

Jas. McConnachie to install a gasoline filling station at 43rd and Guadalupe Streets, was read and Councilman Avery moved that same be adopted. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, and Nolen, 4; naves, none, Councilman Searight absent.

The Council then adjourned.

Joe Hornsby
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 27, 1925.

The Council was called to order by Mayor Pro Tem Haynes. No quorum being present, the Council recessed until ten o'clock A. M., August 28th.

SPECIAL MEETING OF THE CITY COUNCIL:

Austin, Texas, August 28th, 1925.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor Yett, Councilmen Avery, Haynes, and Nolen, 4 absent, Councilman Searight.

The Minutes of the last meeting were read and Councilman Haynes moved that same be adopted. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, and Nolen, 4; naves, none, Councilman Searight absent.

The application of S. P. Sibley to erect a sign at 107 West 7th Street was read and Councilman Haynes moved that same be referred to the Safety Committee. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, and Nolen, 4; naves, none, Councilman Searight absent.

The application of N. S. Fletcher to erect a gasoline filling station at the corner of 1151 San Bernard Street was read and Councilman Haynes moved that same be referred to the Safety Committee. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, and Nolen, 4; naves, none, Councilman Searight absent.

The application of the Trades Council, by N. A. Ladd, President, for permission to use East Avenue from East 4th to East 6th Streets, for the purpose of giving a carnival for one week, beginning September 14th, 1925, was read and Councilman Haynes moved that same be granted. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, and Nolen, 4; naves, none, Councilman Searight absent.

Copy of letter of J. Bouldin Rector, City Attorney, to Dr. W. M. N. Splawn, President University of Texas, in the matter of vacating 24th Street between Whitis Avenue and Speedway, was read and ordered filed.

Mayor Yett introduced the following resolution:

WHEREAS, in Cause No. 41759 entitled City of Austin vs. Mrs. Virginia O. Carter, et al, plaintiff has sued Mrs. Virginia O. Carter, joined by her husband, O. E. Carter, R. E. Cloud, L. W. Cloud, Guy M. Cloud, Myrtle Cloud Wroe, joined by her husband B. F. Wroe and Marie C. Mahaffey, joined by her husband H. D. Mahaffey, for city taxes upon Lots Nos. 5 and 6, in Block No. 9, City of Austin, Texas, for the years 1902 to 1922, both inclusive, which taxes together with interest, penalties and costs of suit, amount to the total sum of \$4247.99; and

WHEREAS, it appears there is also a large delinquency extending through a period of twenty years or more of state and county taxes due on said property; and

WHEREAS, it further appears that said property was inherited by said defendants through their father, John W. Cloud, deceased, and their mother Mrs. Virginia O. Cloud, deceased, but that no administration was ever had on the estates of either deceased parties, and that said taxes are debts against the community estate of said parties, and such debts with other debts would make it necessary that administration be taken out on the estates of each of said deceased parties, and that such action would mean a delay of at least twelve months or more in which said taxes could be paid or said tax suit tried; and

WHEREAS, it further appears that the improvements on said property are very old and in a very bad state of repair, and it is doubtful that said property would bring at forced sale the said amount of city taxes together with the state and county taxes now due, and also together with costs of administration of said estates; and

WHEREAS, it is probable that in some of the years included in said suit said property has been assessed beyond the actual value of same, it being considered that the property values in the section of the city where said lots are located have decreased instead of advanced during said years; and

WHEREAS, said defendants have made a proposition to settle said suit for the sum of \$3500.00, together with all costs incurred in said suit and other city tax suits on said property that may be pending against said property; and

WHEREAS, the City Council deems it expedient and proper that settlement be made of said tax suit, as proposed by said defendants; now therefore

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

That the City Attorney and J. W. Maxwell, Special Tax Attorney, be and they are hereby authorized and instructed to enter into an agreement with the defendants in said suit to settle said suit according to the proposition of said defendants hereinabove set out, and that such settlement be evidenced by an agreed judgment to be entered in said cause, which judgment shall recite that unless defendants fully comply with the terms of said judgment within thirty days after entry thereof, execution shall issue against said property to satisfy said judgment.

The above resolution was adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, and Nolen, 4; nays, none, Councilman Searight absent.

Councilman Avery introduced the following resolution:

WHEREAS, W. T. Caswell has heretofore purchased and laid in the streets and alleys of Ridgetop and Ridgetop Annex, additions to the City of Austin, and in the vicinity of said additions, certain water pipe lines, at an approximate cost of \$4500.00, and has also purchased and constructed in said additions and vicinity, electric light lines at an approximate cost of \$2000, which said water and light lines were constructed by said Caswell for the purpose of furnishing the residents of said additions and vicinity with water and light from the plant of the City of Austin and such lines are now furnishing such services, and are owned by W. T. Caswell; and

WHEREAS, said W. T. Caswell has offered to sell all of his right, title and interest in and to said water and light lines to the City of Austin for the sum of \$1500.00, and it is desirable that the City should own and control such lines; now, therefore,

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

That the sum of \$1500 is hereby appropriated out of the Earnings Fund of the Water, Light and Power Department of the City of Austin under Item _____ as contained in the Budget of said Department for the year 1925, for the purpose of paying said W. T. Caswell for said water and light lines, and the City Clerk and the Mayor are instructed, respectively, to issue and execute the warrant of the City of Austin, for said amount, payable out of said Fund and under said Item, to the order of said W. T. Caswell, and that same be delivered to said W. T. Caswell upon the delivery by him to the City Clerk of a Bill of Sale to the City of Austin of all such water and light lines.

The above resolution was adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, and Nolen, 4; naves, none, Councilman Searight absent.

The communication of J. Bouldin Rector, City Attorney, in regard to the City's title to certain part of the street at the corner of 19th and Speedway was read and Councilman Haynes moved that same be referred to O. E. Leonard, City Engineer, for action and report back to the Council. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, and Nolen, 4; naves, none, Councilman Searight absent.

Councilman Nolen introduced the following resolution:

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

That there is hereby created the office of Fire Marshal, the incumbent of which shall perform such duties as are and may be required by the state laws and city ordinances, for the prevention of fires, inspection of property and reports thereof, and such other duties as may be so provided from time to time, and who shall serve full time, and who shall have no other duties than that of Fire Marshal.

The above resolution was adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, and Nolen, 4; naves, none, Councilman Searight absent.

The following resolution was read:

WHEREAS, it has been shown to the City Council that on September 4th, 1924, Grace Brown was the owner of Lot No. 3, in Block 47, City of Austin, and that some fifteen years prior to said date said Grace Brown became the owner of said lot as the sole heir and devisee of her mother Mrs. Elizabeth Brown or Mrs. R. D. Brown, and that on said date said Grace Brown sold said lot, and that

there has accrued against said lot the sum of \$607.47 as city taxes, interest and penalties for the years 1889 to 1923, both inclusive, and in addition thereto, the sum of \$16.87 as city taxes, interest and penalties for the year 1924; and

WHEREAS, it has been shown to the satisfaction of the City Council by the records of the city and the affidavits of credible parties, that said lot, which is situated on Little Shoal Creek, has been damaged by having the retaining wall thereof partially destroyed and a portion of the lot washed away, and also the house situated thereon and the contents of said house have been damaged, both on account of the drainage of the storm and surface waters from the water-shed above said lot having been converged into said Little Shoal Creek by a series of mains and laterals constructed by the city, and that the action of the water in said creek at times of flood, concurring with the action of the certain culvert constructed by the city across said creek and below said lot, has caused said creek to fail to accommodate or carry off the flood waters, and has caused the action on said lot and house as aforesaid, and that the condition of said lot and house had become such before its sale by said Grace Brown as to render same unfit and uninhabitable, and had decreased its market value; and

WHEREAS, said Grace Brown has presented her claim against the City of Austin for damages on said account in the sum of \$2500.00;

WHEREAS, it is deemed by the City Council that said lot and house have been damaged in at least the sum of \$607.47; therefore,

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

That a warrant for the sum of \$607.47, payable out of _____ Fund, to the order of Grace Brown, be issued and delivered to said Grace Brown upon the following conditions:

1. That said Grace Brown shall endorse and deliver said warrant to the City Assessor and Collector of Taxes, in payment of taxes, interest and penalties due on said lot for the years 1899 to 1923, both inclusive, and in addition thereto, that she shall pay all city taxes, interest and penalties due on said lot for the year 1924; and
2. That said Grace Brown execute and deliver to the City of Austin a release from all further claims for damages on account of the injuries to said lot above described, and on account of any action of the city in constructing and maintaining said storm sewer and laterals and said culvert.

The above resolution was adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, and Nolen, 4; nays, none, Councilman Searight absent. Councilman Haynes moved that the City Attorney be authorized to make settlement in compliance with said resolution. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, and Nolen, 4; nays, none, Councilman Searight absent.

The monthly reports of J. H. Littlepage, City Marshal, and D. D. Smyth, Bookkeeper for City Hospital, were read and ordered filed.

AFTERNOON SESSION:

The Mayor introduced the following resolution:

RESOLUTION ESTABLISHING THE HOUSE NUMBERS ON THE WEST SIDE OF
GUADALUPE STREET BETWEEN 23RD AND 24TH STREETS.

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

That the following numbers for buildings or parts of buildings on the west side of Guadalupe Street, from 23rd to 24th Streets, be and the same are hereby established as the correct numbers:

<u>Description of Property:</u>	<u>Numbers</u>	<u>Owner or Occupant</u>
Lot 31	2300 - 2308 (providing for upstairs numbers)	P.W.McFadden & Co
Part of Lot 32	2310	Broyles & Rose
" " Lot 32	2312	Longhorn Barber Shop
Part of Lot 32	2314	B & E Sandwich Shop
Part of Lot 32	2316	Helpy Selfy
Part of Lot 33	2320	Reed & Parish
Part of Lot 33	2324	University Bank
Part of Lot 33 (Upstairs)	2326	Reed & Parish
Part of Lot 33	2328	D.A.McCaskell
Part of Lot 33	2330	Mrs. Verna Woods
Part of Lot 34	2332	Campus Shop
Part of Lot 34	2334	A. H. Merchant
Part of Lot 34	2336	Elite Cafe
Part of Lot 34	2338	Piggly Wiggly
Part of Lot 35	2346	Mrs. Alice Smith
Part of Lot 36	2352	Mrs. Bridget McCabe
Part of Lot 36	2358	University Cash Store

BE IT FURTHER RESOLVED:

That the City Engineer be and he is hereby instructed to send the above numbers to parties whose names are in said above tabulation.

The above resolution was adopted by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, and Hulen, 4; naves, none, Councilman Seawright absent.

The Council then adjourned.

Jack Hornsby
City Clerk