

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 15, 1948

10:50 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Pro tem Thornberry presiding.

## Roll call

Present : Councilmen Glass, Johnson, Mayor Pro tem Thornberry - 3

Absent : Councilman Bartholomew and Mayor Miller - 2

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

The reading of the Minutes was dispensed with.

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT  
AUSTIN, TEXAS  
ZONING CHANGE RECOMMENDATION

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Applicant : George Ferris

I. Referred to the Board by the City Council on: January 8, 1948.

II. Property affected:

A 1.93 acre tract lying west of and adjacent to South Lamar Boulevard, approximately 300 feet north of Butler Road.

III. To be changed

From : "A" Residence District and First Height and Area District

To : "C" Commercial District and First Height and Area District

IV. Considered by the Board on : January 13, 1948

## V. Parties appearing:

For : None

Against:None

## VI. Action of the Board : Change recommended

For the following reasons:

1. This property is located on the west side of South Lamar Boulevard in the area between Barton Springs Road and the Colorado River which is developed with commercial uses, except for one residence, the south part of which is zoned "C-1" Commercial, this tract being immediately north of the "C-1" zone and across South Lamar Boulevard from a "C" Commercial District.
2. The Board deemed that the change would be an extension of an existing commercial zone in an area which is definitely not logical for residential development, and that the property should be given a commercial designation in harmony with the adjacent property.

(Sgd) H. F. Kuehne  
Chairman. "

Councilman Johnson moved that a public hearing on the above application for change in zoning be called for Thursday, February 5, 1948, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

The application of J. W. Vaughn for change in zoning, from "A" Residence District to "C" Commercial District, of Lot 4, Block 7, Silverton Heights Addition, 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, Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

The application of Mrs. Lee D. Todd for change in zoning, from "A" Residence District to "C" Commercial District, of Lot 8, Plat 75, and the west 108 of Lot 7, located at the southeast corner of 35th Street and Glenview Avenue, 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, Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

Councilman Johnson offered the following resolution and moved its adoption:

## (RESOLUTION)

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

That the City Council of the City of Austin hereby approves as a filling station site the property at the northeast intersection of the Georgetown Road and Denson Drive, which property fronts 123.7 feet on the Georgetown Road and 234 feet on Denson Drive, and being further known as the unplatted portion of the J. P. Wallace Survey in the City of Austin, Travis County, Texas, and hereby authorizes the said Ricks Sales Company to construct, maintain, and operate a drive-in filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with 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 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 Ricks Sales Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

" Austin, Texas  
January 15, 1948

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of the Ricks Sales Company, acting by and through J. E. Ricks, for permission to construct, maintain, and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon property located at the northeast intersection of the Georgetown Road and Denson Drive, which property fronts 123.7 feet on the Georgetown Road and 234 feet on Denson Drive, and is known as the unplatted portion of the J. P. Wallace Survey in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by the Ricks Sales Company, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the Zoning Maps of the City of Austin.

There are no storm water drainage facilities in place adjacent to this property. The storm water and surface drainage from this filling station will have to be conveyed to a seep well to be constructed on the property of the applicant.

We recommend that the Ricks Sales Company be granted permission to construct, maintain, and operate said drive-in filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, 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 is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

(3) That the gasoline tanks and pumps shall be an approved type and shall bear the label of the Underwriters Laboratories, Inc.; that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(4) That the grades of the station shall be such that no waste water or oils or any floor washings 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-146, and shall be conducted by a pipe connection from said sand trap into a seep well located upon the property of the applicant.

(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant, as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2-H-885.

(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-885, and shall be of the pre-moulded type.

(7) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) J. E. Motheral  
Director of Public Works

" J. C. Eckert  
Building Inspector. "

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

Ayes : Councilmen Glass, Johnson, Mayor Pro tem Thornberry  
Noes : None  
Absent: Councilman Bartholomew and Mayor Miller

Councilman Glass 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 north side of East 4th Street as a private gasoline plant, which property is owned by R. W. Smith and is a part of Lot 2, Outlot 6, Division "A", in the W. T. Caswell Subdivision in the City of Austin, Travis County, Texas, and hereby authorizes the said R. W. Smith to operate a private gasoline plant consisting of a 550-gallon underground tank and electric pump for the sole purpose of servicing his 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 R. W. Smith has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

Austin, Texas  
January 15, 1948

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of R. W. Smith for permission to operate a private gasoline plant, consisting of a 550-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 north side of East 4th Street, which property is a part of Lot 2, Outlot 6, Division "A" of the W. T. Caswell Subdivision in the City of Austin, Travis County, Texas, and locally known as 1808 East 4th Street.

This property is located in a "D" Industrial 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 Underwriter's 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 Glass, Johnson, and Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, H. E. Butt Construction Company is the Contractor for the erection of a building located at 1403-05 San Jacinto Boulevard, and desires a portion of the street space abutting Lot 1, Block 170, of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore,

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

1. THAT space for the uses hereinabove enumerated be granted to said H. E. Butt Construction Company, the boundary of which is described as follows:

Street Working Space

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of San Jacinto Boulevard to a point 4 feet west of the east curb line; thence in a

southerly direction and parallel with the centerline of San Jacinto Boulevard approximately 35 feet to a point; thence in an easterly direction and at right angles to the centerline of San Jacinto Boulevard to the west line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said H. E. Butt Construction Company, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That "No Parking" signs shall be placed on the street side of the barricades.

(3) That the Contractor is permitted to construct a temporary work office within such allotted working space, provided such work office is not within 25 feet of any corner street intersection.

(4) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(5) That provisions shall be made for the normal flow of all storm waters in the gutter, and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(6) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness, and provide lighting system for all tunnels.

(7) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event, all such sidewalk barricades, materials, equipment, and other obstructions shall be removed not later than May 1, 1948.

(8) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(9) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(10) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the

completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(11) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

Ayes : Councilmen Glass, Johnson, Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

City Manager Morgan submitted the following memorandum:

January 15, 1948

Memorandum to : Guiton Morgan, City Manager

Memorandum from : J. E. Motheral, Director of Public Works

The final subdivision plat of Crestview No. 2 has been completed and was approved by the City Plan Commission on December 11, 1947. All lots in Section 2 have utilities provided from installations in Section 1; however, there are extensions of storm sewer and streets which will be provided upon the development of Sections 3 and 4.

It is recommended that this plat be formally accepted by the City Council.

(Sgd) J. E. Motheral

Approved:

(Sgd) Guiton Morgan  
City Manager

Councilman Johnson then offered the following resolution:

(RESOLUTION)

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

THAT the final plat of the subdivision known as "Crestview Addition No. 2", approved by the City Plan Commission of the City of Austin on



December 11, 1947, be and the same is hereby accepted and authorized to be filed in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

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

Ayes : Councilmen Glass, Johnson, Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller.

The application of D. F. SAMUEL, 1500 Newning Avenue, for a license to operate as a taxicab a 1946 Model, 4-door Chevrolet Sedan, Motor No. DAA-54961, State License No. JA-6134, 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 Glass, Johnson, Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

The application of THELMAN GRAY, Colored, 2009 Tilletson Avenue, for a license to operate as a taxicab a 1937 Model, Dodge Sedan, Motor No. 65125-29, State License No. FM-943, 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 Glass, Johnson, Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

The application of ELONZO CLARK, Colored, 1709 East 12th Street, for a license to operate as a taxicab a 4-door Mercury Sedan, 1946 Model, Motor No. 843425, State License No. JB-90, 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 Glass, Johnson, Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

The application of JAMES A. HESTER, 3309 Hampton 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 Glass, Johnson, Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

The application of JESSE FRANKLIN REEVES, 3706 Ronson 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 Glass, Johnson, Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

It was moved by Councilman Glass that, upon the recommendation of the Chief of Police, Taxicab Driver's Permit #356, issued to ERNEST KUNKEL, be revoked. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

It was moved by Councilman Glass that, upon the recommendation of the Chief of Police, Taxicab Driver's Permit #1340, issued to HOLLIS W. POLVADO, be revoked. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

It was moved by Councilman Glass that, upon the recommendation of the Chief of Police, Taxicab Driver's Permit #1524, issued to CHARLES MOORE, be revoked. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, and Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

An appeal by HERMAN ERNEST WHITE for reinstatement of his taxicab driver's permit revoked at the last regular meeting, upon recommendation of the Chief of Police, was heard. After considering the circumstances in the case, Councilman Glass moved that the revocation be cancelled and the said Herman Ernest White be granted a 90-day probationary permit to drive a taxicab, and that he report to the Chief of Police in the meantime. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, and Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

The application of JAKE'S, 801 West 5th Street, by J. F. Steussy, 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 Glass, Johnson, and Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

The application of DAVIS BAR, 322 Congress Avenue, by Geo. H. Davis, 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 Glass, Johnson, and Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

The application of MUELLER'S PLACE, 112 East 5th Street, by Gustaf Mueller, 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 Glass, Johnson, Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

The following private boat applications, duly approved by the Lake Austin Navigation Board, were submitted:

| <u>Owner</u>                       | <u>Description</u>  |
|------------------------------------|---|
| Barrett, Marion - 1903 Vista Lane  | Home-made, Outboard, 1945<br>Model, "Bess", Johnson,<br>5-passenger |
| Barrett, Marion - 1903 Vista Lane  | Speedliner, Stock, 1947<br>Model, Bendix, 4-passenger               |
| Reed, John D.- 915 Congress Avenue | Chris-Craft, Rocket, 1947<br>Model, Chrysler, 6-passenger           |

Councilman Glass moved that the applications be approved and the licenses granted. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

Ben W. Greig, President and General Manager of the Austin Transit, Inc., came before the Council and submitted a written request for certain changes in the East End, Oil Mill, Lake Austin, and Crosstown bus routes. Councilman Glass moved that the matter be taken under advisement for consideration to the next regular meeting and to give the public an opportunity to be heard concerning same. The motion carried by the following vote:

Ayes : Councilmen Glass, Johnson, Mayor Pro tem Thornberry

Noes : None

Absent: Councilman Bartholomew and Mayor Miller

Mayor Miller and Councilman Bartholomew entered the Council Chamber, and Mayor Miller took the chair.

The public hearing on the application of D. C. Bradford, owner, and N. E. Colecom, lessee, for change in zoning of the property at 303 South Lamar Boulevard, continued from the last regular meeting, was opened.

The following appeared and spoke in favor of the change:

D. C. BRADFORD, proponent, who declared that he purchased the property at 303 South Lamar Boulevard several years ago because it was remote and a good place for a drive-in food place; that his tenant, N.E. Colecom, has spent several thousand dollars fixing the place up, and that this type of zoning is necessary in order for the property to produce enough revenue to pay the increased taxes; that eighty per cent of the patrons want beer; that, if at any time, the sale of beer there becomes objectionable, he will be the first to ask that the zoning be changed back; that there is ample off-street parking space; and that this property should be zoned the same as the adjacent property.

The following appeared and spoke in opposition to the change:

The Reverend Virgil Davis, representing approximately six hundred petitioners, who pleaded for denial of the change.

No other property owner or interested citizen appearing to be heard on the matter, Councilman Glass moved that the hearing be closed and the action of the Board of Adjustment be sustained and the change be granted; and the City Attorney be instructed to prepare the necessary ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, and Councilman Thornberry

Noes : Councilman Johnson

Councilman Glass moved that the action of the Board of Adjustment on the application of M. H. Helford for change in zoning, from "A" Residence District to "C" Commercial District, of the property located at the northeast corner of East 7th and Gunter Streets be not sustained and the change be granted; and the City Attorney be instructed to prepare the ordinance making the change effective. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, and Councilman Thornberry

Noes : None

Councilman Johnson moved that the action of the Board of Adjustment on the application of Maurice Joyner and Lillian Joyner for change in zoning of the property located at 2103 Rosewood Avenue, from "B" Residence District to "C" Commercial District, be not sustained and the change be granted; and the City Attorney be instructed to prepare the ordinance making the change effective, the change being granted with the understanding that no beer or liquor be served there, or dances held. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Councilman Thornberry introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND  
CLOSING A CERTAIN UNNAMED STREET AS SHOWN  
BY A PLAT OF C.C. BROWNING PLACE, A SUB-  
DIVISION IN THE CITY OF AUSTIN; AND SUS-  
PENDING THE ORDINANCE RULE REQUIRING THE  
READING OF AN ORDINANCE ON THREE SEPARATE  
DAYS.

The ordinance was read the first time and Councilman Thornberry 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, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Thornberry 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, Mayor Miller, and Councilman Thornberry

Noes : None

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

(Request of Delwood Development Company  
for closing of above street )

"Austin, Texas,  
January 8, 1948

Mayor Tom Miller  
Members of the City Council  
Austin, Texas

Gentlemen:

The Delwood Development Company, of which James D. Connolly is sole owner, has acquired 18 acres which was originally a part of the subdivision known as C. C. Browning Place, which said subdivision is of record in Volume Z, page 596, Deed Records, Travis County, Texas.

The above property is being re-subdivided and will be known as Delwood No. 3. The re-subdivision has made adequate provision for proper streets, as well as other items, and it is the desire of the Delwood Development Company that the street shown on the subdivision known as C. C. Browning Place above referred to be vacated. This proposition has been presented to the Engineering Department of the City of Austin and has the approval of said department.

Therefore, it is requested that the street shown on the plat of C. C. Browning Place, which plat is of record in Volume Z, page 596, Deed Records, Travis County, Texas, and which street is now shown on the City map by the name of French Place and is located north of East 38 $\frac{1}{2}$  Street, and also north of the Llano Branch of the H. & T.C. R.R., be vacated. Said Delwood Development Company owns all land on both sides of said street requested to be vacated.

Yours very truly,

DELWOOD DEVELOPMENT COMPANY

Approved:

By (Sgd) W. W. Patterson, Attorney. "

City Engineering Department

By (Sgd) S. Reuben Rountree, Jr.

City Attorney's Office

By \_\_\_\_\_

The following memorandum was submitted by the City Manager:

"Austin, Texas  
January 15, 1948

Memorandum to : Guiton Morgan, City Manager

Memorandum from: J. E. Motheral, Director of Public Works

The final subdivision plat of Delwood Section 3 has been completed and was approved by the City Plan Commission on January 8, 1948. We have memoranda from water, sewer, gas, and street superintendents stating that the subdivider has complied with their respective parts of the subdivision regulations.

It is recommended that this plat be formally accepted by the City Council.

(Sgd) J. E. Motheral

Approved:

(Sgd) Guiton Morgan  
City Manager

Councilman Thornberry then offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the final plat of the subdivision known as "Delwood Section 3", approved by the City Plan Commission of the City of Austin on January 8, 1948, be and the same is hereby accepted and authorized to be filed on record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

The City Manager submitted an estimate by the Contractor, in the amount of \$2400.00, for remodeling the cottage at the Austin-Travis County Tuberculosis Sanatorium. Councilman Bartholomew moved that the City Manager be authorized to spend \$1250.00 as the City's part of the cost of said work. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

Councilman Thornberry 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 LOTS 1 AND 22, TARRYTOWN, 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 Thornberry 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, Mayor Miller, and Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Thornberry 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, Mayor Miller, and Councilman Thornberry

Noes : None

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I",

PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON CERTAIN LOTS OUT OF BLOCKS A, B, C, AND D, RIDGETOP ADDITION, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

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, Mayor Miller, and Councilman Thornberry

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, Mayor Miller, and Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by agreement with Moten H. Crockett, Jr., and wife, Martha Crockett, the City of Austin will acquire a portion of Lot 10, Block 5, of Penn Park, a subdivision in the City of Austin, for the purpose of widening and improving Lamar Boulevard in exchange for a portion of Lots 8 and 9, Block 5, of Penn Park Subdivision, which portions are owned by the City of Austin; Now, Therefore,

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

That Guiton Morgan, City Manager, be and he is hereby authorized and directed to execute a deed to Moten H. Crockett, Jr., and wife, Martha Crockett, conveying a portion of Lots 8 and 9, Block 5, of Penn Park Subdivision in the City of Austin, and accepting in exchange therefor on behalf of the City of Austin conveyance by Moten H. Crockett, Jr., and wife, Martha Crockett, of a portion of Lot 10, Block 5, of Penn Park



Subdivision, all in accordance with deeds, copies of which are attached hereto and made a part of this Resolution for all purposes.

(Copies of Deeds attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

That the City of Austin, a municipal corporation, acting by and through Gupton Morgan, its City Manager, hereunto duly authorized, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to it in hand paid by Moton H. Crockett, Jr., and his wife, Martha Crockett, the receipt of which is hereby acknowledged and for which no lien is retained, has GRANTED, SOLD AND CONVEYED, and by these presents does hereby GRANT, SELL and CONVEY unto the said Moton H. Crockett, Jr., and wife, Martha Crockett, of the County of Travis and State of Texas, all that certain tract or parcel of land situated in Travis County, Texas, and described as follows:

Three thousand six hundred thirty-six (3,636) square feet of land, same being a portion of Lots 8 and 9, Block 5, of Penn Park, a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Penn Park, of record in Plat Book 1, Page 62, of the Plat Records of Travis County, Texas, which Lot 9, together with the East seventeen (17) feet of Lot 8, was conveyed to the City of Austin by deed dated June 20, 1947, of record in Volume 853, Pages 174 to 176, inclusive, of the Deed Records of Travis County, said 3,636 square feet of land being more particularly described by metes and bounds as follows:

Beginning at an iron pipe at the point of intersection of the west right of way line of Lamar Boulevard with the north line of West 35th Street, and from which point of beginning the original southeast corner of said Lot 9 bears S.  $59^{\circ}37'$  E. 20.88 feet;

Thence with the north line of West 35th Street N.  $59^{\circ}37'$  W. at 12.12 feet pass an iron pipe at the southwest corner of said Lot 9, same being the southeast corner of said Lot 8, in all a distance of 29.12 feet to a point;

Thence N.  $30^{\circ}26'$  E. 125.00 feet to a point in the south line of West 35th Street Alley;

Thence with the south line of said alley S.  $59^{\circ}37'$  E. at 17.00 feet pass an iron pipe for the northeast corner of Lot 8, same being the northwest corner of Lot 9, in all a distance of 30.08 feet to an iron pipe on the west right-of-way line of Lamar Boulevard, and from which iron pipe another iron pipe on the original northeast corner of Lot 9 bears S.  $59^{\circ}37'$  E. 19.92 feet;

Thence with the west right-of-way line of Lamar Boulevard S.  $30^{\circ}51'$  W. 125.01 feet to the point of beginning.

TO HAVE AND TO HOLD the above described property unto the said Moton H. Crockett, Jr., and wife, Martha Crockett, their heirs and assigns, forever.

WITNESS the hand of the City of Austin this \_\_\_\_ day of January, 1948.

## CITY OF AUSTIN

Attest:

By Guilton Morgan, City ManagerCity Clerk

(Notary Public acknowledgment) "

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

That we, Moton H. Crockett, Jr., and wife, Martha Crockett, of Travis County, State of Texas, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, to us in hand paid by the City of Austin, a municipal corporation situated in Travis County, Texas, the receipt and sufficiency of which is hereby acknowledged and confessed, and for which no lien is retained, have this day granted, sold and conveyed, and by these presents do hereby grant, sell and convey unto the said City of Austin the following described property, to-wit:

2418 square feet of land, same being a portion of Lot 10, Block 5, of Penn Park, a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Penn Park of record in Plat Book 1, page 62, of the Plat Records of Travis County, Texas, which Lot 10, together with other property was conveyed to Moton H. Crockett, Jr., by deed dated October 23, 1947, of record in Volume 844, page 456, of the Deed Records of Travis County, Texas, said 2418 square feet of land being more particularly described by metes and bounds as follows:

Beginning at an iron pipe at the point of intersection of the proposed west right of way line of Lamar Boulevard with the south line of West 37th Street, same being the north line of said Lot 10, and from which iron pipe another iron pipe at the northwest corner of said Lot 10 bears N. 59°37' W. 14.13 feet;

Thence with the south line of West 37th Street, same being the north line of said Lot 10, S. 59°37' E. 18.87 feet to an iron pipe on the present west line of Lamar Boulevard, said iron pipe marking the northeast corner of Lot 10;

Thence with the present west line of Lamar Boulevard, same being the east line of Lot 10, S. 30°26' W. 125.00 feet to an iron pipe on the north line of West 35th Street alley, said pipe marking the southeast corner of said Lot 10;

Thence with the north line of said alley, same being the south line of said Lot 10, N.  $59^{\circ}37'$  W. 19.83 feet to an iron pipe on the proposed west right of way line of Lamar Boulevard, and from which iron pipe another iron pipe on the southwest corner of Lot 10 bears N.  $59^{\circ}37'$  W. 13.17 feet;

Thence with the proposed west right of way line of Lamar Boulevard N.  $30^{\circ}51'$  E. 125.01 feet to the point of beginning.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said City of Austin, its successors and assigns, forever, and we do hereby bind ourselves, our heirs, executors and administrators to warrant and forever defend all and singular the said premises unto the said City of Austin, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS our hands this \_\_\_\_ day of January, 1948.

(Notary Public acknowledgement)

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

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and  
Councilman Thornberry

Noes : None

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

Approved: \_\_\_\_\_

*Tom Miller*

MAYOR

Attest:

*Helene M. Keen*

CITY CLERK