

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 10, 1926.

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

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 Haynes, Nolen, and Searight, 4; naves, none, Councilman Avery absent.

The following resolution was read:

WHEREAS, Richard R. Yett, as the Attorney for and representing James Sullivan, Albert Jabour, W. W. Wilson, Roy M. Wilson, C. J. Joyce, J. L. Condit, Robert J. Jones, R. H. Hicks, John A. Rosengren, E. E. Foster, Joe Oyervides, John Kreuz, S. J. Lock, Mrs. Eula McRae, Sidney Scott, Coy Middleton, G. R. Middleton, Charles Groce, G. G. Morgan, A. H. Pool, P. R. Hoehnel, W. W. Boring, Joe Gonzales, E. C. Overstreet, D. R. Whittle, R. C. Stovall, W. B. Hammett, T. J. Cole, W. A. Barber, Johnnie Barber, George Quinton, James E. Ryons, G. R. Martin, K. C. Haynie, S. W. Cox, R. C. Hall and John R. McCall, all service car drivers or former service car drivers, has presented the respective claims of the above mentioned parties for the refund of all sums of money paid by the above mentioned parties for license for operating an automobile for carrying passengers for hire in the City of Austin, Texas, under a void ordinance, a schedule of said claim and the respective amounts thereof and the time of respective payments with the certificate of the City Assessor and Tax Collector thereon being hereto attached and made a part hereof, showing the aggregate amount due the respective above named parties the sum of Twenty-eight Hundred Fifty-one and Forty-four-One Hundredths Dollars , together with the additional sum of _____ Dollars legal interest thereon; and

WHEREAS, by resolution adopted by the City Council on June 3rd, 1926, City of Austin acknowledged the justice of the said claims and authorized the Mayor of the City of Austin to settle the said claims by giving the note or obligation of the City of Austin to said Richard R. Yett, Attorney for the above named parties, payable on December 31st, 1926, and instructed the Assistant City Attorney to draw proper resolution for the City Council acknowledging the justice of said claim, and authorizing the Mayor of the City of Austin to settle the same by note or obligation of the City, as above set forth.

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

That the claims for refund of the license tax collected by the City of Austin from the said James Sullivan, Albert Jabour, W. W. Wilson, Roy M. Wilson, C. J. Joyce, J. L. Condit, Robert J. Jones, R. H. Hicks, John A. Rosengren, E. E. Foster, Joe Oyervides, John Krauz, S. J. Lock, Mrs. Eula McRae, Sidney Scott, Coy Middleton, G. R. Middleton, Charles Groce, G. G. Morgan, A. H. Pool, P. R. Hoehnel, W. W. Boring, Joe Gonzales, E. C. Overstreet, D. R. Whittle, R. C. Stovall, W. B. Hammett, T. J. Cole, W. A. Barber, Johnnie Barber, George Quinton, James E. Ryons, G. R. Martin,

K. G. Haynie, S. W. Cox, R. C. Hall, and John R. McCall for operating an automobile carrying passengers for hire in the City of Austin under void ordinance passed in 1917 in the aggregate of the sum of Twenty-eight Hundred Fifty-One and 44/100 Dollars, be and the same is hereby allowed and deemed a just and binding obligation on the City of Austin.

BE IT FURTHER RESOLVED that W. D. Yett, Mayor of the City of Austin, be and he is hereby authorized to make settlement of the above mentioned claims in the aggregate by executing and delivering to Richard R. Yett, Attorney, the promissory note of the City of Austin, payable December 31st, 1926, with interest thereon from date of said note until paid at the rate of six per cent per annum, and said note carrying the usual ten percent attorney's fee clause, upon the delivery by the said Richard R. Yett to the said Mayor of a certified statement from the City Tax Assessor and Collector showing the amounts paid by the above mentioned parties and the dates of their respective payments, and also upon the delivery by the said Richard R. Yett, Attorney, of the written acceptance signed by him as attorney for the above mentioned parties of the said promissory note, as settlement in full for their respective claims.

Councilman Haynes moved that the above resolution be adopted and that the Assistant City Attorney be authorized to approve same. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen, and Searight, 4; nays, none, Councilman Avery absent.

The Mayor laid before the Council the following resolution:

WHEREAS, D. H. Voss subdivided a part of Outlots Nos. 54, 55, and 71, in Division "O", of the Outlots of the City of Austin, Travis County, Texas, and known as the VOSS SUBDIVISION, as shown by Plat of said Subdivision dated December 8th, 1906, and filed for record in the office of the County Clerk of Travis County on same date, and recorded in Plat Book 2, page 167, of the Plat Records of Travis County, Texas, on which plat certain streets and alleys designated thereon were dedicated to the City of Austin for the use of the Public, to which said map or plat and the record thereof reference is here made; and

WHEREAS, thereafter R. C. Lambie became the owner of all of the property included in Blocks B, C, D, E, and F, of said VOSS SUBDIVISION above mentioned, and did, on February 27th, 1923, by Plat of that date recorded in Plat Book No. 3, page 85, of the Plat Records of Travis County, Texas, to which reference is here made, re-subdivide said VOSS SUBDIVISION, and especially said Blocks B, C, D, and F, of said original VOSS SUBDIVISION as shown by said plat filed and recorded by said R. C. Lambie, as aforesaid; and

WHEREAS, in said R. C. Lambie's Re-Subdivision of said VOSS SUBDIVISION the street shown on said plat of said Voss Subdivision and named Madina Street, same being a fifty foot street, and running north and south between Blocks B, C, E and F, of said original Voss Subdivision, was closed and included and made into Lot No. 7, in Block B, and Lots Nos. 7 and 20 in Block E of said Lambie Re-Subdivision; and

WHEREAS, the alleys appearing on the subdivision made by D. H. Voss and dedicated by said original plat above mentioned, were made 20 feet in width, and in making the re-subdivision, the said R. C. Lambie reduced said alleys to 15 feet in width, as shown by reference to the respective plats above mentioned; and

WHEREAS, the City of Austin on its new map and by taxation has recognized the said re-subdivision of Voss Subdivision as made by R. C. Lambie, and has taxed said Lots 7, in Block B, and Lots 7 and 20, in Block E, of said R. C. Lambie's Re-Subdivision of Voss Subdivision which constituted and are a part of said Madina Street showing on the plat of said original Voss Subdivision and designated thereon; and

WHEREAS, the City of Austin has never opened or recognized said Madina Street nor in any manner used or claimed the same, and said Madina Street has not been used or recognized by the public, and said street is not necessary nor useful to the public; and

WHEREAS, the dedication of said street on the plat of said original Voss Subdivision, and the dedication of said alleys to be 20 feet wide on said plat, has cast a cloud upon the title to said lots appearing and designated on the re-subdivision made R. C. Lambie as aforesaid.

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

That the City of Austin vacate and abandon said Madina Street and that portion of the alleys shown on the original Voss Subdivision which conflict with the streets and alleys designated and shown on the plat of the Re-Subdivision of said Voss Subdivision of said Outlots as made by R. C. Lambie, as hereinbefore

set forth, and that the same be perpetually vacated and abandoned, and that the Mayor be and he is hereby authorized to make, execute and deliver to said R. C. Lambie proper quitclaim deed to said property comprising said Madina Street and that portion of said alleys which are and appear to be in conflict with said R. C. Lambie's Re-Subdivision of said Voss Subdivision.

BE IT FURTHER RESOLVED that the City of Austin recognize and claim only the Streets and alleys that are designated, dedicated and shown on the said plat of R. C. Lambie's Re-Subdivision of said Voss Subdivision as appears on said plat recorded in Plat Book No. 3, page 85, of the Plat Records of Travis County, Texas.

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

Councilman Haynes introduced the following resolution:

WHEREAS, under Ordinances enacted by the City Council of the City of Austin on March 28, 1918, recorded in Book "F", at Pages 741, et. seq. of the Ordinances of the said City, Patton Auto Livery & Transfer Company paid to the City of Austin, the following sums on the following dates, to-wit:

August 6, 1918	-----	\$ 12.50
August 19, 1918	-----	12.50
October 14, 1918	-----	12.50
January 30, 1919	-----	100.00
December 24, 1919	-----	18.75
January 2, 1920	-----	350.00
May 15, 1920	-----	25.00
October 13, 1920	-----	37.50
January 7, 1921	-----	487.50
February 10, 1922	-----	400.00
January 15, 1923	-----	412.50
March 21, 1924	-----	375.00
April 28, 1925	-----	362.50

and

WHEREAS, the City Council of Austin had no legal right to demand, receive or retain said sums so paid, and desires to repay same, together with legal interest on the several sums so paid from the 1st of January of the year succeeding each payment;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN in regular session:

That the Mayor of the City of Austin be and he is hereby authorized to execute and deliver to said Patton Auto Livery & Transfer Company the note of the City of Austin for the gross sum of Twenty-six Hundred and Six and 25/100 (\$2606.25) Dollars, of which said gross sum Thirty-seven and 50/100 (\$37.50) Dollars thereof shall bear interest from January 1, 1919, at the rate of six per cent per annum, and One Hundred and Eighteen and 75/100 (\$118.75) Dollars thereof shall bear interest from January 1, 1920, at the rate of six per cent per annum, and Four Hundred and Twelve and 50/100 (\$412.50) Dollars thereof shall bear interest from January 1, 1921, at the rate of six per cent per annum, and Four Hundred and Eighty-seven and 50/100 (\$487.50) Dollars thereof shall bear interest from January 1, 1922, at the rate of six per cent per annum, and Four Hundred (\$400.00) Dollars thereof shall bear interest from January 1, 1923, at the rate of six per cent per annum, and Four Hundred and Twelve and 50/100 (\$412.50) Dollars thereof shall bear interest from January 1, 1924, at the rate of six per cent per annum, and Three Hundred and Seventy-five (\$375.00) Dollars thereof shall bear interest from January 1, 1925, at the rate of six per cent per annum, and Three

Hundred and Sixty-two and 50/100 (\$362.50) Dollars thereof shall bear interest from January 1, 1926, at the rate of six per cent per annum. Said note shall be payable to the order of said Patton Auto Livery and Transfer Company at Austin, Texas, on December 31, 1926, and shall provide that if not paid when due for ten per cent attorney's fees and court costs in the event of collection by suit.

Councilman Haynes moved that the above resolution be adopted and that the Assistant City Attorney be authorized to approve same. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen, and Searight, 4; Nays, none, Councilman Avery absent.

Councilman Nolen introduced the following resolution:

WHEREAS, on May 13th, 1926, the City Council granted the petition of G. M. Harris asking for a remission of the fine assessed against him for speeding, said fine amounting to the sum of \$22.50; and

WHEREAS, said sum of \$22.50 has been paid by said G. M. Harris to the Clerk of the Corporation Court of the City of Austin, and by him deposited with the Assessor and Collector,

Therefore,

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

That the City Clerk be and he is hereby authorized and directed to draw a warrant out of the General Fund in the amount of \$22.50, payable to said G. M. Harris for the remission of said fine.

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

The application of Nick Lutz to install a gasoline pump at 611 Congress Avenue was read and referred to the Safety Committee by the following vote: Ayes, Mayor Yett, Councilmen Haynes, Nolen, and Searight, 4; nays, none, Councilman Avery absent.

The application of the Austin Coca Cola Bottling Company to install a gasoline tank at 311 Colorado Street was read and referred to the Safety Committee.

The monthly reports of J. N. Littlepage, City Marshal, and Miss Harriet Maxwell, Municipal Nurse, were read and ordered filed.

The Council then adjourned.

Joe J. Hensley
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 17, 1926.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor Yett, Councilmen Avery, Haynes, Nolen, and Searight, 5; absent, none.

Dean F. C. Bolton, Engineering Expert, appointed by the Council to confer with them on the Texas Power & Light Company proposition, appeared before the Council and read excerpts from his report and Councilman Avery moved that the Council defer action on the Texas Power & Light Company contract until Tuesday, June 22nd, 1926, at ten o'clock A. M. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen, and Searight, 5; nays, none.

Councilman Haynes moved that the Council recess until afternoon. Motion prevailed by the following vote: Ayes, Mayor Yett, Councilmen Avery, Haynes, Nolen, and Searight, 5; nays, none.