

following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

City Manager Johnson submitted to the Council a communication from Jack Garrett requesting a remission of the interest and penalties on taxes accrued against the property of his father's estate at 2806 Nueces Street. Councilman Mueller moved that this request be denied, as the granting of same would be contrary to the policy adopted by the City. Motion was seconded by Councilman Steck and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

Councilman Alford moved that the Council recess, subject to call of the Mayor. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Councilmen Alford, Gillis, Mayor McFadden, Councilmen Mueller and Steck, 5; nays, none.

The Council then recessed.

Approved: J. H. McFadden  
M a y o r .

#### REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 13, 1931.

The meeting was called to order by the Mayor Pro tem. Roll call showed the following members present: Councilman Gillis, Mayor Pro tem Mueller, and Councilman Steck, 3; absent, Councilman Alford and Mayor McFadden, 2.

Mayor Pro tem Mueller stated that the regular order of business would be suspended in order to hear the waiting committees.

This being the day set for the hearing of owners of abutting property and others interested with reference to street improvements to be constructed in the certain Units or Districts of Improvements as follows:

PAVING DISTRICT NO. P-82: Alley in Block 112 between Ninth and Tenth Streets from the east line of Brazos Street to the west line of San Jacinto Street;

PAVING DISTRICT NO. P-63: MANOR ROAD or EAST 23RD STREET from the east line of East Avenue to the City Limits.

PAVING DISTRICT No. P-64: OHICON STREET from the north line of First Street to the south line of Seventh Street.

PAVING DISTRICT No. P-85: THIRTY-EIGHTH STREET from the west line of Guadalupe Street to the east line of Duval Street.

PAVING DISTRICT No. P-86: COMAL STREET from the north line of First Street to the south line of Seventh Street.

PAVING DISTRICT No. P-87: WEST 34TH STREET from the west line of Guadalupe Street to the east line of Alamo Boulevard.

**TWELFTH STREET** from the west property line of Blanco Street to the east property line of West Lynn Street, District No. P-163.

**WEST LYNN STREET** from the north property line of Twelfth Street to the south property line of Enfield Road, District No. P-162.

**CROCKETT STREET** from the north property line of Fifth Street to the south property line Sixth Street, District No. P-159.

**FIFTH STREET** from the east property line of Bowie Street to the west property line of Crockett Street; District No. P-158;

the Mayor Pro tem thereupon stated that all persons desiring to protest the levying of assessments against abutting property on the above mentioned streets and within the limits above stated, or who desired to be heard with reference to the improvements proposed to be assessed against said property and the owners thereof, the lien and liability thereof, the special benefits to the property and the owners thereof, or any other matters or things authorized by the provisions of Article XXIV of the Charter of the City of Austin to be urged and considered at this hearing, would now be heard from, and thereupon the following persons appeared and were heard:

On West Twelfth Street, District No. P-163:

Geo. E. Shelley, representing the Shelley Estate, stated that they objected to the high price pavement to be laid on this street; that the benefits accruing to the property by reason of the paving were not at all commensurate with the cost of same, as the property on the north side of the street was still pasture land; that owing to conditions existing relative to this estate at this time the burden of paving was an absolute injustice, and that if an assessment were levied against this property, the matter would be taken to court. He then introduced Henry Wendlandt, Realtor, as a witness, who stated that he did not consider that this property would be enhanced in value anything like equal to the cost of paving, which would be something like nine or ten thousand dollars. Upon being asked by the City Attorney if he did not consider that based on a front foot rate of \$3.804, a fifty foot lot on this property would be enhanced in value to the amount of \$190.00, the estimated cost of paving, he replied that it probably would.

J. D. Copeland and R. L. Peschka, representing the West Austin Baptist Church, stated that all of the property owners, with the exception of possibly two, were anxious to have this street paved in order to relieve the bad condition existing there in rainy weather.

Richard Ravanella, by written protest, stated that the cost of paving was too high for the value received.

On West Lynn Street, District No. P-162:

Geo. E. Shelley, representing the Shelley Estate, stated that the same protest applied to this street as was made on the above street.

B. F. Williams stated that he was willing to pay for paving, provided the City would agree to have a fence which has been across his property for many years, thereby cutting off from four to five feet of same, removed. He was advised to take this matter up with the Engineering Department for adjustment.

Virginia Howard, by written protest, stated that the paving was unnecessary, that it would not enhance the value of her property, or bring in any additional revenue.

On Crockett Street, District No. P-159:

Paul H. Pfeifer stated that he thought the paving would enhance the value of his property, but asked that before same was done the City have the fill in the ditches securely settled so there would be no danger of same undermining the pavement.

On Fifth Street, District No. P-158:

V. O. Weed stated that he was financially unable to pay for the paving; that the property was their homestead, and that he did not care, at his advanced age, to have a lien placed against same.

Wallace Taylor, representing his aunt, Miss Bessie Taylor, stated that the paving would not enhance the value of their property and that they were opposed to same.

A. Bernstein stated that he was very much in favor of the paving; that the enhancement in value to the property along the street would greatly offset the cost of paving.

P. W. Powell stated that he was very much in favor of the paving, but thought that same should extend west as far as the I&GN Bridge, instead of terminating at Crockett Street.

N. A. Turner stated that he was in favor of the paving, that it would contribute to the beautification of their properties, as well as enhance the value of same.

No other interested persons or property owners appearing to be heard, Councilman Gillis moved that the hearing on Districts No. P-163, No. P-162, No. P-159, and No. P-158 be continued until the next regular meeting. Motion was seconded by Mayor Pro tem Mueller, and same prevailed by the following vote: Ayes, Councilman Gillis, Mayor Pro tem Mueller, and Councilman Steck, 3; nays, none.

The Mayor Pro tem then laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS,  
CLOSING A HEARING GIVEN TO PROPERTY OWNERS  
ON A PORTION OF ALLEY IN BLOCK 112 AND  
STREETS, IN THE CITY OF AUSTIN, AND DECLAR-  
ING AN EMERGENCY.

The above ordinance was read the first time and laid over.

The Mayor Pro tem laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS,  
LEVYING A REASSESSMENT FOR THE PAYMENT  
OF A PART OF THE COST OF IMPROVING A  
PORTION OF ALLEY IN BLOCK 112 AND STREETS,  
IN THE CITY OF AUSTIN, AND FIXING A LIEN  
AGAINST PROPERTY ABUTTING ON SAID ALLEY  
AND STREETS, AND A PERSONAL CHARGE AGAINST  
THE OWNERS THEREOF, AND PROVIDING FOR  
THE COLLECTION THEREOF, AND DECLARING AN  
EMERGENCY.

The above ordinance was read the first time and laid over.

The Mayor Pro tem laid before the Council for its second reading the following ordinance:

ORDINANCE DECLARING THE NECESSITY FOR AND  
ORDERING AND PROVIDING FOR THE IMPROVEMENT  
OF PORTIONS OF THIRTIETH STREET AND POR-  
TIONS OF SUNDRY OTHER STREETS AND HIGHWAYS  
IN THE CITY OF AUSTIN, TEXAS, LETTING CON-  
TRACT THEREFOR, APPROVING FORM OF CONTRACT  
AND BOND, AND PROVIDING FOR THE PAYMENT  
OF COST THEREOF.

The above ordinance was read the second time and laid over.

The Mayor Pro tem laid before the Council the following ordinance:

ORDINANCE PROVIDING FOR CHANGING THE CON-  
TRACT BETWEEN THE CITY OF AUSTIN, TEXAS,  
AND SOUTHWEST BITULITHIC COMPANY, DATED  
JUNE 2ND, 1931, SO FAR AS THE SAME APPLIES  
TO UNIT OR DISTRICT NO. P-172, SO AS TO  
MAKE SAID UNIT EXTEND FROM THE NORTH LINE  
OF FORTY-SECOND STREET TO A LINE CROSSING  
ALICE AVENUE AT RIGHT ANGLES FROM THE  
POINT OF INTERSECTION OF THE CITY LIMITS  
LINE WITH THE WEST LINE OF SAID ALICE  
AVENUE, DECLARING THE NECESSITY FOR IMPROV-  
ING ALICE AVENUE WITHIN SUCH CHANGED LIMITS  
AND PROVIDING INCIDENTAL MATTERS.

The above ordinance was read the first time and laid over.

The Mayor Pro tem laid before the Council the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS,  
DECLARING THE NECESSITY FOR AND ORDERING  
AND PROVIDING FOR THE IMPROVEMENT OF  
BELLEVUE PLACE, IN THE CITY OF AUSTIN,  
LETTING CONTRACT THEREFOR, APPROVING CON-  
TRACT AND BOND, AND PROVIDING FOR THE  
PAYMENT OF THE COST THEREOF, AND DECLARING  
AN EMERGENCY.

The above ordinance was read the first time and laid over.

The Minutes of the last meeting were read and Councilman Steck moved the adoption of same as read. Motion was seconded by Councilman Gillis, and same prevailed by the following vote: Ayes, Councilman Gillis, Mayor Pro tem Mueller, and Councilman Steck, 3; nays, none; Councilman Alford and Mayor McFadden absent, 2.

R. A. Bickler presented a written request signed by the property owners in Block 49, Christian & Fellman Addition, Division "C", asking that the City execute to said property owners a quitclaim deed to the alley in said block which has been vacated, the City to retain easements through said block for its public utilities. The matter was referred to the City Attorney to have proper resolution drawn complying with this request.

A petition signed by the property owners in the Country Club Heights Addition, asking that they be given sanitary sewerage, was read and the matter referred to the City Manager to work out to the best advantage possible.

The Mayor Pro tem laid before the Council the following 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 PEARL STREET beginning at a point 17 feet south of and  $6\frac{1}{2}$  feet east of the intersection of the north line of West Twenty-Eighth and One-half Street, and the center line of Pearl Street.

Thence in a northerly direction,  $6\frac{1}{2}$  feet east of and parallel to the center line of said Pearl Street to a point 243 feet south of the south line of West Twenty-ninth Street. Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(2) A gas main in WEST FIFTH STREET beginning at a point 20 feet west of and 11 feet north of the intersection of the east line of Fannin Street and the center line of said West Fifth Street.

Thence in a westerly direction, 11 feet north of and parallel to the center line of said West Fifth Street to a point approximately 179 feet west of the west line of said Fannin Street to tie into the dead end of an existing gas main. Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(3) A gas main in MABELLE AVENUE from West Forty-Third Street to West Forty-Fifth Street, the center line of which gas main shall be 15 feet west of and parallel to the east line of said Mabelle Avenue. Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(4) A gas main in WEST FORTY-THIRD STREET from Alice Avenue to Morningside Avenue, the center line of which gas main shall be 10 feet north of and parallel to the center line of said West Forty-Third 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 FORTY-FOURTH STREET from Burnet Road to Morningside Avenue, the center line of which gas main shall be 10 feet north of and parallel to the center line of said West Forty-Fourth 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 FORTY-FOURTH STREET from Alice Avenue west approximately 200 feet, the center line of which gas main shall be 10 feet north of and parallel to the center line of said West Forty-Fourth Street. Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(7) A gas main in West Forty-Second Street from Alice Avenue to Rosedale Avenue, the center line of which gas main shall be 3 feet north of and parallel to the center line of said West Forty-Second Street. Said gas main shall have a cover of not less than  $2\frac{1}{2}$  feet.

(8) A gas main in AVENUE "G" from East Forty-Fourth Street to East Forty-Fifth Street, the center line of which gas main shall be 51 feet east of and parallel to the west line of said Avenue "G". 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 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 City Engineering Department 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 wherever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of back filling 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.

The above resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Pro tem Mueller, and Councilman Steck, 3; nays, none; Councilman Alford and Mayor McFadden absent, 2.

The Mayor Pro tem laid before the Council the following:

"Austin, Texas, Aug. 12, 1931.

Mr. Adam R. Johnson,  
City Manager,  
Austin, Texas.

Dear Sir:

Whereas, on the 21st day of May, 1931, Mr. Tom D. Smith requested the City of Austin to grant him a permit to construct and operate a filling station at the southeast corner of 10th and Guadalupe Streets; and

WHEREAS, the City Council did not at that time grant a permit, but made tentative approval of the site for filling station purposes subject to the presentation and formal approval of plans which were to be prepared and presented by Tom D. Smith; and

WHEREAS, said plans were presented to the City Engineering Department on the 12th day of August, 1931, which plans accompany this communication and which have been approved by the City Engineer. Therefore, I recommend that Mr. Tom D. Smith be granted a permit by the City Council for the construction of the filling station in accordance with the accompanying plans and subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts, or equipment installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector.

(2) That all construction of the filling station improvements shall be in accord with the Building Ordinance, Zoning Ordinance, Filling Station Ordinance and in accord with the Ordinance prohibiting the disposal of commercial water or oil upon the City's streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washing shall ever pass over the city sidewalk area, and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-48, and shall be connected by a pipe connection from said sand trap to the nearest city storm sewer at the expense of the applicant. Before commencement of any construction the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any city street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That pumps shall be located as shown on the plan hereto attached marked 2-H-176.

(5) That the location of all ramps and sidewalk area crossings shall be in accord with plan 2-H-176, which plan is hereby made a part of this resolution.

(6) That all adjacent sidewalks, curbs, ramps and gutters adjacent to that property to be developed as a filling station shall be constructed of concrete as shown on plan 2-H-176.

(7) That before any gasoline is sold from said station that the owner shall apply to the Building Inspector for final inspection and occupancy permit when he considers

that he has complied with all the requirements of the City.

(Sgd) G. S. Moore,  
Building Inspector.

Orin E. Metcalfe,  
City Engineer. "

Also the following 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 southeast corner of Guadalupe and Tenth Streets as a filling station site, and hereby authorizes Mr. Tom D. Smith to construct and operate a filling station subject to same's being constructed subject to all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans, and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all of 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 proper police, traffic and fire regulations; and the right of revocation is retained if after hearing it is found by the City Council that Mr. Tom D. Smith has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The above resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Pro tem Mueller, and Councilman Steck, 3; nays, none; Councilman Alford and Mayor McFadden absent, 2.

A communication from Orin E. Metcalfe, City Engineer, relative to request of L. D. Dennis, professional house mover, for permit to move a house from Speedway between 22nd and 23rd Streets, to the 3800 block on Duval Street, was read. Councilman Gillis moved that this permit be granted. Motion was seconded by Mayor Pro tem Mueller, and same prevailed by the following vote: Ayes, Councilman Gillis, Mayor Pro tem Mueller and Councilman Steck, 3; nays, none; Councilman Alford and Mayor McFadden absent, 2.

The Mayor laid before the Council the following resolution:

WHEREAS, the records of the Tax Department show a tax suit, No. 48683, having been filed against Eugene C. Fleischer on Lot 10, Block P, Outlots 37 and 38, Division "O", Plat 19, Driving Park Addition, City of Austin, for the years 1929 and 1930, and also on a Chevrolet Sedan for the year 1930, the amount of taxes for both years being \$72.00, with \$3.60 penalty and \$3.58 interest on same; and

WHEREAS, the said Eugene C. Fleischer recently committed suicide, leaving the above mentioned property to his wife, but not having advised his wife that there were any taxes due on said property; and

WHEREAS, Mrs. Fleischer had always believed that her husband paid the taxes on said property, and had she known that the same were delinquent would have endeavored to pay same.

Now, therefore,



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

That after investigation of the facts above set forth, the Council finds that same are true, and agrees that the interest and penalty in the above suit, amounting to \$7.18, be remitted, and that the Tax Assessor and Collector of the City of Austin be instructed to change his books accordingly.

The above resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Pro tem Mueller, and Councilman Steck, 3; nays, none; Councilman Alford and Mayor McFadden absent, 2.

Reports of Southwest Bitulithic Company and H. R. F. Helland, Consulting Engineer, stating that the paving has been completed on Twenty-Ninth Street from the east line of San Gabriel Street to the east end of Shoal Creek Bridge, Unit No. P-155; West Avenue from the north line of Thirtieth Street to the south line of Thirty-Fourth Street, Unit No. P-135; West Avenue (was Pearl Street) from the north line of Twenty-ninth Street to south line of Thirtieth Street, Unit No. P-136; and Thirtieth Street from the east line of West Avenue (was Pearl Street) to the west line of West Avenue, Unit No. P-137, in accordance with the plans and specifications, and recommending the acceptance of same, were read and filed.

The Mayor Pro tem then laid before the Council the following resolutions:

RESOLUTION ACCEPTING STREET IMPROVEMENTS CON-  
STRUCTED BY SOUTHWEST BITULITHIC COMPANY ON  
A PORTION OF WEST AVENUE (PEARL STREET) IN  
THE CITY OF AUSTIN, PROVIDING FOR PAYMENT OF  
ANY BALANCE DUE BY THE CITY FOR ITS PORTION  
OF THE COSTS OF SAID IMPROVEMENTS AND FOR  
THE DELIVERY OF CERTIFICATES OF ASSESSMENTS  
AGAINST ADJUTING PROPERTY AND ITS OWNERS.

WHEREAS, on the 4th day of May, 1931, the City of Austin entered into a contract with Southwest Bitulithic Company whereby said company agreed to construct street improvements upon various portions of streets in the City of Austin, Texas, among which portions of streets was the following, to-wit:

WEST AVENUE (which formerly was Pearl Street) from the north line of Twenty-Ninth Street to the south line of Thirtieth Street, known and designated as Unit or District No. P-136; and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvements above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been found satisfactory and in accordance with the contract by the City Council of said City;

Therefore,

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

I.

That the street improvements constructed by Southwest Bitulithic Company upon said portion of West Avenue (formerly Pearl Street) hereinbefore described, be and the same are hereby in all things approved and accepted by the City of Austin.

II.

That any balance of the portion of cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said Contractor, and that the Mayor and City Clerk of said City of Austin be and they are hereby directed to execute and deliver to said Southwest Bitulithic Company assignable certificates of assessment against the various parcels of property abutting upon said portion of street and the owners of said

property as heretobefore provided by the ordinance levying assessments against said property and the owners thereof.

### III.

That this resolution take effect at once.

The above resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Pro tem Mueller, and Councilman Steck, 3; nays, none; Councilman Alford and Mayor McFadden absent, 2.

RESOLUTION ACCEPTING STREET IMPROVEMENTS  
CONSTRUCTED BY SOUTHWEST BITULITHIC COMPANY  
ON A PORTION OF TWENTY-NINTH STREET IN THE  
CITY OF AUSTIN PROVIDING FOR PAYMENT OF  
ANY BALANCE DUE BY THE CITY FOR ITS PORTION  
OF THE COSTS OF SAID IMPROVEMENTS AND FOR  
THE DELIVERY OF CERTIFICATES OF ASSESSMENTS  
AGAINST ABUTTING PROPERTY AND ITS OWNERS.

WHEREAS, on the 31st day of March, 1931, the City of Austin entered into a contract with Southwest Bitulithic Company whereby said company agreed to construct street improvements upon various portions of streets in the City of Austin, Texas, among which portions of streets was the following, to-wit:

TWENTY-NINTH STREET from the east line of San Gabriel Street to the east end of Shoal Creek Bridge, known and designated as Unit or District No. P-155;

and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvements above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been found satisfactory and in accordance with the contract by the City Council of said City;

Therefore,

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

### I.

That the street improvements constructed by Southwest Bitulithic Company upon said portion of Twenty-Ninth Street hereinbefore described be and the same are hereby in all things approved and accepted by the City of Austin.

### II.

That any balance of the portion of cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said Contractor, and that the Mayor and City Clerk of said City of Austin be and they are hereby directed to execute and deliver to said Southwest Bitulithic Company assignable certificates of assessment against the various parcels of property abutting upon said portion of street and the owners of said property as heretobefore provided by the ordinance levying assessments against said property and the owners thereof.

### III.

That this resolution take effect at once.

The above resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Pro tem Mueller, and Councilman Steck, 3; nays, none; Councilman Alford and Mayor McFadden absent, 2.

RESOLUTION ACCEPTING STREET IMPROVEMENTS  
CONSTRUCTED BY SOUTHWEST BITULITHIC COMPANY  
ON A PORTION OF WEST AVENUE, IN THE CITY OF  
AUSTIN, PROVIDING FOR PAYMENT OF ANY BALANCE  
DUE BY THE CITY FOR ITS PORTION OF THE COSTS  
OF SAID IMPROVEMENTS AND FOR THE DELIVERY OF  
CERTIFICATES OF ASSESSMENTS AGAINST ABUTTING  
PROPERTY AND ITS OWNERS.

WHEREAS, on the 4th day of May, 1931, the City of Austin entered into a contract



with Southwest Bitulithic Company whereby said company agreed to construct street improvements upon various portions of streets in the City of Austin, Texas, among which portions of streets was the following, to-wit:

WEST AVENUE from the north line of Thirtieth Street to the south line of Thirty-Fourth Street, known and designated as Unit or District No. P-135;

and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvements above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been found satisfactory and in accordance with the contract by the City Council of said City;

Therefore,

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

I.

That the street improvements constructed by Southwest Bitulithic Company upon said portion of West Avenue hereinbefore described be and the same are hereby in all things approved and accepted by the City of Austin.

II.

That any balance of the portion of cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said Contractor, and that the Mayor and City Clerk of said City of Austin be and they are hereby directed to execute and deliver to said Southwest Bitulithic Company assignable certificates of assessment against the various parcels of property abutting upon said portion of street and the owners of said property as heretobefore provided by the ordinance levying assessments against said property and the owners thereof.

III.

That this resolution take effect at once.

The above resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Pro tem Mueller and Councilman Steck, 3; nays, none; Councilman Alford and Mayor McFadden absent, 2.

RESOLUTION ACCEPTING STREET IMPROVEMENTS CON-  
STRUCTED BY SOUTHWEST BITULITHIC COMPANY ON  
A PORTION OF THIRTIETH STREET IN THE CITY OF  
AUSTIN, PROVIDING FOR PAYMENT OF ANY BALANCE  
DUE BY THE CITY FOR ITS PORTION OF THE COSTS  
OF SAID IMPROVEMENTS AND FOR THE DELIVERY OF  
CERTIFICATES OF ASSESSMENTS AGAINST ABUTTING  
PROPERTY AND ITS OWNERS.

WHEREAS, on the 4th day of May, 1931, the City of Austin entered into a contract with Southwest Bitulithic Company whereby said company agreed to construct street improvements upon various portions of streets in the City of Austin, Texas, among which portions of streets was the following, to-wit:

THIRTIETH STREET from the east line of West Avenue (which formerly was Pearl Street) to the west line of West Avenue, known and designated as Unit or District No. P-137; and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvements above described in accordance with its contract and the plans and specifications made a part thereof and said improvements have been found satisfactory and approved by the Consulting Engineer of the City, and have been found satisfactory and in accordance with the contract by the City Council of said City;

Therefore,

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

I.

That the street improvements constructed by Southwest Bitulithic Company upon said portion of Thirtieth Street hereinbefore described be and the same are hereby in all things approved and accepted by the City of Austin.

II.

That any balance of the portion of cost of said improvements agreed to be paid by the City of Austin be forthwith paid to said Contractor, and that the Mayor and City Clerk of said City of Austin be and they are hereby directed to execute and deliver to said Southwest Bitulithic Company assignable certificates of assessment against the various parcels of property abutting upon said portion of street and the owners of said property as heretofore provided by the ordinance levying assessments against said property and the owners thereof.

III.

That this resolution take effect at once.

The above resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Pro tem Mueller, and Councilman Steck, 3; nays, none; Councilman Alford and Mayor McFadden absent, 2.

The Roll or Statement of H. R. F. Helland, Consulting Engineer, showing the estimated cost of improvements to be constructed on Fifth Street from the west property line of West Avenue to the east property line of Bowie Street, known and designated as Unit or District No. P-157; Twelfth Street from the east property line of Brazos Street to the west property line of East Avenue, known and designated as Unit or District No. P-160; and West Lynn Street from the north property line of Sixth Street to the north property line of Twelfth Street, known and designated as Unit or District No. P-161, was read and ordered filed.

The Mayor Pro tem laid before the Council the following resolution:

RESOLUTION APPROVING AND ADOPTING ESTIMATE OF THE COST OF IMPROVEMENTS AND OF AMOUNTS TO BE ASSESSED FOR IMPROVEMENTS ON A PORTION OF FIFTH STREET AND PORTIONS OF SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, FIXING TIME AND PLACE FOR HEARING TO THE OWNERS OF ABUTTING PROPERTY AND DIRECTING THE CITY MANAGER TO GIVE NOTICE.

WHEREAS, the City Council of the City of Austin has heretofore ordered that the hereinbelow mentioned portions of streets and highways be improved by raising, grading, filling, and installing concrete curbs and gutters, and by paving with two inch Warrenite Bitulithic Wearing Surface on a five inch concrete base, with necessary appurtenances, and contract therefor has been made and entered into with Southwest Bitulithic Company; and

WHEREAS, the City Council has caused the City Consulting Engineer to prepare and file estimates of the cost of such improvements, and estimate of the amounts per front foot proposed to be assessed against abutting property and the owners thereof, and such estimates have been examined.

Therefore,

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

I.

That it is hereby found and determined that the cost of improvements on each such portion of highway, with the amount or amounts per front foot proposed to be assessed

for such improvements against the abutting property and owners thereof, on each such portion of street or highway are as follows, to-wit:

FIFTH STREET from the west property line of West Avenue to the east property line of Bowie Street, known and designated as Unit or District No. P-157; Estimated cost of improvements is \$6366.61. Estimated amount per front foot to be assessed for curb and gutter is \$ .656. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$3.775. Total estimated amount per front foot to be assessed against abutting property and its owners is \$4.425.

TWELFTH STREET from the east property line of Brazos Street to the west property line of East Avenue, known and designated as Unit or District No. P-160. Estimated cost of improvements is \$26,694.96. Estimated amount per front foot to be assessed for curb and gutter is \$ .656. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$4.756. Total estimated amount per front foot to be assessed against abutting property and its owners is \$5.406.

WEST LYNN STREET from the north property line of Sixth Street to the north property line of Twelfth Street, known and designated as Unit or District No. P-161. Estimated cost of improvements is \$17,658.46. Estimated amount per front foot to be assessed for curb and gutter is \$ .656. Estimated amount per front foot to be assessed against abutting property and its owners for improvements exclusive of curb and gutter is \$2.716. Total estimated amount per front foot to be assessed against abutting property and its owners is \$3.368.

### III.

That a hearing be given and held by and before the City Council of the City of Austin, Texas, to all owning or claiming any property abutting upon any of said portions of streets and highways, as well as all owning or claiming any interest in any such property. Such hearing shall be given and held on the 27th day of August, 1931, at 10:00 o'clock A. M. in the regular Council meeting room in the City Hall in the City of Austin, Texas, and the City Manager is hereby directed to give notice of the time and place of such hearing, and of other matters and facts, in accordance with the terms and provisions of Article XXIV of the Charter of the City of Austin, which Article was added by amendment adopted at an election held November 24th, 1928. Such notice shall be by advertisement inserted at least three times in a newspaper published in the City of Austin, Texas, the first publication to be made at least ten days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Article XXIV.

The above resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Pro tem Mueller and Councilman Steck, 3; nays, none; Councilman Alford and Mayor McFadden absent, 2.

George D. Fitzsimmons appeared before the Council and submitted a written complaint against the Plumbing Department. Councilman Steck moved that the matter be referred to the City Manager, City Attorney and Plumbing Department for adjustment. Motion was seconded by Mayor Pro tem Mueller and same prevailed by the following vote: Ayes, Councilman Gillis, Mayor Pro tem Mueller and Councilman Steck, 3; nays, none; Councilman Alford and Mayor McFadden absent, 2.

The Mayor Pro tem laid before the Council the following resolution:

WHEREAS, there exists in front of the premises of H. M. Daywood, #700 East Sixth Street, being Lot 9, Block 63, Original City, a wooden awning which is attached to the building on said premises and projects over the sidewalk and is supported by iron posts located near the curb; and

WHEREAS, one of the posts that support said wooden awning has been knocked down, which has made said wooden awning insecure and unsafe in its present condition, and such condition can only be remedied by the erection of a new support; and

WHEREAS, the City Ordinances prohibit the repair of any existing wooden awning at the point where said premises is situated and provide that in cases where such wooden awnings become unsafe or insecure that same shall be condemned; therefore,

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

That after investigation of the facts, said wooden awning is hereby declared to be in an unsafe condition and therefore condemned and ordered to be removed by the owner, said H. M. Daywood, within ten days from this date; and

BE IT FURTHER RESOLVED:

That the City Manager be directed to serve said H. M. Daywood with a certified copy of this resolution, with the demand to remove said wooden awning within the period of time herein stated.

The above resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Pro tem Mueller and Councilman Steck, 3; nays, none; Councilman Alford and Mayor McFadden absent, 2.

Councilman Steck moved that the Council recess, subject to call of the Mayor. Motion was seconded by Councilman Gillis, and same prevailed by the following vote: Ayes, Councilman Gillis, Mayor Pro tem Mueller and Councilman Steck, 3; nays, none; Councilman Alford and Mayor McFadden absent, 2.

The Council then recessed.

Approved: Leo O. Mueller  
Mayor Pro tem.

#### SPECIAL MEETING OF THE CITY COUNCIL:

Austin, Texas, August 26, 1931.

The Council was called to order at 4:00 P. M., by the Mayor, pursuant to the following written notice:

"Austin, Texas, August 26, 1931.

To Chas. F. Alford,  
Simon Gillis,  
Leo O. Mueller, and  
E. L. Steck,  
Members of the City Council,  
City of Austin, Texas.

A special meeting of the City Council is hereby called for four o'clock, August 26, 1931, to consider and act upon the following matters:

Ordinance, closing a hearing given to property owners on reassessments on alley in Block 112 and streets, on its second and emergency reading.

Ordinance, determining the necessity for levying a reassessment against the property and the owners thereof on a portion of alley in Block 112 and streets, on its second and emergency reading.