

and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, 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, January 9, 1930.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; absent, Councilman Reed, 1.

The Minutes of the regular meetings of December 26, 1929, and January 2, 1930, were read and Councilman Pannell moved the adoption of same as read. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent.

The Mayor declared that the hearing of property owners and other interested parties with reference to the paving of Guadalupe Street from Fifth to Sixth Streets, which had been continued from the last regular meeting, was now open, and thereupon all parties protesting were present or represented by their attorneys and submitted the following written protests:

"TO THE HONORABLE MAYOR, AND  
CITY COUNCIL OF THE CITY OF AUSTIN;

In the matter of Grading, Curbing,  
Guttering, and Repaving Guadalupe  
Street between Fifth and Sixth  
Streets.

December 26th, 1929.

PROTEST PENDING BEFORE THE CITY COUNCIL OF THE CITY OF AUSTIN:

Now comes F. M. Covert and Clarence Covert, Rosa Gilfillan, a widow, and Joseph Fischer, and say that they are the abutting property owners on Guadalupe Street between 5th and 6th Streets; that F. M. Covert and Clarence Covert are the owners in fee simple of Lot No. Four in Block No. 52, extending North from 5th Street to the alley; that Rosa Gilfillan is the owner of Lot No. Five in Block 52 extending South from 6th Street to the alley; that Joseph Fischer is the owner of 88 feet of Lot No. One in Block 53, extending 88 feet North from 5th Street; that both of said City blocks 52 and 53 are in the Original Plat of the City of Austin, in Travis County, Texas.

That each of the said owners of the above property abutting on Guadalupe Street respectfully protest against the proposed assessment against them and their

property of an estimated amount of 70 cents per foot for curbing and guttering and for the additional amount of \$7.159 per foot for repaving Guadalupe Street as contained in notice to Protestants, and as per notice published in the Austin Statesman of December 14th, 1929, and prior and subsequent dates, all of which is well known to the City Council and the Southwest Bitulithic Company; that as grounds for objecting to said paving, your Protestants say :

1st. That each of them here and now disclaim all right, title, interest and estate in and to Guadalupe Street; they refuse to accept as burdensome the relinquishment to them of the fee title to the center of said street on which their property abuts, as set out in the Acts of the Third Called Session of the 41st Legislature, Chapter 7, which is entitled An Act to relinquish to owners of abutting land the fee title to the streets, alleys and highways in the City of Austin, Texas, but perpetually reserving and retaining therein the easement now existing for public purposes --

That your Protestants took no part in procuring the passage of said Act, and had no knowledge of it until after it had been enacted and approved by the Governor; that they have never accepted the benefits, if any, under said Act, and say that on the contrary the provisions of said Act impose a burden upon them, and they refuse to accept the tender of title to them, and disclaim any interest in said street, other than as a matter of law belongs to them as a part of the general public.

2nd. That about eight years ago, said street was paved with permanent paving, which is now in a good and serviceable condition and will remain as such for the next fifteen or twenty years; that said paving was put down and installed under the direction of the City Engineer of the City of Austin, and was wholly approved by him when the work was completed; that permanent curbing and guttering was installed at the time, which was likewise in all things approved by the City Engineer, all of which was put down and installed at the grade level furnished and given by the City Engineer and wholly supervised by him, for all of which your protestants paid the assessed price and charge for same; that the present paving, curbing and guttering is now as near permanent as it can be constructed.

3rd. That the proposed assessment against Protestants for curbing, guttering and paving and the charge sought to be levied and fixed against their property is in a sum far in excess of the special benefits, if any, to said property and its owners in the enhancement and value thereof by means of such proposed improvement; that said proposed assessment is out of all proportion to the benefit to be received by Protestants as abutting property owners, for the reason that said street is now permanently paved, and to destroy said present paving, curbing and gutters and put down a different kind of paving but the same kind of curbing and gutters will not increase the value of the property abutting said street, but the charge assessed therefor is wholly out of proportion to the value that will accrue to Protestants, if any.

4th. That by destroying the present permanent paving, curbing and guttering on said street and repaving, recurbing and reguttering said street will not result in any special benefit to Protestants, or enhance the value of their property, but on the contrary it will result in decreasing the fair and market value of their property, in a large sum of money.

5th. That the proposed assessment against Protestants and their property will be of no benefit whatsoever to them or their property by reason of the fact of the existence of a like or similar improvement from which said property now derives all of the benefits of the kind and character necessary to its use and enjoyment, and cannot legally be assessed for the purpose of merely changing the type and kind of improvement, and to charge Protestants or their property with any portion of the costs for making such changes will be in effect to deprive them of their property without the due process of the law.

That the property of Protestants was patented by the Republic of Texas to James M. Long, assignee of Jesse Billingley, after the original City of Austin had been platted and mapped in 1840; that patent vested in James M. Long no title whatever to Guadalupe Street; that your Protestants have acquired title to their respective parcels of property through regular mesne conveyance; that about eight years ago the property owners abutting said street prevailed upon the City of Austin to grade, pave, curb and gutter said street, for which the property owners paid all charges; that the street was paved with asphalt paving material, and curbed and guttered with concrete, under the direction and supervision of the City Engineer who fixed and established the permanent curb lines and the grade of the street; that said paving, curbing and guttering is now in a first class condition and is permanently installed, and will stand the traffic of a muchly travelled thoroughfare for many years to come.

That the proposed action of the City of Austin in destroying the present paving, curbing and guttering and re-paving, re-curbing and re-guttering said street will materially damage your Protestants instead of being of material benefit to them and their property and will result in damaging the fair and market value thereof in a large sum of money.

That the Covert Automobile Co., a firm composed of F. M. Covert and Clarence Covert, now occupy the building owned by Ed Rhodes L. Wroe and his sister, Mrs. T. D. McCrummen; that same is leased and used by them in the automobile business and is valuable to them in said business; that to lower the present grade of the street will result in damage to said business, as the rear part of said building which is extensively used, will have to be abandoned, as same will be inaccessible for the business for which it is leased and occupied.

Wherefore, your Protestants respectfully pray that the proposed action of the City Council in repaving said street for the reasons set forth herein be abandoned or indefinitely postponed; that if the Council refuses to abandon this project then your Protestants pray that no part of the costs for the advertised and proposed improvement be assessed against them or their property; that before the work begins on the proposed improvement, the City of Austin arrange to compensate Protestants the fair and reasonable damages which will be sustained by them by reason thereof.

Respectfully,

(Sgd) F. M. Covert

Clarence Covert

Rose R. Gilfillan

Joseph Fischer. "

"Re: GRADING, CURBING, GUTTERING,  
AND PAVING GUADALUPE STREET BETWEEN  
ITS INTERSECTION WITH 5th AND 6TH  
STREETS.

PROTEST PENDING BEFORE THE CITY  
COUNCIL OF THE CITY OF AUSTIN,  
DECEMBER 26, 1929.

TO THE HON. CITY COUNCIL OF THE CITY OF AUSTIN: -

Come now E. L. R. Wroe and Mrs. Elizabeth McCrummen (formerly Elizabeth Wroe) joined by her husband, T. D. McCrummen, owners of Lot No. Twelve (12), in Block No. Fifty-three (53), in the City of Austin, Travis County, Texas, which property abuts on Guadalupe Street a distance of one hundred and twenty-eight (128) feet between Fifth Street and Sixth Street in the City of Austin, and respectfully files this their protest against the proposed assessment against them and their property of an estimated amount of seventy cents per foot for curbing and guttering and Seven and 159/100 (\$7.159) Dollars per front foot for paving Guadalupe Street between the intersection with Fifth Street and Sixth Street in the City of Austin, as contained in notice to Protestants, and as reasons for said protest respectfully present the following objections:

1. Because Protestants do not own and have no interest in said street, other than such interest as is common to the general public, and in this connection they respectfully make known to the City Council and to the Southwest Bitulithic Company, which it is proposed will do the work, that they renounce and refuse to accept as burdensome the relinquishment to them of the fee title to the center of said street upon which their property abuts as set forth and provided for by the Acts of the Third Called Session of the 41st Legislature, Chapter 7, entitled, "An Act to relinquish to owners of abutting land the fee title to the streets, alleys or highways in the City of Austin, Texas, but perpetually reserving and retaining therein the easement now existing for public purposes, and declaring an emergency."
2. Because said street where it abuts the property of Protestants is already improved and paved with Uvalde Rock Asphalt that is in good condition.
3. Because said street where it abuts the property of Protestants is already curbed and guttered with concrete laid and installed under the supervision of the City of Austin at the expense of a former owner of said property and said curbing and guttering is of a permanent type.
4. Because the proposed assessment for curbing and guttering and paving against Protestants' property and against Protestants is in a sum in excess of the special benefits, if any, to said property, and its owners in the enhancement and value thereof by means of such improvement.
5. Because the proposed assessment against Protestants and their property for substituting new curbing and guttering for the present permanent curbing and guttering already laid will be of no special benefit to Protestants or their property and will not enhance to any degree the value thereof.
6. Because the proposed assessment against Protestants and their property for repaving said abutting street will result in no special benefit to them, or their property in the enhanced value thereof.
7. Because the proposed assessment against Protestants and their property of the amount estimated for repaving and recurbing and reguttering said property not only will not result in special benefit to said property or their owners in enhanced value thereof, but will actually result in decreasing the fair and reasonable market value of said property in a large sum.
8. Because the proposed assessment against Protestants and their property will be of no benefit whatsoever to them or their property by reason of the fact of the existence of a like or similar improvement from which said property derives all of the benefits of the kind necessary to its use or enjoyment, and is not subject to be assessed for the purpose of merely changing the type of improvement, and to charge these Protestants or their property with any portion of the costs for making such changes will be in effect to deprive of their property without due process of law.
9. Because contract was made by City with Southwest Bitulithic Company to do the work prior to levying the proposed assessment.

In support of each and all of the foregoing objections and protest, your Protestants will respectfully represent to the City Council as follows:

That their property was patented by the Republic of Texas to James M. Long, Assignee of Jesse Billingsley, on the 21st day of July, 1847, after the original city of Austin had been mapped in 1840 under the Acts of Congress of January 5, 1840. That said patent vested the said James M. Long, Assignee, with no title to said Guadalupe Street; that thereafter thru regular mesne conveyance, title to said property vested in Frank M. Covert and wife, and Clarence Covert and wife, and that thereafter the said Coverts, together with other abutting property owners, prevailed upon the City of Austin, bearing the total expense thereof, to grade, pave, curb and gutter said street, and it was paved with an asphalt pavement and guttered and curbed with a concrete under the supervision of and designated curb line fixed by the City of Austin, and that thereafter said paving, curbing and guttering was duly accepted by the City of Austin and the costs thereof paid for by said Coverts and other abutting property owners, and said paving, curbing and guttering is now in

first-class condition, and is permanently installed and will serve as a first-class street for many years in the future.

That the said Coverts under the belief that said curb lines and gutter lines were permanently fixed by the City of Austin, at a large expense, erected a two-story brick and metal automobile garage and salesroom upon said property, and under the supervision and with the approval of the City of Austin, built drive-ways into their improvement with due regard to the then existing grade and curb lines.

That thereafter, on the 10th day of March, 1924, your Protestants bought said property and improvement from the said Coverts, paying therefor a large sum of money and in buying it and paying such a large sum of money for it, they bought and became subrogated to all the rights of the said Coverts with reference to said fixed curb line and improvement, and in fact as a part of the consideration for the purchase of said property and improvement paid for said paving, curbing and guttering.

That thereafter certain person unknown to these Protestants, prevailed upon the State of Texas to relinquish the title to the abutting property owners, reserving perpetually an easement thereover for highways and other public purposes. That your Protestants took no part in procuring the passage of said Act and knew nothing about it until after it had been passed and approved by the Governor, and that they have never accepted the benefits, if any, under said Act, and allege instead of being a benefit to them and their property, it is a burden, and they refuse to accept the tender of title to them under said Act and disclaim any interest in said street other than as a matter of law belong to them as members of the general public.

That the contemplated action of the City of Austin in tearing up said present paving and destroying the guttering and curbing and in changing the grade of said street and repaving it and recurbing and reguttering it will greatly damage, instead of benefit, Protestants and their property, and will result in damaging the fair and market value thereof in the sum of Twenty Thousand and No/100 (\$20,000.00) Dollars, and will result in making their property less accessible for the purposes for which it is being used and for purposes of future use.

Premises considered, Protestants pray that the proposed action by the City Council be abandoned, and that in the alternative, that no part of the costs of such improvement be assessed against these Protestants, or their property, and that the City arrange before it begins the contemplated improvements on said street to pay to Protestants the fair and reasonable damages which will be sustained by them by reason thereof.

(Sgd)

Garrett, Brownlee & Goldsmith,  
Attorneys for Protestants. "

"In the Matter of

REGRADING, REPAVING AND  
REGUTTERING GUADALUPE STREET  
BETWEEN FIFTH AND SIXTH STREETS,  
IN THE CITY OF AUSTIN, TEXAS.

Matter Pending before the  
City Council of the City  
of Austin.

December 26, 1929.

TO THE HONORABLE CITY COUNCIL OF THE CITY OF AUSTIN:

Comes now Enfield Realty and Home Building Company, owner of title to the North forty (40) feet of Lot No. One (1), Block No. Fifty-three (53) of the City of Austin, which abuts forty (40) feet on Guadalupe Street between Fifth Street and Sixth Street on the east side thereof, and respectfully protests the proposed assessment against them as owners and their property of any portion of the cost of said improvements for each of the following reasons, to-wit:

(1) Because Protestant's predecessor in title has already borne the expense of paving, curbing and guttering said street and it is now paved with rock asphalt and said pavement is in good condition and the gutters and curbs abutting the property of protestant are permanent in their character and were laid at the cost of protestant's predecessor in title and said paving was done at the cost of protestant's predecessor in title, and said curbs and gutters were placed at a point designated by the City of Austin as the proper place for them to be laid, and to tear up said pavement, curbs and gutters and regrade said street and relay them would be an unjust burden upon protestant and its property.

(2) Because on account of the reasons stated in Objection No. 1, the assessment will result in no special benefit either to protestant or its property.

(3) Because protestant other than as a member of the general public has no interest in said street in this: In that prior to the passage by the Legislature of the State of Texas, Third Called Session of the Forty-first Legislature, Chapter 7, entitled "An Act to relinquish to owners of abutting land the fee title to the streets, alleys or highways in the City of Austin, Texas, but perpetually reserving and retaining therein the easement now existing for public purposes, and declaring an emergency", the fee to said street was in the State of Texas. In the passage of said Act, in which your protestant took no part and had no knowledge until after it was passed, the State of Texas, subject to reservation of an easement for public purposes, relinquished title to the center of said street abutting protestant's property to the owner thereof, but your petitioner refuses said title and refuses to accept it and disclaims title thereto as burdensome, and since the improvements proposed to be made will be on property not belonging to this protes-



tant and on property in which it has no interest other than as a member of the general public, said assessment will be null and void and will constitute a taking of protestant's property in violation of the Constitution of the State of Texas.

(4) Because protestant especially protests against the assessing of it or its property on account of any part of the cost of recurbing and reguttering said abutting street because said street is already permanently guttered and curbed at a line heretofore designated by the City of Austin and there exists already improvements of the same kind and character as it is intended by the City to use in replacing said curb and guttering, and therefore the said recurbing and reguttering will not enhance the value of protestant's property nor result in any special benefit either to protestant or its property, but on the contrary will result in damages to said property and to protestant.

(5) Protestant specially protests against it or its property being assessed for any portion of the cost of repaving said street because it is already paved with rock asphalt, which paving is in good condition and which is permanent in character; that is to say, it is in its present condition such pavement as will be good and passable for many years to come, and therefore the benefit, if any, to protestant or its property will be remote and not present.

(6) Because the contemplated widening and changing of the grade of said street will not only not result in any special benefit to protestant or its property in enhancing the value thereof, but will actually depreciate the present market value of said property in that it will make difficult, if not entirely destroy ingress and egress to said property for vehicular traffic, leaving protestant's property high above the street line and thus destroying in part its value for the purposes for which it is being used and for which it is immediately contemplated that it will be used.

(7) Because in purchasing said property from protestant's predecessor in title, it paid for it with reference to its value as property abutting forty (40) feet on the east side of Guadalupe Street already paved, guttered and of present grade, and the proposed assessment of said property for the purpose of changing the grade, destroying the present gutters and curbs and the present paving, will be burdensome to said property and to said protestant rather than of any special benefits to said property or protestant in the enhanced value thereof.

(8) Because said street is already of sufficient width and grade and is already laid with permanent paving and permanent curbing and guttering, and the proposed destroying of the present improvements and replacing them with improvements of a similar kind will result in no special benefit either to protestant or to its property, and will not enhance the fair and reasonable cash market value of said property to any extent.

(9) Because of each and all of the reasons set forth in protest this day also filed by E. R. L. Wroe and his sister, Mrs. Elizabeth McCrummen, which are by reference incorporated herein as the written herein word for word.

(10) Because contract was made by the City with Southwest Bitulithic Company to do the work prior to levy of the proposed assessment.

PREMISES CONSIDERED, protestant prays that the City Council either abandon the proposed plan of destroying the present pavement, gutters and curbs on said street and the proposed changing of grade and repaving and recurbing and reguttering it, or that the same be ordered done at the expense of the City of Austin, and that no part of said cost be assessed against either protestant or its property.

(Sgd) Garrett, Brownlee & Goldsmith  
Attorneys for Protestant. "

No other interested parties or owners having requested to be heard, Councilman Pannell moved that the hearing be continued until the next regular meeting, January 16, 1930. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent.

The Mayor laid before the Council the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps and plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore,

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

That the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its pole lines in the following streets:

A telephone pole in West Sixth Street at a point 45 feet west of and 8 feet south of the intersection of the north line of West Sixth Street and the west line of Highland Avenue;

Be it understood that all damages caused to existing utilities during the course of construction or maintenance of the telephone pole described above shall be paid for by said Southwestern Bell Telephone Company.

That the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent.

The Mayor laid before the Council the following report of the Safety Committee upon the application of J. G. Mason to erect a gasoline filling station at the southwest corner of First and Red River Streets:

"Austin, Texas, Jan. 9, 1930.

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

Dear Sir:

We, the members of the Safety Committee of the City of Austin, have investigated the application of J. G. Mason, presented by his attorney, Jerome Sneed, Jr., for a permit authorizing the construction of a filling and service station to be constructed and operated at the southwest corner of First and Red River Streets in the City of Austin.

We consider that the operation of a filling station at this point will increase hazards as follows: To pedestrians having to use the sidewalk adjacent to the property; to all who might use either First or Red River Street. The hazard is particularly noticeable because of a very high bank or terrace some six or eight feet above the street elevation on Red River Street immediately east of the proposed building site. Also, on account of the proximity of Palm School, whose property is only one block away.

If the City Council grants a permit, we beg to call attention to the fact that the plan presented with their application asks for eighty feet of open space across the sidewalk on First Street, which we consider is more space than is required for a reasonable access to the property for business purposes and that the following conditions be imposed:

(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 ceiling of that portion of the building that extends over driveways shall be covered with metal. Supports for portion extended over driveway to be supported by brick or reinforced concrete pillars.

(3) That gasoline storage tanks and pumps and equipment used in connection therewith shall be of an approved type, and shall bear the label of the National Board of Fire Underwriters. All equipment to be installed in compliance with City and State Regulations governing such installations. All equipment to be inspected and approved before being placed in service.

(4) That gasoline pumps and other equipment used in connection with the operation of a gasoline filling station shall be so located that cars receiving service therefrom will not in any way obstruct the sidewalk, street or alleyway. The pumps shall be at least ten (10) feet inside the property line and all equipment shall be not less than thirty (30) feet from adjoining residence.

(5) That electric lights only shall be used for lighting purposes, and all electric wiring shall be done in compliance with regulations governing the wiring of gasoline filling stations, and shall be approved by the City Electrical Department.

(6) That "NO SMOKING" signs shall be displayed at all times, and no person shall be permitted to smoke or have any open flame on premises where gasoline is sold or stored.

(7) That there shall be kept in an accessible place at all times a chemical fire extinguisher for emergency use.

(8) That all gasoline pumps, tanks, equipment and piping connected thereto shall be inspected and approved by the City Plumbing Inspector and that the property owner shall apply for a permit to the City Plumbing Inspector for instructions before proceeding with his work.

(9) That the grades of the station shall be such that no waste oils or water or any floor washing water shall ever pass over the city sidewalk area and that all of said waste oils and water shall be concentrated into a combined grease and sand trap and shall be conducted from said sand trap to the nearest City storm sewer or to Waller Creek 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 the storm sewer and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(10) That before any final permit is granted the applicant shall present a plan, which must be approved by the City Council, showing walks, ramps, gutters, and curbs, location of equipment and drainage system.

(11) That all adjacent walks, ramps, gutters and curbs shall be constructed of concrete before the station is used.

(12) That all gasoline pumps, tanks, equipment and piping connected thereto shall be inspected and approved by the City Plumbing Inspector, and the mechanic employed by the applicant to install the gasoline equipment shall apply to Plumbing Inspector for a special permit and shall give Plumbing Inspector sufficient notice when ready for inspection.

(13) That the applicant or the mechanic employed by the applicant to make the installation shall apply to the Inspector of Weights and Measures for inspection after the installation has been approved by the Plumbing Inspector.

(14) That before using said station the owner shall apply to the City Engineer for final inspection when he considers that he has complied with all of the requirements of the City.

(15) That permission shall be granted, subject to the above conditions and the present and future rules and regulations and ordinances of the City of Austin, Texas, applying to or regulating gasoline filling stations, 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 said J. G. Mason has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

#### CITY SAFETY COMMITTEE

Orin E. Metcalfe,  
City Engineer

J. Bouldin Rector,  
City Attorney

Tom Neal, Traffic Police  
Captain

L. A. Palmer, City Plumbing Inspector."

Councilman Pannell moved that permit be granted to said J. G. Mason, provided installation were made in accordance with the above conditions as outlined by the Safety Committee. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent.

The Mayor laid before the Council the following resolution:

WHEREAS, J. M. Odom is the contractor for the construction of a store building for Judge Ireland Graves on Lots 30 and 31, Block "B", Division "D" of the City of Austin and desires a portion of the street and alley abutting said premises during said construction 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 J.M.Odom, the boundaries of which are described as follows:

#### Whitis Avenue Working Space

Beginning at the southwest corner of Lot 30, Block "B", Division "D"; thence in a westerly direction a distance of 20 feet to a point; thence in a northerly direction and parallel to the center line of Whitis Avenue a distance of 116 feet to a point; thence in an easterly direction to the east line of Whitis Avenue; thence in a southerly direction to the point of beginning.



Alley Working Space.

Beginning at the northeast corner of Lot 31, Block "B", Division "D"; thence in an easterly direction a distance of six feet to a point; thence in a southerly direction parallel to the alley lying between Whitis Avenue and University Avenue a distance of sixty feet to a point; thence in a westerly direction to the west line of said alley; thence in a northerly direction to the point of beginning.

2. That the above privileges and allotments of space are granted to said J.M.Odom, hereafter termed "Contractor" on the following express terms and conditions:

(1) That the Contractor shall erect and maintain continuously and in good condition during the use of said space hereby allotted along and inside of the west, north and south boundaries of the Whitis Avenue working space, a substantial walkway at least four feet wide and four feet high to be built according to the sketch marked Exhibit "A" hereto attached and made a part of this resolution.

(2) That the Contractor may maintain an opening in the walkway on the west side of the barrier approximately at the center point of the walkway. This opening shall have a flooring continuous with the walkway on either side and shall have approaches in a lateral direction composed of ramps for the use of trucks and vehicles in gaining access to the working space. At all times when this opening is not in use there shall be a bar placed across such opening for the purpose of guiding pedestrians along the walkway.

(3) That the Contractor shall be allowed to construct a temporary work office and store house within the Whitis Avenue working space, provided that no part of such structure shall be nearer than twenty feet to the south boundary of said working space.

(4) That no vehicles shall be loaded or unloaded by the Contractor while parked on Whitis Avenue outside of the allotted working space.

(5) That storm waters shall be taken care of by the Contractor on both Whitis Avenue and in the alley.

(6) That any public utilities disturbed during the construction shall be replaced in as good condition as same existed when the work started.

(7) That the Contractor shall be permitted to construct and maintain within the alley working space a small outhouse during the period of construction.

(8) That the Contractor during the use of the alley working space shall take care to see that at all times any materials, scaffolding or debris is kept within the allotted alley working space and that during the use of the alley the Contractor shall not at any time have materials or any obstruction in the alley in such a way as to prevent the passage of a fire truck wishing to gain access to a fire through this alley.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5,000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any persons or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City and shall guarantee the replacement of all sidewalk, 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.

(10) That the Contractor shall have removed from the building site, not later than April 20, 1930, or sooner if necessary in the opinion of the City Manager, all fences, barricades, walks, materials and other obstructions in the street or alley. The Contractor shall restore said street and alley to as good condition as same existed before the use of the spaces hereby granted the Contractor.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

The application of J. H. Duncan to erect a gasoline filling station at 1309 Ohicon Street was read and referred to the Safety Committee for their report upon same.

The application of Magnolia Petroleum Company to erect a gasoline filling station at the southwest corner of East Sixteenth and San Jacinto Streets was read and referred to the Safety Committee for their report upon same.

Councilman Reed entered the Council Chamber.

A written protest from Fred C. Morse against a proposed site for an abattoir just outside the city limits on East Seventh Street was read and ordered filed.

The Mayor laid before the Council the following resolution:

WHEREAS, in the course of widening and reconstruction of Barton Springs Road along its new lines, it will be necessary to reconstruct the existing utilities along more practical lines; and

WHEREAS, the pole line, property of the Southwestern Bell Telephone Company along the north side of the present roadway, will be detrimental to the construction of the new roadway;

Therefore,

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

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to reconstruct its pole line along the following lines:

Beginning on the west line of South First Street 32 feet north of the center line of Barton Springs Road;

Thence westerly 32 feet north of and parallel to the center line of the said Barton Springs Road to the west line of Fredericksburg Road.

That the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The Mayor laid before the Council the following communication from the Park Board:

RESOLVED BY THE PARK BOARD OF THE CITY OF AUSTIN, TEXAS:

FIRST: That the sum of Fourteen Thousand and Forty-five Dollars, or so much thereof as may prove to be necessary, is, subject to the approval of the City Council of the City of Austin, Texas, hereby appropriated out of the Park Fund of the City of Austin, Texas, to the specific purposes set out in the accompanying detailed statement, which is made the basis and cause for this

resolution.

The following is an estimate of the cost of construction at Barton Springs necessary for the restoration and preservation of the pool, banks and trees:

|   |             |
|---|-------------|
| 1. A concrete trap dam above the children's wading pool - - - -   | \$ 4,000.00 |
| 2. That portion of the sidewalk and retaining wall on the south side of the pool to be replaced:  |             |
| 170 lin. ft. retaining wall - - - - -   | 5,000.00    |
| 170 " " sidewalk 10 ft. wide - - - - -  | 425.00      |
| 3. That portion of retaining wall required on the north side from the proposed trap dam to the children's wading pool:                      |             |
| 75 lin. ft. retaining wall - - - - -  | 300.00      |
| 4. That portion of sidewalk to be replaced at children's wading pool:   |             |
| 53 lin. ft. side 5 ft. wide - - - - -   | 70.00       |
| 5. That portion of retaining wall required on the north side from the children's wading pool to the curb:                                   |             |
| 248 lin. ft. retaining wall - - - - -   | 1,000.00    |
| 6. That portion of retaining wall required on the north side from section 5 above around the walled-in spring to the concrete dam in place: |             |
| 150 lin. ft. retaining wall (to protect pecan trees at lower dam) - - - - -   | 750.00      |
| Total -   | \$11,545.00 |

|   |            |
|---|------------|
| The following is the estimated cost of removing gravel and dressing beaches in pool and cleaning channel below dam: |            |
| 5000 cu. yds. removed from pool and hauled to storage on south bank at 50¢ per cu. yd. - - - - -                    | \$2,500.00 |
| Levelling beaches and dressing slopes in swimming pool - - - - -  | 500.00     |
| Straightening and deepening channel below dam - -   | 500.00     |
|   | \$3,500.00 |

|   |             |
|---|-------------|
| Less:   |             |
| Allowance from street department for gravel - | \$1,000.00  |
|   | 2,500.00    |
|   | \$14,045.00 |

SECOND: That as in the clear judgment and conviction of the Park Board, beauty in the construction of park improvements is only second to strength and permanence in park work, the Park Board hereby memorializes the City Council that it direct the trap dam called for in this resolution to be built of natural rock, or if in part be otherwise built, it be faced in natural rock.

The Mayor then laid before the Council the following resolution:

WHEREAS, the Park Commission of the City of Austin has passed a resolution recommending the expenditure of Fourteen Thousand and Forty-five (\$14,045.00) Dollars, to be spent for improvements at Barton Springs Park; and

WHEREAS, said recommendation of the Park Commission has been reviewed by the City Council; therefore,

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

That the improvements set forth are hereby approved by the City Council; and

That the City Manager is hereby instructed to have the said improvements executed out of the Parks and Playgrounds Bond Fund appropriations when funds for same have become available.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

WHEREAS, a portion of the improvements to be made at Barton Springs Park should be completed during the winter months; and

WHEREAS, the following portion of the work as shown by estimate is considered emergency projects:

ESTIMATE

|   |            |
|---|------------|
| 5,000 cu. yds. removed from pool and hauled to storage<br>on south bank at \$0.50 per cu. yd. - - - - - | \$2,500.00 |
| Levelling beaches and dressing slopes in swimming pool - - -  | 500.00     |
| Straightening and deepening channel below dam - - - - -   | 500.00     |
| Total estimated cost - - - - -  | \$3,500.00 |
| Less: Allowance from Street Department for Gravel -   | 1,000.00   |
|   | \$2,500.00 |

Therefore,

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

That the sum of Two Thousand Five Hundred (\$2,500.00) Dollars be and the same is hereby transferred from the General Fund to the Parks and Playgrounds Bond Fund, said amount to be considered as a loan and to be repaid out of the Parks and Playgrounds Bond Fund out of money to be received from the sale of Parks and Playgrounds Bonds.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

Reports of the Southwest Bitulithic Company, advising that the paving on Guadalupe Street from Sixth to Eighth Streets, and from Eighth to Nineteenth Streets, had been completed, and of H. R. F. Helland, Consulting Engineer, recommending the acceptance of same, were read.

The Mayor then laid before the Council the following resolution:

RESOLUTION ACCEPTING STREET  
IMPROVEMENTS CONSTRUCTED BY  
SOUTHWEST BITULITHIC COMPANY  
ON A PORTION OF GUADALUPE  
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 19th day of April, 1929, 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:

GUADALUPE STREET from the north property line of West Sixth Street to the south property line of West Eighth Street, known and designated as Unit or District No. 10; and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvement 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:

1.

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

2.

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.

3.

That this resolution take effect at once.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

The Mayor laid before the Council the following resolution:

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

WHEREAS, on the 19th day of April, 1929, 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:

GUADALUPE STREET from the south property line of West Eighth Street to the south property line of West Nineteenth Street, known and designated as Unit or District No. 10-A;

and

WHEREAS, said contractor has fully completed the street improvements upon said unit or district of improvement 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:

.1..

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

2.

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.



3.

That this resolution take effect at once.

The above resolution was adopted by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, Reed, and Steck, 5; nays, none.

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

The Council then recessed.

Approved: J. H. McFadden  
Mayor.

#### REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, January 16, 1930.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; absent, Councilman Reed, 1.

The regular order of business was suspended in order to open bids for improvement work at Barton Springs under Contracts "C" and "D", and the following bids were then opened and read:

J. M. Odom;  
Austin Bridge Co.;  
Dixon B. Penick Engineering Co.;  
C. A. Maufrais;  
Richard Schmidt.

The above bids were referred to H. R. F. Helland, Consulting Engineer, for tabulation and report to the Council.

A committee, composed of T. B. Walling, James Belger, and others, presented a petition signed by property owners on San Jacinto Street indorsing the paving of said street, but protesting the widening of same to fifty-six feet. The petition was ordered filed and the petitioners advised that the matter would be given due consideration.

The Mayor declared that the hearing of property owners and other interested parties with reference to the paving of Guadalupe Street from Fifth to Sixth Streets, which had been continued from the last regular meeting, was now open.

John H. Nash, Lessee of the Enfield Realty Company's Building, appeared and requested that this street be widened, stating that when he leased said premises it was with the understanding that this street would be widened and paved.

No other interested parties appearing to be heard, Councilman Mueller moved that the hearing on said above street be continued until the next regular meeting, January 23, 1930. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent.