrs. John L. Green, et al, for a change in zoning, from "B" Residence District to "A" Residence District, of the east side of the 1500 block of Parkway between Enfield Road and south entrance of Pease Park, was received. Councilman Johnson moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilman Bartholomew

The following applications for private boat licenses, duly approved by the Navigation Board, were submitted:

<u>Owner</u>	<u>Description</u>
Smith, Carl R. -200 West 17th Street	Goodyear, 10-man Assault, 1947 Model "Betty" 10-passenger

Owner (Cont'd)Description

Greenwood, Bruce-2001 Matthews Drive Fishing Boat, Outboard, 1947
Model, 6-passenger

Councilman Glass moved that the applications be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the sum of \$9,000.00 be, and the same is hereby, appropriated out of the Water and Light Fund, not otherwise appropriated, for the purpose of final settlement of the Howard vs City of Austin suit, Cause No. 60,650.

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

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

City Manager Morgan submitted the following tabulation of bids received for excavation of the Taylor Slough Lift Station project:

" May 20, 1947

Memorandum to : Guiton Morgan, City Manager

Memorandum from: J. E. Motheral, Director of Public Works

Bids were received and tabulated this morning for the excavation for our Taylor Slough Lift Station project. The bids were as follows:

<u>Bidder</u>	<u>Unit Price</u>	<u>Total Price</u>	<u>Working Days</u>
Raymond Canion	\$5.50	\$5,467.00	20
Joe Bland	6.75	6,709.50	30
Richard Schmidt	7.00	6,958.00	30
S. B. Ricks	7.35	7,305.90	25

Although the bid of Raymond Canion is some \$500 above our estimate, we recommend that the contract be awarded to him. Funds for this work are set up in the 1947 budget under Bond Funds.

Approved:

(Sgd) J. E. Motheral

(Sgd) Guiton Morgan. "

Councilman Thornberry moved that the bid of Raymond Canion, in the amount of \$5,467.00, be accepted as the lowest and best bid; and the City Manager be directed to enter into contract with the said Raymond Canion accordingly. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

Councilman Thornberry 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 LYNWOOD AVENUE from a point 312 feet north of West 49th Street northerly 108 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Lynwood Avenue.

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

(2) A gas main in WEST 49TH STREET from a point 362 feet east of Woodrow Avenue easterly 144 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said West 49th Street.

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

(3) A gas main in COLETO STREET from East 12th Street to New York Avenue, the centerline of which gas main shall be 6.5 feet west of, and parallel to, the east property line of said Coletto Street.

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

(4) A gas main in NEW YORK AVENUE, from Coletto Street westerly 208 feet, the centerline of which gas main shall be 13.5 feet south of, and parallel to, the north property line of said New York Avenue.

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

(5) A gas main in SHOALWOOD AVENUE from a point 122 feet north of West 44th Street northerly 136 feet, the centerline of which gas

main shall be 7.5 feet west of, and parallel to, the east property line of said Shoalwood Avenue.

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

(6) A gas main in PLEASANT VALLEY ROAD from East 2nd Street southerly 147 feet, the centerline of which gas main shall be 13.5 feet west of, and parallel to, the east property line of said Pleasant Valley Road.

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

(7) A gas main in WEST 35th STREET from a point 16 feet west of Crawford Avenue east to Crawford Avenue, the centerline of which gas main shall be 13.5 feet south of, and parallel to, the north property line of said West 35th Street.

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

(8) A gas main in CRAWFORD AVENUE, West 35th Street northerly 331 feet, the centerline of which gas main shall be 13.5 feet west of, and parallel to, the east property line of said Crawford Avenue.

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

(9) A gas main in WEST 37TH STREET, Crawford Avenue to Mills Avenue, the centerline of which gas main shall be 13.5 feet south of, and parallel to, the north property line of said West 37th Street.

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

(10) A gas main in MILLS AVENUE, West 37th Street south 110 feet, the centerline of which gas main shall be 13.5 feet west of, and parallel to, the east property line of said Mills Avenue.

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

(11) A gas main in LINDELL AVENUE from a point 490 feet south of Bartlett Street south 30 feet, the centerline of which gas main shall be 20 feet west of, and parallel to, the east property line of said Lindell 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 Department of Public Works 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, carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin is extending and widening East 7th Street within its city limits for highway purposes; and

WHEREAS, after diligent search the City has not been able to find the true owners of the hereinafter described land; and

WHEREAS, it is necessary to obtain the hereinafter described land for street purposes without delay; NOW, THEREFORE,

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

That the City Attorney be and he is hereby directed to institute condemnation proceedings in the County Court of Travis County, Texas, on the following described property:

TRACT NO. 1:

Two thousand three hundred twenty-one (2,321) square feet of land, same being portions of Lots 3, 4 and 5, Block 10, Lincoln Place, a subdivision of Outlots 23 and 23½, Division "A", City of Austin, Texas, and same being owned by Melvin Allen and wife, whose name is unknown but who is now deceased and has an unknown number of heirs surviving her; said land being more particularly described as follows:

Beginning at an iron stake at the northwest corner of said Lot 3, same being the northeast corner of Lot 2, said point of beginning being in the south line of Morelos Street;

Thence with the south line of Morelos Street, same being the north line of Lots 3, 4 and 5 S. $66^{\circ}57'$ E. 146.30 feet to an iron stake in the proposed south line of East 7th Street, and from which iron stake another iron stake at the northeast corner of said Lot 5 bears S. $66^{\circ}57'$ E. 3.70 feet;

Thence with the proposed south line of East 7th Street N. $79^{\circ}11'$ W. at 47.49 feet pass an iron stake in the common line between Lots 5 and 4 and at 98.58 feet pass an iron stake in the common line between Lots 4 and 3, in all a distance of 135.41 feet to an iron stake at an angle point in the proposed south line of East 7th Street;

Thence continuing with said proposed south line of East 7th Street N. $78^{\circ}59'$ W. 13.34 feet to an iron stake in the west line of said Lot 3, same being the East line of Lot 2;

Thence with the common line between Lots 2 and 3, N. $23^{\circ}04'$ E. 31.65 feet to the place of beginning.

TRACT NO. 2;

Five thousand three hundred ten (5,310) square feet of land, same being a portion of Lot 6, Block 12, Lincoln Place, a subdivision of Outlots 23 and $23\frac{1}{2}$, Division "A", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and said record title being in the name of Alex Johnson, et al, but same being occupied and claimed and possibly owned by unknown person; said 5,310 square feet of land being more particularly described by metes and bounds as follows:

Beginning at an iron stake at the point of intersection of the west line of said Lot 6 and the proposed north line of East 7th Street;

Thence with the proposed north line of East 7th Street S. $78^{\circ}59'$ E. 51.13 feet to an iron stake in the common line between Lots 6 and 7;

Thence with the common line between Lots 6 and 7 S. $23^{\circ}04'$ W. at 81.80 feet pass an iron stake in the proposed south line of East 7th Street, in all a distance of 111.53 feet to an iron stake in the north line of an alley for the southeast corner of said Lot 6;

Thence with the north line of said alley N. $66^{\circ}57'$ W. 50.00 feet to an iron stake at the southwest corner of said Lot 6, same being the southeast corner of Lot 5;

Thence with the common line between Lots 5 and 6 N. $23^{\circ}04'$ E. at 19.07 feet pass an iron stake in the proposed south line of East 7th Street, in all a distance of 100.87 feet to the place of beginning.

TRACT NO. 3:

Five thousand seventy-six (5,076) square feet of land, same being a portion of Lot 7, Block 12, Lincoln Place, a subdivision of Outlots 23 and 23½, Division "A", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, the record title appearing in the name of Esther Butler, et al, but same being occupied and claimed and possibly owned by unknown persons; said 5,076 square feet of land being more particularly described by metes and bounds as follows:

Beginning at an iron stake at the point of intersection of the west line of said Lot 7 and the proposed north line of East 7th Street;

Thence with the proposed line of East 7th Street S. 78°59' E. 93.14 feet to an iron stake in the west line of an alley, and from which point an iron stake at the northeast corner of said Lot 7 bears N. 57°53' E. 23.26 feet;

Thence with the west line of said alley S. 57°53' W. at 117.01 feet pass an iron stake in the proposed south line of East 7th Street, in all a distance of 159.54 feet to an iron stake in the north line of an alley for the south corner of said Lot 7, same being the southeast corner of Lot 6;

Thence with the common line between Lots 6 and 7 at 29.73 feet pass an iron stake in the proposed south line of East 7th Street, in all a distance of 111.53 feet to the place of beginning.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to acquire for the City of Austin the fee simple title to the above described lands by condemnation and to pay for same out of the General Fund of the City of Austin and to do such other and further things as may be necessary and expedient in acquiring the fee simple title to the said lands.

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

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

Councilman Glass offered the following resolution, and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property situated on the south side of West 5th Street at Guadalupe Street as a private gasoline plant, which property is owned by the Jack Stableford Pontiac Company, and is designated as Lot 12, Block 45, of the Original City of Austin, Travis County, Texas, and hereby authorizes the said Jack Stableford Pontiac Company to operate a private gasoline plant consisting of a 1000-gallon underground tank and one electric pump for the sole purpose of

servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary reasonable and proper, present and future, regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained, if, after hearing, it is found by the City Council that the said Jack Stableford Pontiac Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
May 22, 1947

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of Jack Stableford Pontiac Company for permission to operate a private gasoline plant consisting of a 1000-gallon underground tank and one electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the south side of West 5th Street, which property is designated as Lot 12, Block 45, of the Original City of Austin, Travis County, Texas, and locally known as 311 West 5th Street.

This property is located in a "C-2" Commercial District and I recommend that this permit be granted subject to the following conditions:

- (1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriter's Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the ordinance governing the storage and handling of gasoline.
- (2) That all pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of receiving gasoline or other supplies shall not, in any way, obstruct the free passage of traffic on either the sidewalk, street, or alley.
- (3) That "NO SMOKING" signs shall at all times be prominently displayed, and no person shall be permitted to smoke on the premises where gasoline is handled or stored.
- (4) That all fees shall be paid and a permit secured from the Building Inspector's office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

Respectfully submitted,

(Sgd) J. C. Eckert
Building Inspector. "

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

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilman Bartholomew

The application of MOTEN'S TAXI, 402 East 6th Street, Rear, by James Moten, for a taxicab terminal operator's license, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilman Bartholomew

The application of THOMAS B. SMILEY, 1600 Congress Avenue, for a license to operate as a taxicab a 4-door Ford Sedan, 1940 Model, Motor No. 18-5228393, State License No. JC-900, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilman Bartholomew

The application of WILLIAM CORWIN, 804 South 1st Street, for a license to operate as a taxicab a 4-door Plymouth Sedan, 1940 Model, Motor No. P10-174049, State License No. JB-2070, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilman Bartholomew

The application of COY DRAVER, Colored, 1818 East 12th Street, for a license to operate as a taxicab a 1942 Model Chevrolet, Engine No. BA-372887, State License No. JB-2101, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilman Bartholomew

The application of CHARLES EDWARD MABRY, 4610 Avenue F, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilman Bartholomew

The application of LEON ELLINGTON CASHAW, 1903 East 10th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilman Bartholomew

The application of DRUDELL SMITH, Colored, 2300 East 16th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

The application of ADRON DALE STEPHENS, 4104 Avenue A, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

The application of JAMES CRENSHAW, Colored, 2313 East 10th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

The application of the SPANISH VILLAGE NO. 2, 1211 South Congress Avenue, by Lena Villasana, for wine and beer license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

The application of the TEXAN CAFE, 119 West 7th Street, by A. Wayne Hodges, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

The application of LA GLORIA CAFE, 1618½ East 6th Street, by Joe M. Milicia, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

The application of EDDIE'S PACKAGE STORE, 1323 South Congress Avenue, by Edgar A. Lewis, for a local distributor's beer license, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

Councilman Thornberry 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, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON APPROXIMATELY THREE AND ONE-HALF ACRES OF LAND BOUNDED ON THE NORTH BY WEST 19TH STREET, ON SOUTH BY SHOAL CREEK BOULEVARD, AND ON EAST BY SUBDIVISION KNOWN AS "VANCE PARK", IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thornberry moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

The ordinance was read the second time and Councilman Thornberry moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

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

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

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

A petition signed by a large number of residents in the area bounded by Chicon Street on the west, Coleto Street on the east, Pennsylvania Avenue on the north, and Rosewood Avenue on the south, asking for street lights on the following street corners: Washington and Poquito Streets; Pennsylvania Avenue and Poquito Street; and Alamo and Washington Streets, was received. The matter was referred to the City Manager to grant the request.

Councilman Glass introduced the following ordinance:

AN ORDINANCE CLOSING AND VACATING A CERTAIN ALLEY IN BAHN'S SUBDIVISION OF OUTLOT 3, IN DIVISION "E", IN THE CITY OF AUSTIN AND REVOKING A RESOLUTION ADOPTED BY THE CITY COUNCIL APRIL 13, 1933.

The ordinance was read the first time and Councilman Glass moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilman Bartholomew

The ordinance was read the second time and Councilman Glass moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilman Bartholomew

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

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilman Bartholomew

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

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a supplemental agreement in behalf of the City of Austin with the United States of America in connection with Lease No. W-41-038, eng. 2003, which was a lease entered into between the City and the United States March 16, 1944, covering 18.62 acres of land out of Outlots 68 and 58, Division 0, of the Government Outlots adjoining the Original City of Austin, said premises being more fully described in the lease referred to above, by which said supplemental agreement the United States of America shall surrender possession of the premises May 31, 1947, and the Government will relinquish, transfer and deliver to the City the improvements shown on Schedule "A" attached to the supplemental agreement, all in accordance with the terms and provisions of said supplemental agreement No. 1, Lease No. W-41-038, eng. 2003, a copy of which is attached hereto and made a part of this resolution for all purposes.

(Lease attached)

Supplemental Agreement No. 1
Lease No. W-41-038 eng-2003

SUPPLEMENTAL AGREEMENT

Between

THE CITY OF AUSTIN, TEXAS

And

THE UNITED STATES OF AMERICA

THIS SUPPLEMENTAL AGREEMENT, entered into this the ____ day of May, 1947, by and between The City of Austin, Texas, for itself, its successors and assigns, hereinafter called the Lessor, and the United States of America, hereinafter called the Government,

WITNESSETH THAT:

WHEREAS, on the 16th day of March, 1944, a lease was entered into between the lessor and the Government covering 18.62 acres of land out of Outlots 68 and 58, Division 0, of the Government Outlots adjoining the Original City of Austin, said premises being more fully described in the aforesaid lease, which is hereinafter referred to as the Original lease, for the period beginning December 16, 1942, and ending June 30, 1943, but extendable at the option of the Government from year to year, but in no event to extend beyond the 30th day of June, 1969; and

WHEREAS, on the 31st day of March, 1947, the lessor was notified that pursuant to paragraph 6 of the Original lease, the Government elected to exercise its option by giving thirty days notice of intention to terminate the lease effective the 30th day of April, 1947; and

WHEREAS, the lessor by acknowledgment of the notice of cancellation waived a joint survey of the condition of the premises, and further notified the Government that restoration would be required as provided in paragraph 10 of said Original lease, but that physical restoration would be waived, conditioned upon the transfer, in lieu of restoration, to the lessor, of all buildings, fences, roadways, tanks and other improvements located on said premises; and

WHEREAS, the Government did not relinquish possession of the premises on the 30th day of April, 1947, but continued in possession until the 31st day of May, 1947; and

WHEREAS, the Government has erected certain improvements upon the land covered by said original lease; and

WHEREAS, it is the desire of the parties hereto to cancel and terminate said lease as of the 31st day of May, 1947; and

WHEREAS, the Government and the Lessor have made a joint survey of the condition of the premises and have agreed that the cost of restoring said

land to its original condition is the sum of Eighteen Thousand Five Hundred and no/100 (\$18,500.00) Dollars; and

WHEREAS, it has been determined to be advantageous and in the interest of the Government to relinquish, transfer and deliver to the Lessor the title to certain improvements which are no longer required by the Government in satisfaction of restoration of said premises; and

WHEREAS, the Government is prepared to undertake restoration of the premises in the following manner, to-wit:

By relinquishing, transferring and delivering to the lessor the improvements shown on schedule "A" attached hereto, heretofore made by the Government now located in and upon the land above described.

Now, Therefore, in consideration of the premises, the parties hereto do mutually agree as follows:

1. That said lease will terminate as of the 31st day of May, 1947.
2. That the Government will accomplish restoration of the premises in the manner aforesaid, namely:

The Government hereby relinquishes, transfers, and delivers to the lessor improvements shown on Schedule "A" attached hereto, heretofore made by the Government now located upon the land above described.

3. That no rental payment shall accrue beyond and after the 31st day of May, 1947.
4. That the owner of said premises will assume custody and care of said premises as of the 31st day of May, 1947, the Government being released of any responsibility therefor after that date.
5. The Lessor hereby remises, releases and forever discharges the Government, its officers and agents or employees of and from any and all manner of actions, liability and claims (except any unpaid rent for the period ending 31st day of May, 1947) against the Government, its officers, agents and employees, which the Lessor now has or ever will have for the further restoration of said premises or by reason of any other matter, cause or thing whatsoever particularly arising out of said lease and the occupation by the Government of the aforesaid premises; and the Lessor and all persons hereafter claiming any right, title or interest under the Lessor will execute and deliver such further releases for the more effectual release of the Government by reason of said obligation to restore said premises, or by reason of any other matter, cause or thing whatsoever particularly arising out of said lease and the occupation by the Government of the aforesaid premises, as the Government at any time hereafter may request.
6. That no member of or delegate to Congress or resident commissioner shall be admitted to any share or part of this agreement or to any benefit to arise therefrom, but this provision shall not be construed to extend to this agreement if made with a corporation for its general benefit.

7. The undersigned warrant that they are the only persons having an interest in said lands and are entitled to receive the compensation provided for herein.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first above written.

THE CITY OF AUSTIN, TEXAS

By _____
Lessor

Witness:

THE UNITED STATES OF AMERICA

By _____
Contracting Officer

SCHEDULE "A"

Building No. T-30
Building No. T-31
Building No. T-32

Installed equipment in Building No T-32,
3 Bowl Type Electric Light Fixtures.

Building No. T-33
Building No. T-34

Installed equipment in Building No. T-34,
1 water cooler, 1 lavator, 1 commode,
1 urinal, 51 bowl type electric lights.

Building No. T-35

Installed equipment in Building No. T-35,
2 Bryant Heaters, 1 Washed Air Conditioned
unit w/o motor, 2 water coolers, 1 water
cooler (elec) 800' fire hose, 16" nozzle,
2 towel racks, 2 lavatories, 2 commodes,
1 urinal, 14 flourescent light fixtures,
2 glass bowl light fixtures, 73 bins,
36 bowl type electric lights.

Building No. T-37
Building No. T-38
Building No. T-39
Building No. T-40
Building No. T-41

2 Portable sheds not numbered.
4 Pit privis not numbered
1 Underground gasoline storage tank 3869 linear
feet 5 barbed wire fence, 4' cedar posts.

Utilities

320 ft 2" water pipe
760 ft 1½" gas pipe
22 poles
30 cross arms
90 pins & insulators
14,000 ft. wire

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

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

The following memorandum from the City Manager was submitted:

" May 22, 1947

Memorandum to: The City Council

East 7th Street Right-of-way Purchase

Up to date, 25 property purchases have been completed and paid for, the total consideration being \$37,145.16 on which the appraisal and authorization was \$47,333.31. We are \$10,188.15 under the appropriation on these.

On 19 other purchases, we have signed purchase agreements and will close and pay within a week. These contracts amount to \$30,408.33 compared to appraisals totaling \$35,512.62 or \$5,104.29 under the authorization.

This leaves us a total margin of \$15,292.14 for the remaining 30 which are yet to be negotiated or condemned. We know now that three will have to be condemned to clear titles and there undoubtedly will be others where we cannot agree on prices. Some of the 30 yet to be closed are close to agreement. With the margin we now have to work on, the total should be close to the total figure authorized.

(Sgd) Guiton Morgan
City Manager "

The City Manager submitted a memorandum from the City Attorney recommending that the City accept an option from E. V. Montandon for a right-of-way through his property for the East 7th Street extension, at the price of \$7,000.00.

It was then moved by Councilman Thornberry that the City Manager be authorized to accept said option from E. V. Montandon for the price of \$7,000.00. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilman Bartholomew

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION

Applicants : Sam L. Slaughter et al

I. Referred to the Board by the City Council on : April 10, 1947

II. Property affected:

Block 55, Christian and Fellman Addition, being located
between Sabine and Oldham Streets, East 24th and East
25th Streets.

III. To be changed

From : "B" Residence District

To : "A" Residence District

IV. Considered by the Board on : May 6, 1947, and May 20, 1947.

V. Parties appearing:

For : Sam Slaughter, Mrs. Jas. R. D. Eddy, and S. H. McCullough

Against: Webb Connelly and Harry G. Jander, for himself and
Walter Chattell, co-owners of property in this
neighborhood

VI. Action of the Board: Change not recommended

For the following reasons:

1. The applicant's properties are located in a "B" Residence District extending from 19th Street to the south line of Wahrenberger Street, practically in line with the north line of the University of Texas campus which extends along Red River Street to the west of this street. The three half-blocks of this zone on Red River Street from 19th Street are zoned "C" Commercial, as well as all the property fronting on 19th Street. The portion of this "B" Residence District in which the applicants' properties lie was originally zoned "A" Residence District but the ordinance was amended to extend this "B" zone to its present northern limits in order to provide additional housing areas for the rapidly growing University of Texas.
2. Apparently the immediate cause for the request of this change was the fact that Mr. Webb Connelly purchased Lot 2 of this block and was planning to move a two-story house and garage apartment thereon, converting the house

the house into a duplex, since the widening of East Avenue would require the sale of his property abutting on East Avenue and forcing him to relocate his buildings or to demolish the same. Since the lot in question is now in a "B" Residence zone, Mr. Connelly assumed that he was entirely within his rights to proceed with the relocation of his buildings upon this lot, which would comply with the present zoning regulations covering his lot.

3. Although the applicants stated they were unaware of the zoning change of this area, the record discloses that due notice was published in the local newspaper announcing the hearing by the City Council on this change and the ordinance was thereafter amended to extend the then existing district to cover this block.
4. After an examination of this area by the Board and careful consideration of all the facts and circumstances affecting this property, the Board deemed that the present zoning is the proper and logical zoning for this area since portions thereof are already in effect used for "B" Residence purposes and that this property is a logical direction in which the University housing will eventually develop.

(Sgd) H. F. Kuehne
Chairman. "

In accordance with the request of applicant, Sam L. Slaughter, no public hearing on the above matter was called.

Upon motion, seconded and carried, the meeting was then redressed, subject to call of the Mayor.

Approved: _____

Tom Miller

MAYOR

Attest:

Helen Miller

CITY CLERK