

SPECIAL MEETING OF THE CITY COUNCIL; Austin, Texas, Mar. 14, 1919.

The Council met with all members present.

The Mayor laid before the Council the following resolution:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

That the petition of W. F. Wilson and Walter Farley for leave to have a line of telephone poles erected on the south side of Guadalupe Street as extended from Guadalupe Street north to the Fiskville Road, and on the west side of the Fiskville Road to the city limits, be and the same is hereby granted; and

BE IT FURTHER RESOLVED:

That the work to be done under this permit is to be done under the supervision and subject to the approval of the Assistant Superintendent of the Water, Light and Power Department and of the City Engineer.

The resolution was adopted by a vote of 5 yeas, no nays.

APPROVED, Mar. 14, 1919: A. P. Wooldridge, Mayor.

Austin, Texas, Mar. 15, 1919.

The Council met with all members present.

The Mayor laid before the Council the following resolution:

Whereas, on June 14, 1916, City of Austin, at the request of Lewis Hancock, caused its City Engineer to make a survey of Block 104, lying between Rio Grande Street on the east and West Avenue on the west, and West Eighth Street on the south and West Ninth Street on the north, in the City of Austin, Texas, for the purpose of ascertaining the true boundary lines of said Block, which survey is shown in Field Book 517, on file in the office of said City Engineer, and a plat of said survey is also shown and properly filed in said office; and

Whereas, said survey shows that the fences enclosing said Block encroach on the streets contiguous to same in the following particulars: On Rio Grande Street, beginning at the southeast corner of said Block a distance of 11.37 feet east of the true^{east} boundary line of said Block and extending north along said street in a straight line to a point at the northeast corner of said Block, 13 feet east of the true east boundary of same; and also beginning at a point 11.37 feet east of the southeast corner of said Block in the intersection of Rio Grande Street and West Eighth Street and running in a westerly direction in a straight line to the southwest corner of said fence at a point $\frac{3}{10}$ of a foot south of the true south boundary of said Block; and

Whereas, there has been exhibited to the City Council the sworn affidavits of Mrs. Cordelia A. Crow and A. Robinson, two reputable citizens of said city, showing that the fences hereinabove referred to, which now exist and which existed at the time of said survey, are respectively situated upon same lines of the fences that have continuously existed since the year 1870, and that the occupation and use of the property included in said Block has extended to said fence lines continuously since said year, which sworn affidavits are attached to this resolution and made a part hereof; and

Whereas, it appears from the facts set forth in said affidavits

W.F. Wilson &
Walter Farley
line of telephone
poles

"Hoop" Block
Property lines
Confirmed

that the owners of said Block have had continuous adverse possession of the premises lying within said fence lines as against the City of Austin and the easement rights of the public to the use of said streets within the area included in the encroachments above stated for a period of nearly 50 years, and that the legal period of limitations has existed against said rights for a period of more than 10 years prior to 1887, at which time the Legislature of the State of Texas passed an act suspending limitation against cities and towns on account of the adverse user of the streets thereof; now therefore BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City of Austin hereby recognizes and confirms the facts herein above stated, in the particulars that the period of limitations has been completed against said city and the public use of said streets by the adverse occupation and use of said Block within the boundaries of said fence lines, and the City Council hereby establishes and defines said fence lines as the boundary lines of said Block 104 on the east and south sides thereof respectively.

The resolution was adopted by a vote of 5 yeas, no nays.

APPROVED, Mar. 15, 1919: A. P. Wooldridge, Mayor.

The affidavits referred to in the foregoing resolution are the following:

THE STATE OF TEXAS //
COUNTY OF TRAVIS //

Before me, the undersigned authority, on this day personally appeared A. Robinson, of Austin, Travis County, Texas, well known to me, who after having been by me first duly sworn, upon oath deposes and says:

1. That he is now a resident of Austin, Travis County, Texas, and has been such resident for many years, and has for many years lived not far from the Block on Rio Grande Street between Eighth and Ninth Streets, which is known as the Hooper Block.

2. That as early as in the year 1870, the south half of said Block had a residence situated thereon, and said property was fenced on the street sides thereof, and the occupation and use of said property extended to said fence lines.

3. That said original fence as it existed on Eighth Street and on Rio Grande Street as early as 1870 was always maintained, until after the purchase of said south half of said Block by J. A. Hooper about twenty years ago the original fence was substituted by a new fence, which is the fence as it now runs both on Rio Grande Street and Eighth Street.

4. That said fence as it now so stands is located on both Rio Grande Street and Eighth Street on the line of the old original fence which was in existence as early as the year 1870.

(Signed) A. Robinson

Subscribed and sworn to before me on this 18th day of

*Affidavit
of
A. Robinson*

Resolution

Whereas on June 14, 1916, City of Austin, at the request of Lewis Hancock, caused its City Engineer to make a survey of Block 104, lying between Rio Grande Street on the East and West Avenue on the West, and West Eighth Street on the South and West Ninth on the North in the City of Austin, Texas, for the purpose of ascertaining the true boundary lines of said block, which survey is shown in field book 517, on file in the office of said City Engineer, and a plot of said survey is also shown and properly filed in said office; and whereas, said survey shows that the fences enclosing said block encroach on the streets contiguous to same in the following particulars: on Rio Grande Street beginning at the southeast corner of said block a distance of 11.37' east of the true east boundary line of said block and extending north along said street in a straight line to a point at the northeast corner of said block, 13' east of the true east boundary of same; and also beginning at a point 11.37' east of the southeast corner of said block in the intersection of Rio Grande Street and West Eighth Street and running in a westerly direction in a straight line to the Southwest corner of said fence at a point 3/10 of one foot south of the true south boundary of said block; and whereas, there has been exhibited to the City Council the sworn affidavits of Mrs. Cordelia A. Crow and A. Robinson, two reputable citizens of said city, showing that the fences hereinabove situated upon same lines of the fences that have continuously existed since the year 1870, and that the occupation and use of the property included in said block has extended to said fence lines continuously since said year, which sworn affidavits are attached to this resolution and made a part hereof; and whereas, it appears from the facts set forth in said affidavits that the owners of said block have had continuous adverse possession of the premises lying within said fence lines as against the City of Austin and the easement rights to the public to the use of said streets within the area included in the encroachments above stated for a period of nearly 50 years, and that the legal period of limitations has existed against said rights for a period of more than 10 years prior to 1887, at which time the Legislature of the State of Texas passed an act suspending limitation against cities and towns on account of the adverse user of the streets thereof; now therefore Be It Resolved By The City Council of The City of Austin: That the City of Austin hereby recognizes and confirms the facts herein above stated, in the particulars that the period of limitations has been completed against said City and the public use of said streets by the adverse occupation and use of said Block within the boundaries of said fence lines, and the City Council hereby established and defines said fence lines as the boundary line of said Block 104 on the east and south sides thereof respectively.

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Filed for record 3rd April, 1919

3 p.m.--Recorded 3rd April, 1919 at 3:45 p.m.

February, A. D. 1919.

SEAL

(Signed)

A. F. Lookhart,

Notary Public, Travis County, Texas

*Affidavit
of
Mrs. Cordelia A.
Crow*

THE STATE OF TEXAS #

COUNTY OF TRAVIS #

Before me, the undersigned authority, on this day personally appeared Mrs. Cordelia A. Crow, of Austin, Travis County, Texas, well known to me, who after having been by me first duly sworn, upon oath deposes and says:

1. That she is now a resident of Austin, Travis County, Texas, and has been such resident for many years, and has for many years lived in the vicinity of the Block on Rio Grande Street between Eighth and Ninth Streets, which is known as the Hooper Block.

2. That as early as in the year 1870, the south half of said Block had a residence situated thereon, and said property was fenced on the street sides thereof, and the occupation and use of said property extended to said fence lines.

3. That said original fence as it existed on Eighth Street and on Rio Grande Street as early as 1870 was always maintained, until after the purchase of said south half of said Block by J. A. Hooper about twenty years ago the original fence was substituted by a new fence, which is the fence as it now runs both on Rio Grande Street and Eighth Street.

4. That said fence as it now so stands is located on both Rio Grande Street and Eighth Street on the line of the old original fence which was in existence as early as the year 1870.

(Signed) Mrs. Cordelia A. Crow

Subscribed and sworn to before me on this 15th day of February, A. D. 1919.

SEAL

(Signed)

W. A. Boswell,

Notary Public, Travis County, Texas

*G. W. Farmer
has refused*

The Mayor laid before the Council the following resolution:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the amount erroneously paid to the City Assessor and Collector by G. W. Farmer, being \$1.76, as taxes of the year 1918 on personal property, be and the same is hereby ordered refunded to him; this for the reason that he was a non-resident and the property in question was not inside the city limits.

BE IT RESOLVED FURTHER:

That the sum of \$1.76 be and the same is hereby appropriated out of the General Contingent Fund of this city for the purpose of such refund.

The resolution was passed by a vote of 5 yeas, no nays.

APPROVED, Mar. 15, 1919: A. P. Wooldridge, Mayor.

*A. K. Taylor
Resignation
as foot patrolman*

Councilman Anthony submitted the resignation of D. K. Taylor as a foot patrolman on the police force, which was accepted by a vote of 5 yeas, no nays.

D. K. Taylor
Special Policeman

Mr. Anthony then nominated D. K. Taylor to be a special policeman without pay. The nomination was confirmed by the following vote: Yeas, Mayor Wooldridge, Councilmen Bartholomew, Haynes, and Powell, 4; Councilman Anthony not voting.

The Council then adjourned.

V. E. Martin

City Clerk