

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 2, 1948
10:30 A.M.

Council Chamber, City Hall

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

Roll call:

Present : Councilmen Bartholomew, Johnson, Long, Mayor Miller - 4
Absent : Councilman Glass

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

The reading of the Minutes was dispensed with.

The application of JAMES L. ESTEPP, JR., 1406 North Loop Boulevard, for a license to operate as a taxicab, a 4-door Plymouth Sedan, 1942 Model, Motor No. P14-70786, State License No. JD-9577, approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

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

The application of JOHN THORNTON WALKER, 3303 East 12th Street, for a license to operate as a taxicab, a 1946 Model, Fleetmaster, Sport Chevrolet Sedan, Motor No. DAA-134433, State License No. JD-5161, approved by the City Manager, was submitted. Councilman Johnson moved that the application be granted. The motion carried by the following vote:

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

The application of WILLIAM NEWTON HOLDEN, 73 Julius Street, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Long moved that the permit be granted. The motion carried by the following vote:

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

The application of ALONZO HOBBS, 2113 Alta Vista, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Bartholomew

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moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

The application of J. D. PRESTON, Colored, 1168 Comal Street, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

The appeal of FOY WALLACE MOULDER, 1009 Lambie Street, on his application for a taxicab driver's permit, recommended for denial, was considered. Councilman Johnson moved that applicant be granted a 90-days probationary permit. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

The appeal of JAMES COLLIER PATTERSON, Route 7, Box 2, on his application for a taxicab driver's permit, recommended for denial, was considered. Councilman Johnson moved that applicant be granted a 90-days probationary permit. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

The appeal of HERMAN STEWART, Colored, 2410 East 11th Street, on his application for a taxicab driver's permit, recommended for denial, was considered. Councilman Johnson moved that applicant be granted a 90-days probationary permit. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

The application of ROSEDALE CAFE, by John Wood, 4703 Burnet Road, for a wine and beer license, approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

The application of SOLDIER'S INN, by Willis Gibbs, 605 Sabine Street, for a wine and beer license, approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

The application of STATE GRILL, by J. E. Cobb, 415 Congress Avenue, for a wine and beer license, approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the

following vote:

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

The following report of the Board of Adjustment was received:

#ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant : L. P. McCarty.

- I. Referred to the Board by the City Council on : November 10, 1948
- II. Property affected: Lot 25, Block 9, Rosedown Addition, being located on the north side of West 49th Street between Lynnwood Street and Burnet Road and locally known as 2116 West 49th Street.
- 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 : November 23, 1948.
- V. Parties appearing:
- For : None
- Against: Roy Richards and Mr. and Mrs. Jesse Bozarth
- VI. Action of the Board: Change not recommended
- For the following reasons:
1. This property is a small triangle located on the north side of West 49th Street between Lynnwood Street and Burnet Road on which the applicant is requesting a change of zoning to permit the operation of a trailer camp.
 2. This property is located directly across West 49th Street from the Rosedale Public School and is immediately in the rear of the commercial zone along Burnet Road.
 3. The Board considered that the proposed purpose of this change for a trailer camp would cause additional congestion of traffic hazards on 49th Street, endangering the safety of school children, and that this type of commercial use would be inappropriate and adversely affect the remaining residential property on 49th Street as well as Rosedale School where there is at present under construction a large addition to the existing school building which will double or treble the capacity of the school, and further

that the area to be changed is of insufficient size for the proper planning of a trailer camp.

4. The Board, therefore, deemed that this property should not be changed to "C" Commercial because of its location adjacent to the school and the fact that this change would be extending a commercial zone away from Burnet Road along a residential street, in addition to the above facts.

(Sgd) H. F. Kuehne
Chairman.

Councilman Bartholomew moved that a public hearing on above change in zoning be called for December 23, 1948, at 11:00 A. M. The motion carried by the following vote:

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

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: W. D. Hart, Attorney for Paul Simms

- I. Referred to the Board by the City Council on : November 10, 1948
- II. Property affected: Lots 7, 8 and 9, Block 4, Penn Park Addition, being located at the southwest corner of Lamar Boulevard and West 35th Street and locally known as 3404 and 3406 Lamar Boulevard.
- 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 : November 23, 1948
- V. Parties appearing:
- For : W. D. Hart
- Against: None
- VI. Action of the Board : Change recommended

For the following reasons:

1. This application is for a change of zoning on three small lots at the southwest corner of Lamar Boulevard and West 35th Street which is located north across the alley from a commercial zone and west across Lamar Boulevard from a commercial zone.

2. The Board deemed that since the property across the alley to the south is now a "C" Commercial District and the property across the street on Lamar Boulevard, comprising the frontage of an entire block, is also commercial, the changing of this property would be the extension of the present commercial zone on Lamar Boulevard to 35th Street and would be a reasonable change of the use classification of these lots.

(Sgd) H. F. Kuehne
Chairman. #

Councilman Johnson moved that a public hearing on the above change in zoning be called for December 23, 1948, at 11:00 A. M. The motion carried by the following vote:

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

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: Walter Bohn

- I. Referred to the Board by the City Council on : October 21, 1948
- II. Property affected: West 52'x100' of Lots 4 and 5, Block 44, and 50'x150' of Lot 7-A, Block 44, and Lot 3 and a part of Lot 2, Block 45, all of Outlot 24, Division "C", Christian and Fellman Addition, being located at the southwest corner of East Avenue and East 23 $\frac{1}{2}$ Street and locally known as the 2300 block East Avenue .
- 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 : November 2, 1948, and November 23, 1948.
- V. Parties appearing:
- For : Walter Bohn
- Against: None
- VI. Action of the Board : Change recommended.

For the following reasons:

1. This application is a request for a change of zoning on the remaining portion of the applicant's property which had a commercial

frontage on East Avenue prior to the purchase of right-of-way for the Interstate Highway which eliminated the commercial zone.

2. The Board deemed, since the property had a commercial portion adjacent to East Avenue, that the applicant would be deprived of his former privilege of enjoying commercial use of the property, and, therefore, would be entitled to relief so that the remainder of his property could be used commercially.

(Sgd) H. F. Kuehne
Chairman.

Councilman Johnson moved that a public hearing on the above change in zoning be called for December 23, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: Dudley P. Prade

- I. Referred to the Board by the City Council on : November 18, 1948

- II. Property affected: Lots 9, 10, 11, 12, 13, 14, and the west 15.3 feet of Lot 15, of the Original Block 1 of Walsh Place Addition, being located on the south side of Bonnie Road between Robin Hood Trail and Schulle Avenue, and locally known as the 3400 block of Bonnie Road.

- III. To be changed:

From : "A" Residence District, "C" Commercial District, and First Height and Area District

To : "B-1" Residence District and Second Height and Area District

- IV. Considered by the Board on : November 30, 1948

- V. Parties appearing:

For : Dudley P. Prade, and was joined by E. L. Baum, who offered no objection. J. W. Robertson appeared and offered no objection since this did not affect his commercially-zoned lot.

Against: None

- VI. Action of the Board : Change recommended.

For the following reasons:

1. The owner proposes to develop this property for apartment buildings which would provide ample open spaces between buildings and normal density of population per acre and which would not adversely affect the surrounding property, the south half of this block having been zoned to permit this type of development.
2. The four corners at the intersection of Robin Hood Trail and Bonnie Road are now zoned for business, one of which will be included in the proposed change, where community center uses are permitted to serve the domestic needs of this development and the surrounding area.
3. No objections by the neighbors were registered with the Board at the hearing.
4. Under these circumstances, the Board deemed that this change would not adversely affect the residential character of this neighborhood, and, therefore, recommends that the change to "B-1" Residence District be made.

(Sgd) H. F. Kuehne
Chairman. #

Councilman Bartholomew moved that a public hearing on the above change in zoning be called for December 23, 1948, at 11:00 A. M. The motion carried by the following vote:

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

A group of citizens living in Brykerwoods , with the Reverend Joseph M. Harte, as spokesman, came before the Council and requested that the City purchase the vacant property in Brykerwoods "C", located between the Missouri Pacific Railroad Company's right-of-way on the west, West 30th Street on the north, and Oakmont Boulevard on the east, for a playground, this being property donated by Murray Graham for a polio hospital. The Mayor stated to the group that there was a need for a playground in that area, but that the City would have no part in trying to acquire land which had been given by Mr. Graham to the polio organization for the purpose of a polio hospital, but that, if either Mr. Graham or the officials of the polio organization wanted to voluntarily submit an offer to sell the property to the City for the purpose stated, the same would be considered. The Mayor further stated that this was not the only vacant land in that area suitable for playground purposes.

The application of Holland Page for a change in zoning, from Residential to "D" Industrial, of approximately 55 acres, bounded on the south and west by the Llano Branch of the H&TC Railroad; a portion along the north by Anderson Lane, and another portion on the north by Morrow Street, all in the George W. Spear League, and formerly known as Hollandale Addition, was received. Councilman Bartholomew moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

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

Councilman Bartholomew 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 an agreement for and on behalf of the City of Austin with Margaret Wolf Hart and husband, Sherman H. Hart, to lease from said Margaret Wolf Hart and husband, Sherman H. Hart, the east 290 feet of Block 2, Outlot 21, Division #0#, City of Austin, Travis County, Texas, being known as "Hart Field", for a term of three (3) years, all upon the terms and conditions of that certain agreement, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Agreement attached)

THE STATE OF TEXAS :
COUNTY OF TRAVIS :

This lease made between the City of Austin, a municipal corporation, situated in Travis County, Texas, hereinafter, for convenience, sometimes called the City, and Margaret Wolf Hart and husband, Sherman H. Hart, hereinafter, for convenience, sometimes called Lessor; W I T N E S S E T H :

That Lessor has agreed to let, and does hereby let, to the City of Austin and the City of Austin has agreed to take, and does hereby take, from Lessor the east 290 feet of Block 2, Outlot 21, Division #0#, City of Austin, Travis County, Texas, the same being premises heretofore used as a playground and known as "Hart Field", for a period of three (3) years, beginning November 1, 1948, and terminating October 31, 1951.

The City of Austin covenants and agrees to pay Lessor as rent on said land the sum of Six Hundred Dollars (\$600.00) per year, payable on the first day of May of each year during the term of this lease. Lessor does not assume any liability for injuries occurring during the term of this lease. City agrees to maintain a fence along the west line of the premises leased.

WITNESS the hand of the City of Austin by and through its City Manager, Guiton Morgan, hereunto duly authorized, attested by its City Clerk, and with the seal hereunto affixed; and witness the hands of Margaret Wolf Hart and husband, Sherman H. Hart, all on this the ___ day of December, 1948.

CITY OF AUSTIN

Attest:

By _____
City Manager

City Clerk

Margaret Wolf Hart

Sherman H. Hart

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

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

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by contract dated November 9, 1944, the City of Austin entered into an agreement to sell to the South Austin Assembly of God all of Lot 4, Block B, J. E. Bouldin Subdivision, in the City of Austin, for the sum of \$350.00 to be paid in installments; and

WHEREAS, all of said purchase price has been paid to the City of Austin by the purchasers; Now, Therefore,

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 proper conveyance in behalf of the City of Austin granting and conveying to the Board of Trustees of the South Austin Assembly of God Church and their successors in office, said trustees being J. A. Wilborn, Frank Parten, J. C. Davis, and W. L. Smith, all of Lot 4, Block B, J.E. Bouldin Subdivision, in the City of Austin, Travis County, Texas.

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

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

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, a municipal corporation of the State of Texas:

THAT said corporation's City Manager be and he is hereby duly authorized and fully empowered to enter into and execute, for and in the name of said corporation, one certain written agreement, dated November 22, 1948, between said corporation and Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor, herein called Carrier, respecting among certain things the construction, ownership, maintenance and use of one certain 12-inch sewer line crossing Carrier's premises at Engineer's Chaining Station 3678/39.6 I.C.C., at or near Austin, Travis County, Texas, all as more particularly set out in said agreement, to which reference is made the same as if fully set out herein.

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

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

Councilman Bartholomew 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 "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON A PORTION OF A TRACT OF LAND 200x500 FEET LOCATED AT THE SOUTHWEST INTERSECTION OF NORTH LOOP BOULEVARD AND GEORGETOWN ROAD, 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 Bartholomew moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

The ordinance was read the second time and Councilman Bartholomew 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 Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

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

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

The Mayor then announced that the ordinance had been finally passed.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Texas State Highway Department has completed the extension and widening of East Seventh Street in the City of Austin without cost to the City of Austin for such construction work; and

WHEREAS, this project will give the City of Austin a connection from the down-town business and industrial section to Highways 29 and 290, as well as a future connection with the proposed Interregional Highway along East Avenue; and

WHEREAS, the East Seventh Street project was constructed at a cost of approximately \$750,000.00 borne by the State and the expense of the City of Austin was for right-of-way only, amounting to approximately \$150,000.00; Now, Therefore,

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

That the City Council, in behalf of the City of Austin and its inhabitants, extend to the State Highway Commission and the State Highway Department and their officers and employees this expression of appreciation for the generous and efficient cooperation of the Commission and the Highway Department in the execution of the East Seventh Street project and the resulting value this project will be to the City of Austin in a business and industrial way and as a safe and efficient traffic artery to serve the people of Austin; and

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

That the special thanks of the City be extended to State Highway Engineer D. C. Greer, and to his efficient and cooperative representatives locally in the person of District Engineer W. D. Dockery and Senior Resident Engineer R. H. Fincher for their courteous, untiring, and efficient cooperation with the City and its representatives in planning and executing the East Seventh Street project.

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

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE ESTABLISHING A BUILDING LINE ON THE EAST SIDE OF GUADALUPE STREET BETWEEN WEST TWENTY-FOURTH STREET AND WEST TWENTY-SEVENTH STREET IN THE CITY OF AUSTIN; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

The ordinance was read the second time and Councilman Bartholomew 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 Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

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

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

The Mayor then announced that the ordinance had been finally passed.

Councilman Johnson introduced the following ordinance:

AN ORDINANCE VACATING A PORTION OF THE ALLEY TRAVERSING A BLOCK IN THE RAYMOND AND WHITIS ADDITION TO THE CITY OF AUSTIN BOUNDED BY GUADALUPE STREET, WHITIS AVENUE, TWENTY-FOURTH STREET, AND TWENTY-FIFTH STREET; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

The ordinance was read the second time and Councilman Johnson 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 Bartholomew, Johnson, Long, Mayor Miller
Noes : None
Absent: Councilman Glass

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

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

The Mayor then announced that the ordinance had been finally passed.

Councilman Johnson 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 contract on behalf of the City of Austin with WESTENFIELD DEVELOPMENT COMPANY for the laying of certain sanitary sewer mains and other sewer pipes in Tarrytown Oaks No. 2, in the City of Austin, Travis County, Texas, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Contract attached)

THE STATE OF TEXAS :

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS :

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and Westenfield Development Company, a private corporation, created and existing under the laws of the State of Texas, with its principal office and place of business in Travis County, Texas, hereinafter for convenience sometimes called the Customer: W I T N E S S E T H :

I.

The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain sanitary sewer mains and other sewer pipes on the streets and easements in Tarrytown Oaks No. 2 at the locations described as follows:

Sewer mains in McCullough Street Easement from Exposition Boulevard to Spring Lane; thence south in Spring Lane to McCullough Street; in Spring Lane from McCullough Street Easement to Galewood Place; thence east in Galewood Place to Delwood Place; thence south in Delwood Place to McCullough Street.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Nineteen Hundred Dollars (\$1900.00) when completed; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefit of the Customer in order to furnish sewer service to him, agrees to deposit the sum of Nineteen Hundred Dollars (\$1900.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin, after the work is completed, will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost

and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figure stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the sewer mains, described above, for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to the gross income realized by the City during the preceding calendar year from the service and sale of water from said sewer lines for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with said sewer mains, until the total amount of the cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall

fail or refuse to comply substantially with any obligation lawfully imposed by the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said Westenfield Development Company has caused these presents to be signed in duplicate by Margaret Graham Cruseman, its President, thereunto duly authorized by resolution of the Board of Directors of said Company, and to be attested by its Secretary, and has caused its common seal to be hereunto affixed, on this the ____ day of _____, 1948.

Attest:

CITY OF AUSTIN

City Clerk

By _____
City Manager

Approved:

WESTENFIELD DEVELOPMENT COMPANY

Director of Utilities

By _____
President

Director of Public Works

City Attorney

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

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

Councilman Long 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 WAYSIDE DRIVE, from Enfield Road southerly 540 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said Wayside Drive.

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

- (2) A gas main in INWOOD PLACE from Wayside Drive westerly 365 feet, the centerline of which gas main shall be 1.5 feet south of and parallel to the north property line of said Inwood Place.

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

- (3) A gas main in RIVERSIDE DRIVE from a point 10 feet west of South Congress Avenue westerly 45 feet, the centerline of which gas main shall be 18 feet south of and parallel to the north property line of said Riverside Drive.

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

- (4) A gas main in RIVERSIDE DRIVE from a point 55 feet west of South Congress Avenue westerly 55 feet, the centerline of which gas main shall be 10.5 feet south of and parallel to the north property line of said Riverside Drive.

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

- (5) A gas main in DE VERNE STREET from a point 158 feet east of Ann Arbor Avenue easterly 190 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said De Verne Street.

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

- (6) A gas main in JIM HOGG AVENUE from North Loop Boulevard southerly 428 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said Jim Hogg Avenue.

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

- (7) A gas min in NORTH LOOP BOULEVARD from Jim Hogg Avenue westerly 123 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said North Loop Boulevard.

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

- (8) A gas main in LUPINE LANE from Summit Street to Upland Drive, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said Lupine Drive.

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

- (9) A gas main in UPLAND DRIVE from Lupine Lane northerly 526 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Upland Drive.

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

- (10) A gas main in EAST 19TH STREET from Ferdinand Street westerly 170 feet, the centerline of which gas main shall be 27 feet south of and parallel to the north property line of said East 19th Street/

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

- (11) A gas main in EAST 3RD STREET from a point 89 feet west of Salina Street westerly 15 feet, the centerline of which gas main shall be 17 feet south of and parallel to the north property line of said East 3rd Street.

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

- (12) A gas main in POQUITO STREET from Washington Avenue northerly 132 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said Poquito 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 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 Bartholomew, Johnson, Long, Mayor Miller
 Noes : None
 Absent: Councilman Glass

Councilman Johnson 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 contract on behalf of the City of Austin with J. A. Shelby for the laying of certain water mains and other water pipes in Oak Ridge Heights, in the City of Austin, Travis County, Texas, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :
 COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and J. A. SHELBY of Travis County, State of Texas, hereinafter for convenience sometimes called the Customer; WITNESSETH:

I.

The City of Austin for the consideration hereinafter stated agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay and agrees to lay the certain water mains and other pipes on the streets and at the locations described as follows:

Six-inch (6") cast iron water mains in Oak Ridge Heights, Travis County, Texas, to be located as follows:

In Cumberland Road from South First Street to South Third Street, a distance of approximately 512 feet.

In Terrell Hill Drive east and west of Oakcrest Avenue, a distance of approximately 562 feet.

In South Third Street from Cumberland Road to Herndon Lane, a distance of approximately 400 feet.

In Cumberland Road, from South Third Street to South Fourth Street, a distance of approximately 500 feet.

Two-inch (2") cast iron water mains in Oak Ridge Heights, Travis County, Texas, to be located as follows:

In South Second Street from Cumberland Road to Herndon Lane, a distance of approximately 450 feet.

In Oakcrest Avenue, from Cumberland Road to Herndon Lane, a distance of approximately 420 feet.

II.

It is estimated that all the work contemplated under Paragraph I above will cost the sum of Four Thousand Three Hundred Fifty Dollars (\$4,350.00) when completed; and the Customer in consideration of the foregoing obligations to the City, which are assumed for the benefits of the Customer in order to furnish water service to him, agrees to deposit the sum of Four Thousand Three Hundred Fifty Dollars (\$4,350.00) with the City of Austin prior to commencement of the work.

III.

Within a reasonable time after deposit of the sum or sums of money as provided in Paragraph II, the City of Austin agrees to commence construction of the utility improvements described in Paragraph I and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the utility improvements described in Paragraph I; and it is agreed that if the actual cost of such work is less than the amount deposited by the Customer, the City of Austin after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

V.

Immediately after completion of the utility improvements described in Paragraph I, the City of Austin will furnish to the Customer a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers or agents, to note on this contract the correct figure stating the actual cost of such work and the date of completion.

VI.

It is agreed that the Customer shall be reimbursed for the money deposited as provided in Paragraph II above in the following manner:

Within sixty (60) days after the first day of January following completion of the work described in Paragraph I, the City shall pay to the Customer a sum equal to the gross amount of income realized by the City from the service and sale of water for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with the water mains, described above, for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Customer a sum equal to the gross income realized by the City during the preceding calendar year from the service

and sale of water from water line for usual, customary, and normal domestic, commercial, and industrial uses to customers having a direct connection with said water mains, until the total amount of cost of construction of the utility improvements has been repaid; but in no event shall the City make such payments for a period of time longer than ten (10) years from the date of completion of said work (as such date is noted hereon under provisions of Paragraph V), even though the full cost of such work at the end of said time has not been refunded in full to the Customer; and if at any time before the expiration of said ten (10) year period the principal sum of such cost has been repaid, further payment shall cease.

VII.

It is agreed that the City may make such repairs and changes in all of said utility improvements, pipes, hydrants, and connections necessary to the orderly conduct of proper utility systems. Title to all said utility improvements shall be and remain at all times in the City of Austin.

VIII.

It is agreed that this contract is made with reference to the existing charter and ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract, and the Customer agrees to comply with all provisions of such laws, ordinances and charter.

IX.

It is agreed that the City of Austin may at its option retain any part or all of the deposit made by the Customer in compliance with Paragraphs II and IV of this contract and refuse to make the payments and refunds provided for in Paragraphs IV and VI of this contract in the event the Customer shall fail or refuse to comply substantially with any obligation lawfully imposed on the City of Austin regulating the platting, planning, and development of subdivisions within the City of Austin.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said J. A. Shelby has executed this instrument in duplicate, this the ____ day of _____, 1948.

CITY OF AUSTIN

Attest:

By _____
City Manager

City Clerk

J. A. Shelby

Approved:

Director of Utilities

Director of Public Works

City Attorney

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

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

Councilman Bartholomew 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 execute for and on behalf of the City of Austin an easement to Southwestern Bell Telephone for construction and maintenance of telephone line or lines with necessary supporting poles in, upon, and across a strip of land five (5) feet in width out of and a part of a certain lot, tract or parcel of land out of the Isaac Decker League in the City of Austin, Travis County, Texas, which was conveyed to the City of Austin by warranty deed dated June 28, 1941, of record in Volume 681, pages 199-203, of the Deed Records of Travis County, Texas, and being Tract No. 4 in said deed, all in accordance with the terms and provisions of a certain easement, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of easement attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

That the City of Austin, a municipal corporation situated in the County of Travis and State of Texas, acting by and through its City Manager, Guiton Morgan, duly authorized by the City Council of said City by resolution duly passed, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, and the further consideration of the benefits to be derived from the telephone line on the premises hereinafter described, has this day granted and conveyed, and by these presents does grant and convey, unto Southwestern Bell Telephone Company, a corporation, situated in Travis County, Texas, an easement to construct and perpetually maintain telephone line or lines with necessary supporting poles in, upon, and across a strip of land five (5) feet in width, being out of and a part of that certain lot, tract or parcel of land out of the Isaac Decker League in the City of Austin, Travis County, Texas, which was conveyed to the City of Austin by warranty deed dated June 28, 1941, of record in Volume 681, pages 199-203, of the Deed Records of Travis County, Texas, and being Tract No. 4 in said deed, the centerline of said strip of land five (5) feet in width being more particularly described by metes and bounds as follows:

Beginning at a point in the most southerly south line of the aforementioned Tract No. 4, and from which point of beginning an iron pipe on the most southerly southeast corner of said Tract No. 4, same being in the west line of Jessie Street, bears S.60°04' E.128.3 feet;

Thence N.29°35' E.2.5 feet east of and parallel to a west line of said tract No. 4, 271.09 feet to point of termination in the south line of Toomey Road.

TO HAVE AND TO HOLD the same perpetually to the Southwestern Bell Telephone Company, and its successors and assigns, together with the right and privilege at any and all times to enter said premises, or any part thereof, for the purpose of constructing and maintaining said telephone line or lines and supporting poles and for making connections therewith; all upon the condition that the Southwestern Bell Telephone Company will at all times after doing any work in connection with the construction or repair of said lines and poles restore the surface of said premises to the condition in which the same was found before such work was undertaken.

WITNESS the hand of the City of Austin, this ____ day of December, 1948.

Attest:

CITY OF AUSTIN

By _____
City Manager

City Clerk

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

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Director of Public Works; therefore,

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

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground telephone conduits in the following streets:

- (1) An underground telephone conduit at AUSTIN MUNICIPAL AIRPORT, from vault south of Administration Building, east and south to Control Tower, the centerline of which underground telephone conduit shall be $2\frac{1}{2}$ feet south of and parallel to the fence around parking area at the Administration Building.
- (2) An underground telephone conduit in MANOR ROAD from East Avenue westerly 206 feet, the centerline of which underground telephone conduit shall be 9 feet north of and parallel to the south property line of said Manor Road.
- (3) An underground telephone conduit in MANOR ROAD from Chestnut Avenue westerly 184 feet, the centerline of which underground telephone conduit shall be 2 feet north of and parallel to the

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south property line of said Manor Road.

That the work and construction of said underground telephone conduit, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

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

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

The Mayor laid before the Council the following resolution:

(RESOLUTION)

WHEREAS, the improvements on Lot 9, Block C, Plaza Place, Flat 310, Item 20, were erroneously assessed at \$2160.00 on the tax roll for the year 1947; and

WHEREAS, such improvements should have been assessed at a valuation of \$800.00; therefore,

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

THAT the Tax Assessor and Collector be directed, and he is hereby so directed, to reduce the assessed valuation of said improvements from \$2160.00 to \$800.00 for the year 1947.

The resolution was adopted by the following vote:

Ayes : Councilmen Bartholomew, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Glass

The following report of the Board of Adjustment was received:

ZONING BOARD OF ADJUSTMENT
AUSTIN, TEXAS
ZONING CHANGE RECOMMENDATION .

Applicant: Edwin M. Dezendorf and S. C. Bilbrough

- I. Referred to the Board by the City Council on : November 18, 1948
- II. Property affected: The southeast corner of Manor Road and Maple Avenue, fronting 244 feet on Manor Road, being 2400 block of Manor Road
- III. To be changed:

From : "A" Residence District

To : "C" Commercial District

IV. Considered by the Board on : November 30, 1948

V. Parties appearing:

For : None (No hearing called)

Against: None

VI. Action of the Board: Change recommended

For the following reasons:

1. This application is for a change in the Use designation of the tract of land located on the south side of Manor Road east of Maple Avenue to permit its sale for commercial purposes.
2. Recently an application was presented to the Council for the change of property at the northeast corner of Manor Road and Cherrywood Road which was recommended to the City Council. The extension of the present commercial zone on Manor Road eastward by this additional change has some influence on the character of the neighborhood, showing a trend of further commercial development along Manor Road eastwardly.
3. The Board deemed, since the property across the street has been recommended for commercial uses, that the nature and character of the land in question would also justify its change to "C" Commercial District.

(Sgd) H. F. Kuehne
Chairman. "

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

Approved:

Tom Miller.
MAYOR

Attest:

Hellie M. Kellan

CITY CLERK