

## MINUTES OF THE CITY COUNCIL

## CITY OF AUSTIN, TEXAS

## Regular Meeting

October 28, 1948  
10:45 A.M.

Council Chamber, City Hall

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

## Roll call

Present : Councilmen Glass, Johnson, Long, Mayor Miller - 4  
Absent : Councilman Bartholomew - 1

Present also: Guiton Morgan, City Manager; J. E. Metheral, 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.

A committee from the Violet Crown Garden Club, composed of Mrs. D. P. Clark, Mrs. Burt, and others, came before the Council on the matter of waiting benches at bus stops now pending, and entered a protest against advertisements on said benches, and, also, the style of the bench, declaring that, while they recognized the need for the benches and were in favor of having them, they wanted them attractive and did not object to the name of the donor being molded into the bench.

Mr. Chas. L. Sandahl was present also, and stated that he and associates were ready to deliver the 100 benches promised the City, with no restrictions attached, but that the City would have to maintain them, and that he has an offer from another business man who wants to buy 100 benches and donate them to the City. The Mayor stated that he was agreeable to letting Mr. Sandahl put in his benches, with no advertisement but with the name of the donor molded into the bench, if so desired, now at locations where they are badly needed, particularly around the schools and at the community center on Windsor Road and Exposition Boulevard, where a great many people wait for the bus.

Further action on the matter was deferred, pending the preparation of an ordinance on the subject.

A group of property owners, composed of Jack S. Gray, Mrs. L. T. Bellmont, and others, came before the Council to protest the change in zoning of the property at 2511 and 2509 Pearl Street, owned by H. W. Muggley and Mr. and Mrs. George Newgent, respectively, on account of the traffic hazard that would be created in the alley to the rear of the property, which is used by the children of the neighborhood patronizing the city park; and, further, on account of

the nuisance that would be created by the number of garbage cans in the alley. A petition, signed by twenty-four resident home owners in the area, protesting the change, was also submitted.

Following the hearing, at the request of the protestants, the City Council agreed to reconsider its action at the last regular meeting tentatively approving the change after it was stated that the differences between the proponents and opponents had been settled, and make an inspection of the property on the ground.

The application of Max Bachogen for change in zoning, from "A" Residence District to "C" Commercial District, of property located at 1011 and 1013 East 51st Street, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of H. Yerger, by E. H. Smartt, Attorney, for change in zoning, from "C" Commercial District to "C-1" Commercial District of property located at 1011, 1015, and 1017 Red River Street, was received. Councilman Glass 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, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

The application of Capitol Lodge No. 23, I.O.O.F., by Wright Stubbs, for change in zoning, from "B" Residence District to "C" Commercial District, of property located at the corner of 18th Street and Congress Avenue, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

Councilman Glass 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 FIRST HEIGHT AND AREA DISTRICT ON CERTAIN LOTS OUT OF BLOCKS 15 AND 18, SOUTH HEIGHTS, AND CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND SECOND HEIGHT

AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOTS 10 AND 11, BLOCK E, RAYMOND SUBDIVISION, ALL 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 Glass moved, seconded by Councilman Johnson, 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, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

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

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

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

Ayes : Councilmen Glass, Johnson, Long, Mayor Miller

Noes : None

Absent: Councilman Bartholomew

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

Councilman Bartholomew entered the Council Chamber.

Pursuant to published notice thereof, the public hearing on the application of N. A. Darnwell, by Herman Jones, Attorney, to amend the Zoning Ordinance in the following particulars:

To amend the USE designation of the following described property so as to change the same from "C" Commercial District to "C-1" Commercial District:

Lot 24, Block 9, Rosedown Addition, located at the southwest corner of the intersection of Hancock Drive and Burnet Road in the City of Austin, Travis County, Texas,

was duly opened.

The following appeared and spoke for the change, substantially as follows:

Herman Jones, Attorney for proponent, and N. A. Darnwell, proponent, plead for the change on the grounds that it is consistent with the development in that area; that it will not constitute a traffic hazard on account of the location; that there is a demand for the sale of beer with meals, and as there are other cafes selling beer within a block and a half of this location, it would be arbitrary to deny this privilege to applicant.

The following appeared and spoke in opposition to the change, substantially as follows:

Mr. and Mrs. B. S. Littlepage, Mrs. Virginia Peck, Mrs. T. J. Holbrook, Reverend Barrow, Pastor of Rosedale Baptist Church, and several other pastors and citizens, who declared that the majority of the people out there are opposed to the sale of any more beer in that locality; that the community is made up of churches, schools, and modest, uniform-priced homes, and the citizens are law-abiding, hard-working people, many of them with small children to rear; that the applicant is doing a good business now in his cafe and has the patronage of the community, and that they wish to keep it that way.

Following the hearing, the Attorney for the applicant asked permission to withdraw the application, and the request was granted and the application was withdrawn.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the land described as Lot 3, Block 157, Original City of Austin, Plat 6, Item 163, was erroneously assessed at \$4,210 on the tax roll for the year 1947, and such property should have been assessed at a value of \$3,540; 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 instructed, to reduce the assessed valuation of said land from \$4,210 to \$3,540 for the year 1947.

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

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

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the tax roll for the year 1947 carries an assessed valuation of \$1,710 on improvements located on Lot 2, Block 2, Outlot 16, Division C, Ridgetop Annex, Plat 214, Item 29; and

WHEREAS, such improvements were not in existence as of January 1, 1947, the date contemplated by said tax levy; therefore,

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

THAT the City Tax Assessor and Collector be instructed, and he is hereby directed, to remove from the tax roll for the year 1947 the assessment of \$1,710 valuation erroneously placed on Lot 2, Block 2, Outlot 16, Division C, Ridgetop Annex, Plat 214, Item 29.

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

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

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(a) OF ARTICLE III RELATING TO TRAFFIC SIGNAL LIGHT LOCATIONS, SECTIONS 21(b) AND 23(b) OF ARTICLE IV, RELATING RESPECTIVELY TO NO-PARKING AND PASSENGER ZONE LOCATIONS; AND SECTION 34(b) OF ARTICLE V RELATING TO ONE-WAY STREETS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; 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, Glass, Johnson, Long, Mayor Miller  
Noes : None

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, Glass, Johnson, Long, Mayor Miller  
Noes : None

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, Glass, Johnson, Long, Mayor Miller  
Noes : None

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

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there is a certain street within the City of Austin, known as Nixon Avenue, which street is shown upon the maps or plats of Tonkawa Bluff of record in Book 4, page 213, of the Deed Records of Travis County, Texas; Pleasant Grove Addition of record in Volume 238, page 497 of the Deed Records of Travis County, Texas; and Shoalcrest Oaks of record in Book 4, page 233 of the Plat Records of Travis County, Texas; and

WHEREAS, Nixon Avenue between West 39th Street and West 40th Street is a continuation of Bailey Lane; and

WHEREAS, the abutting property owners on the aforementioned street have petitioned the City Council of the City of Austin to change the name of Nixon Avenue to Bailey Lane; and

WHEREAS, the City Council of the City of Austin has considered said petition; Therefore,

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

THAT Nixon Avenue as referred to above be known and designated as BAILEY LANE.

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

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

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there is shown on the map of the City of Austin a certain street known as East 7th Street extending from Congress Avenue to the Webberville Road; and

WHEREAS, the Webberville Road is a continuation of that portion of East 7th Street described above; and

WHEREAS, there is also shown on the map of the City of Austin a certain new street or highway extending from Chicon Street to Airport Boulevard; and

WHEREAS, the aforementioned new street or highway is also a continuation of East 7th Street and is known as East 7th Street Extension; and

WHEREAS, it is desirable to correct the confusion caused by having two streets with the same name; Therefore,

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

THAT that portion of East 7th Street between Prospect Avenue and the Webberville Road be known and designated as the Webberville Road; and also that the previously described new street or highway known as East 7th Street Extension and extending from Chicon Street to the Airport Boulevard be known and designated as EAST 7TH STREET.

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

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

Councilman Johnson 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 CAMP MABRY ROAD from a point 41 feet east of I & G N RR westerly 151 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said Camp Mabry Road.

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

- (2) A gas main in ROOSEVELT AVENUE from a point 740 feet north of Houston Street northerly 218 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said Roosevelt Avenue.

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

- (3) A gas main in RIVERVIEW STREET from a point 238 feet west of Canadian Street westerly 72 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet north of and parallel to the south property line of said Riverview Street.

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

- (4) A gas main in WEST 38TH STREET from West Avenue easterly 255 feet, the centerline of which gas main shall be 25 feet south of and parallel to the north property line of said West 38th Street.

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

- (5) A gas main in WEST 45TH STREET across Burnet Road intersection, the centerline of which gas main shall be 13 feet south of and parallel to the north property line of said West 45th Street.

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

- (6) A gas main in WEST 45TH STREET from Burnet Road easterly 347 feet, the centerline of which gas main shall be 7 feet south of and parallel to the north property line of said West 45th Street.

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

- (7) A gas main in MAYBELLE AVENUE north across West 45th Street intersection, the centerline of which gas main shall be 45 feet west of and parallel to the east property line of said Maybelle Avenue.

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

- (8) A gas main in WALLER STREET from East 12th Street southerly 167 feet, the centerline of which gas main shall be 15 feet west of and parallel to the east property line of said Waller Street.

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

- (9) A gas main in WALLER STREET from Juniper Street northerly 208 feet, the centerline of which gas main shall be 25 feet west of and parallel to the east property line of said Waller Street.

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

- (10) A gas main in SAN MARCOS STREET from East 11th Street southerly 139 feet, the centerline of which gas main shall be 27 feet west of and parallel to the east property line of said San Marcos Street.

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

- (11) A gas main in GUNTER STREET from Gonzales Street northerly 370 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said Gunter 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 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, Glass, Johnson, Long, Mayor Miller

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property situated on the west side of West Riverside Drive as a private gasoline plant, which property is owned by the Red Ball Taxi Company, and is a part of the Felix Cherico tract in Swisher Addition in the City of Austin, Travis County, Texas, and hereby authorizes the said Red Ball Taxi Company to operate a private gasoline plant consisting of a 1000 gallon underground tank and 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 Red Ball Taxi Company has failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"Austin, Texas  
October 28, 1948

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of the Red Ball Taxi Company for permission to operate a private gasoline plant, consisting of a 1000 gallon underground tank and 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 west side of West Riverside Drive and is a part

of the Felix Cherico tract in Swisher Addition of the City of Austin, Travis County, Texas, and locally known as 301 West Riverside Drive.

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 Underwriters 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 Bartholomew, Glass, Johnson, Long, Mayor Miller  
Noes : None

Mr. Marvin Nowotny came before the Council and submitted a proposal that the City pay him \$5600.00 for his property at 1027 East 52nd Street, which the City needs for the Interregional Highway right-of-way, instead of \$4200.00, which the City has offered him, claiming that he has been offered \$5600.00 for the property. The matter was taken under advisement by the Council for an inspection of the property.

It was moved by Councilman Bartholomew, seconded by Councilman Johnson, that Joe Roberts be appointed as Judge of the Corporation Court to succeed Fisher A. Tyler, resigned. The motion carried by the following vote:

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

The application of FRANK BUTLER, 405 West 16th Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1948 Model, Factory No. FAA-52808, Serial No. 3FJJ20456, State License No. J/V-8517, 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 Bartholomew, Glass, Johnson, Long, Mayor Miller  
Noes : None

The application of WALTER FORD GILLIAM, 806 San Jacinto Street, for a license to operate as a taxicab a 4-door Chevrolet, 1946 Model, Motor No. DAA-58809, State License No, CK-5696, 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 Bartholomew, Glass, Johnson, Long, Mayor Miller  
Noes : None

The application of THOMAS E. BRAUCHAMP, 1712 Fortview Road, for a taxicab driver's permit, duly 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, Glass, Johnson, Long, Mayor Miller  
Noes : None

The application of ROBERT H. COMER, 401 East 12th Street, for a taxicab driver's permit, duly 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, Glass, Johnson, Long, Mayor Miller  
Noes : None

The application of WALTER FORD GILLIAM, 806 San Jacinto Street, for a taxicab driver's permit, duly 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, Glass, Johnson, Long, Mayor Miller  
Noes : None

The application of ELIAS OWENS, 504 Bowie Street, for a taxicab driver's permit, duly 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, Glass, Johnson, Long, Mayor Miller  
Noes : None

The application of PAUL SHELTON SIMPSON, Austin State Hospital, Cottage #2, for a taxicab driver's permit, duly 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, Glass, Johnson, Long, Mayor Miller  
Noes : None

The application of BLACK CAT DRIVE INN, by James E. Williams, 1200 East 11th Street, 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 Bartholomew, Glass, Johnson, Long, Mayor Miller  
Noes : None

The application of RAWDON'S BARBECUE, by Mrs. Ted Rawdon, 1814 Guadalupe Street, for an on-premise 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 Bartholomew, Glass, Johnson, Long, Mayor Miller  
Noes : None

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

(RESOLUTION)

WHEREAS, the City of Austin and Julia Vance, acting by and through her duly authorized agents, have reached agreements relative to the exchange of certain properties adjacent to Lamar Boulevard in the City of Austin, Now, Therefore

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

That upon the execution and delivery by Julia Vance, a femme sole, to the City of Austin of a general warranty deed conveying fee simple title to the following tracts of land in the City of Austin:

TRACT NO. 1:

Eleven thousand one hundred eighty-four (11,184) square feet of land, same being out of and a part of Lot 17 of Vance Park, a subdivision by the Grantor herein of a portion of Outlots Nos. 12, 13, and 14, Division E of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which 11,184 square feet of land is more particularly described by metes and bounds as follows:

BEGINNING at the point of intersection of the proposed south line of West 19th Street, with the west line of said Lot 17, and from which point of beginning an iron pipe on the southwest corner of said Lot 17 bears S. 28°51'W. 14.98 feet;

THENCE with the west line of said Lot 17, N.28°51'E. 102.64 feet to an iron pipe on the northwest corner of said Lot 17 on the present south line of West 19th Street;

THENCE with the present south line of West 19th Street, S. 70°48'E. 250.34 feet to an iron pipe on the point of curvature of a curve having an intersection angle of 113°00', a tangent distance of 21.50 feet and a radius of 14.23 feet;

THENCE following said curving line to the right an arc distance of 28.06 feet, the long chord of which arc bears S. 14°18'E. 23.73 feet to an iron pipe on the point of reverse curvature between the preceding curve and a curve having an intersection angle of 68°25', a tangent distance of 224.69 feet, and a radius of 330.52 feet, said curve being the present west line of Vance Circle;

THENCE following the curving present west line of Vance Circle to the left an arc distance of 15.96 feet,

the sub-chord of which arc bears S.  $40^{\circ}49'W$ . 15.96 feet to an iron pipe on the point of reverse curvature between the preceding curve and a curve having an intersection angle of  $119^{\circ}10'$ , a tangent distance of 35.82 feet, and a radius of 21.03 feet;

THENCE following said curving line to the left an arc distance of 43.74 feet, the long chord of which arc bears N.  $20^{\circ}09'W$ . 36.27 feet to the point of compound curvature between the preceding curve and a curve having an intersection angle of  $16^{\circ}28'$ , a tangent distance of 79.02 feet and a radius of 546.12 feet, said curve being the proposed south line of West 19th Street;

THENCE following said curving proposed south line of West 19th Street to the left an arc distance of 35.99 feet, the sub-chord of which arc bears N.  $81^{\circ}37'W$ . 35.98 feet, to a point on said curve;

THENCE continuing with the proposed south line of West 19th Street and following said curving line to the left an arc distance of 120.97 feet, the sub-chord of which arc bears N.  $89^{\circ}50'W$ . 120.72 feet to an iron pipe on the point of tangency of said curve;

THENCE continuing with the proposed south line of West 19th Street, S.  $83^{\circ}49'W$ . 113.33 feet to the point of beginning.

TRACT NO. 2:

Seven hundred twenty-one one-thousandths (0.721) of one acre of land, same being out of and a part of Outlot 13, Division E of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, and also being out of and a part of that certain lot, tract or parcel of land which was conveyed to Julia E. Vance by last will and testament of Mary P. Scott, deceased, dated February 24, 1904, of record in Volume 26, at page 123, of the Probate Minutes of Travis County, Texas, which 0.721 of one acre of land is more particularly described by metes and bounds as follows:

BEGINNING at an iron pipe on the north-west corner of Lot 17 of Vance Park, a subdivision by the Grantor herein of record in Book 4, at page 336, of the Plat Records of Travis County, Texas;

THENCE with the west line of Lot 17, S.  $28^{\circ}51'W$ . 102.64 feet to a point in the proposed south line of West 19th Street;

THENCE with the proposed south line of West 19th Street, S.  $83^{\circ}49'W$ . 313.26 feet to an iron pipe on the east line of Shoal Creek Boulevard;

THENCE with the east line of Shoal Creek Boulevard, N.  $43^{\circ}16'W$ . 100.25 feet to an iron pipe on the proposed north line of West 19th Street;

THENCE with the proposed north line of West 19th Street, N.  $83^{\circ}49'E$ . 337.26 feet to the point of curvature of a curve having an intersection angle of  $77^{\circ}43'$ , a tangent distance of 16.11 feet and a radius of 20.00 feet;

THENCE following said curving line to the left an arc distance of 27.13 feet, the long chord of which arc bears N.  $44^{\circ}58'E$ . 25.10 feet to the point of tangency of said curve;

THENCE following a line 25 feet westerly from and parallel to the southerly prolongation of the centerline of David Street N.  $6^{\circ}06'E$ . 22.66 feet to a point in the present south line of West 19th Street;

THENCE with the present south line of West 19th Street S.  $70^{\circ}48'E$ . 78.88 feet to the point of beginning.

and upon the execution and delivery by Julia Vance to the City of Austin of a deed conveying to the City of Austin an easement and right-of-way for an enclosed storm sewer, described by metes and bounds as follows:

A strip of land ten (10) feet in width, same being out of and a part of that certain tract of land consisting of Outlots Nos. 12, 13 and 14 in Division E, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which was conveyed to Julia E. Vance by last will and testament of Mary P. Scott, deceased, dated February 24, 1904, of record in Volume 26, at page 123, of the Probate Minutes of Travis County, Texas, the centerline of said strip of land ten (10) feet in width being more particularly described by metes and bounds as follows:

BEGINNING at a point in the proposed south line of West 19th Street, and from which point of beginning an iron stake on the point of curvature of a curve in said proposed south line bears S.  $84^{\circ}39'W$ . 253.91 feet;

THENCE S.  $26^{\circ}57'W$ . 79.38 feet to a point;

THENCE S.  $11^{\circ}17'W$ . 140.78 feet to a point;

THENCE S.  $50^{\circ}54'W$ . 71.57 feet to a point;

THENCE S.  $42^{\circ}04'W$ . 47.57 feet to point of termination in the east line of Lamar Boulevard, and from which point of termination an iron pipe on the point of curvature of a curve in said east line of Lamar Boulevard bears N.  $40^{\circ}13'W$ . 7.40 feet;

that the City Manager be and he is hereby authorized and directed in behalf of the City of Austin to convey to Julia Vance by general warranty deed fee simple title to the following described land in the City of Austin:

One hundred thirty-nine one-thousandths (0.139) of one acre of land, same being out of and a part of that certain tract of land out of Outlots 12 and 13, Division E of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which was conveyed to the City of Austin, Texas, by deed dated April 26, 1932, of record in Volume 480, at page 203, of the Deed Records of Travis County, Texas, which 0.139 of one acre of land is more particularly described by metes and bounds as follows:

BEGINNING at an iron pipe at the point of intersection of the proposed south line of West 19th Street with the west line of Shoal Creek Boulevard;

THENCE with the west line of Shoal Creek Boulevard, S.  $43^{\circ}16'$ E. 172.24 feet to an iron pipe on the point of curvature of a curve having an intersection angle of  $14^{\circ}18'$ , a tangent distance of 94.98 feet, and a radius of 757.18 feet;

THENCE following said curving line to the right an arc distance of 94.14 feet, the sub-chord of which arc bears S.  $39^{\circ}42'$ E. 94.08 feet to an iron pipe;

THENCE S.  $49^{\circ}35'$ W. 26.63 feet to an iron pipe on the east line of Lamar Boulevard, said east line of Lamar Boulevard being a curve whose intersection angle is  $33^{\circ}32'$ , whose tangent distance is 337.05 feet, and whose radius is 1118.72 feet;

THENCE following said curving east line of Lamar Boulevard to the left an arc distance of 17.50 feet, the sub-chord of which arc bears N.  $39^{\circ}58'$ W. 17.50 feet to the point of tangency of said curve;

THENCE N.  $40^{\circ}25'$ W. 52.84 feet to the point of curvature of a curve having an intersection angle of  $14^{\circ}46'$ , a tangent distance of 369.82 feet, and a radius of 2853.93 feet;

THENCE following said curving east line of Lamar Boulevard to the right an arc distance of 160.93 feet the sub-chord of which arc bears N.  $38^{\circ}48'$ W. 160.91 feet to an iron pipe on the point of compound curvature between the aforementioned curve and a curve having an intersection angle of  $121^{\circ}01'$ , a tangent distance of 100.78 feet, and a radius of 57.00 feet, said curve being the proposed south line of West 19th Street;

THENCE following said curving proposed south line of West 19th Street to the right an arc distance of 38.54 feet, the sub-chord of which arc bears N.  $17^{\circ}49'$ W. 37.84 feet to the point of beginning.

and, Be It Further Resolved by the City Council of the City of Austin:

That the City Attorney be and he is hereby authorized and directed to prepare an ordinance vacating and closing an abandoned portion of Shoal Creek Boulevard, which ordinance the City Council will adopt vacating and closing the following described portion of said Shoal Creek Boulevard:

Two (2) tracts of land, each being out of and a part of a certain street known as Shoal Creek Boulevard in the City of Austin, Travis County, Texas, and also being out of and a part of that certain tract of land out of Outlots 12 and 13, Division E of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, which was conveyed to the City of Austin, Texas, by deed dated April 26, 1932, of record in Volume 480, at page 203, of the Deed Records of Travis County, Texas, the tract of land herein referred to as No. 1 containing 0.514 of one acre of land and the tract of land hereinafter referred to as No. 2 containing 0.311 of one acre of land, each of said tracts of land being more particularly described by metes and bounds as follows:

TRACT NO. 1:

BEGINNING at an iron pipe set in concrete on the east line of Shoal Creek Boulevard and on the most westerly corner of Lot 15 of Vance Park, according to a map or plat of said Vance Park of record in Book 4, at page 336, of the Plat Records of Travis County, Texas;

THENCE S.  $49^{\circ}35'W$ . 79.27 feet to an iron pipe on the west line of Shoal Creek Boulevard, said west line of Shoal Creek Boulevard being a curve whose intersection angle is  $14^{\circ}18'$ , whose tangent distance is 94.98 feet, and whose radius is 757.18 feet;

THENCE following said curving line to the left an arc distance of 94.14 feet, the sub-chord of which arc bears N.  $39^{\circ}42'W$ . 94.08 feet to an iron pipe on the point of tangency of said curve;

THENCE continuing with the west line of Shoal Creek Boulevard, N.  $43^{\circ}16'W$ . 172.24 feet to an iron pipe on the proposed south line of West 19th Street, said proposed south line being a curve whose intersection angle is  $121^{\circ}01'$ , whose tangent distance is 100.78 feet, and whose radius is 57.00 feet;

THENCE following said curving line to the right an arc distance of 81.85 feet, the sub-chord of which arc bears N.  $42^{\circ}41'E$ . 75.02 feet to an iron pipe on the point of tangency of said curve;

THENCE continuing with the proposed south line of West 19th Street, N.  $83^{\circ}49'E$ . 6.56 feet to an iron pipe on the east line of Shoal Creek Boulevard.



THENCE with the east line of Shoal Creek Boulevard, S.  $43^{\circ}16'E$ . 173.56 feet to the point of curvature of a curve having an intersection angle of  $14^{\circ}18'$ , a tangent distance of 91.70 feet, and a radius of 731.01 feet;

THENCE following said curving line to the right an arc distance of 98.15 feet, the sub-chord of which arc bears S.  $39^{\circ}20'E$ . 98.08 feet to the point of beginning;

TRACT NO. 2:

BEGINNING at a concrete monument at the point of intersection of the present south line of West 19th Street with the east line of Shoal Creek Boulevard, said east line of Shoal Creek Boulevard being a curve whose intersection angle is  $13^{\circ}17'$ , whose tangent distance is 70.47 feet and whose radius is 605.34 feet;

THENCE following said curving line to the left an arc distance of 140.27 feet, the sub-chord of which arc bears S.  $36^{\circ}38'E$ . 139.96 feet to an iron pipe on the point of tangency of said curve;

THENCE continuing with the east line of Shoal Creek Boulevard, S.  $43^{\circ}16'E$ . 240.30 feet to an iron pipe on the proposed north line of West 19th Street;

THENCE with the proposed north line of West 19th Street, S.  $83^{\circ}49'W$ . 42.01 feet to the point of curvature of a curve having an intersection angle of  $63^{\circ}46'$ , a tangent distance of 45.88 feet and a radius of 73.75 feet;

THENCE following said curving line to the right an arc distance of 82.08 feet, the long chord of which arc bears N.  $64^{\circ}18'W$ . 77.93 feet to an iron pipe on the point of compound curvature between the aforementioned curve and a curve having an intersection angle of  $14^{\circ}46'$ , a tangent distance of 369.82 feet, and a radius of 2853.93 feet, said curve being the east line of Lamar Boulevard;

THENCE following the curving east line of Lamar Boulevard to the right an arc distance of 300.92 feet, the sub-chord of which arc bears N.  $29^{\circ}25'W$ . 300.78 feet to an iron pipe on the present south line of West 19th Street;

THENCE with the present south line of West 19th Street, S.  $70^{\circ}07'E$ . 12.07 feet to the point of beginning.

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

Ayes : Councilmen Bartholomew, Class, Johnson, Mayor Miller

Noes : None

Present but not voting: Councilman Long

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

Approved: Tom Miller  
MAYOR

Attest:

Helen McMiller

CITY CLERK