

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, January 14, 1938.

The meeting was called to order at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 4; absent, Councilman C. M. Bartholomew, 1.

The reading of the Minutes was dispensed with.

William A. Kessler, Attorney at Law, presented the following communication:

" Austin, Texas
January 14, 1938

City Council
Austin, Texas

Gentlemen:

In behalf of Mr. W. L. Moore, we are at this time renewing the application for a change of zoning of the Moore property on the South Congress Avenue extension through La Prella Place. As you possibly recall, the Zoning Board of Adjustment has on two previous occasions recommended a change of zoning from Residential "A" to Commercial "C", but the City Council deferred action until a showing was made that the property in question was not subject to restrictions preventing its use for commercial purposes.

In accordance with the Council's suggestion, Mr. Moore had Mr. Shelley and me file a suit in the 53rd District Court of Travis County to remove whatever restrictions might exist as to the use of the property. On January 7, 1938, the court awarded Mr. Moore a judgment removing such restrictions as may have existed restricting the use of the property to residential purposes only. A copy of the judgment, as well as a copy of the plaintiff's original petition are enclosed herewith.

We should like to point out that while a number of reasons are alleged in the petition as grounds for removal of the restrictions, if any ever existed, the case was tried primarily on the question of changed conditions. In other words, testimony was offered to the court to show that the encroachment of business in and around this property, and the cutting of South Congress Avenue through La Prella Place, had the effect of isolating the strip of land on the east side of the avenue, so that it in effect was no longer a portion of La Prella Place and that it would be inequitable and unjust to enforce such restrictive covenants as apply to La Prella Place proper, on the west side of the avenue.

The only other property owners in La Prella Place on the east side of South Congress Avenue are The Texas Company, R. M. Waterston and Felix Cherico. I should like to point out that a portion of the property belonging to the Texas Company has already been zoned as Commercial "C" property. While Mr. Moore is naturally applying for a change of only the tract which he owns, I am enclosing herewith letters from Mr. R. M. Waterston, Mr. Felix Cherico and The Texas Company, suggesting to the Council that their property also be considered and included in the change of zoning.

We should also like to state that it has never been Mr. Moore's desire or intention to in any way jeopardize the restrictions which exist in La Prella Place proper, on the west side of South Congress Avenue. He respects the intention of the original developers, as well as the desires of the present residents of La Prella Place. However, a change of zoning of the property on the east side of the avenue will, in our opinion, do justice to the property owners and remove an inequitable situation now in existence.

Respectfully submitted,

William A. Kessler
George E. Shelley. "

(Letters inclosed)

"Austin, Texas
January 13, 1938

The City Council
Austin, Texas

Gentlemen:

I am advised that Mr. W. L. Moore has applied for a change of Zoning of his property on South Congress Avenue through La Prella Place.

The Texas Company is the owner of Lots 18, 19, 20, 21, and 21A, which lots are located in the same block as Mr. Moore's property and we hereby advise you that we personally favor and approve a change of Zoning from Residential "A" to Commercial "C" of all property in La Prella Place lying on the east side of Congress Avenue.

Yours truly,
THE TEXAS COMPANY by M.E. Moore, Zone Representative"

"Austin, Texas
January 13, 1938

City Council
Austin, Texas

Gentlemen:

I am advised that Mr. W. L. Moore has applied for a change of zoning of his property on the South Congress Avenue extension through La Prella Place. I am the owner of Lot No. 17, in the same block as Mr. Moore's property and hereby advise you that I personally favor a change of zoning from Residential "A" to Commercial "C", of all property in La Prella Place lying on the east side of the Avenue.

Respectfully yours,

R. M. Waterston

By Tass D. Waterston. "

"Austin, Texas
January 13, 1938

City Council
Austin, Texas

Gentlemen:

I am advised that Mr. W. L. Moore has applied for a change of zoning of his property on the South Congress Avenue extension through La Prella Place. I am the owner of Lot 16, which adjoins Mr. Moore's property, and hereby advise you that I personally favor a change of zoning from Residential "A" to Commercial "C", of all property in La Prella Place lying on the east side of the Avenue, so long as no filling station is constructed within 15 feet of my property line.

Respectfully yours,

Felix Cherico. "

A public hearing on the proposal to change the zoning from "A" Residence District to "C" Commercial District of the foregoing described property, lying south of East Live Oak Street and east of the New Post Road and College Avenue, was called for Thursday, February 3, 1938, at 11:00 A. M.

A group of taxicab owners appeared before the Council and asked that no out-of-town firms be granted licenses to operate, and were assured that only locally-owned taxicabs would be allowed to operate. The committee also asked that the number of taxicabs no exceed seventy-five.

Upon motion of Councilman Alford, taxicab driver's permits were granted to Wesley L. Plumley, 2221 Haskell Street, and Felix Lee Shugard, 103 West Monroe Street, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division, by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford offered the following resolution:

WHEREAS, L. C. Banks, owner of a portion of Outlot 52, Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is situated on the west side of San Jacinto Street at a location north of East 17th Street and being locally known as 1704 San Jacinto Street, has made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the west side of San Jacinto Street adjacent to the above described property, the new curb of which setback will be 6 feet west of and parallel to the established west curb line of San Jacinto Street, thereby relieving traffic conditions at this location by creating a greater width of travelway on San Jacinto Street; and

WHEREAS, said L. C. Banks has also made application for permission to construct a commercial driveway across the sidewalk area in conjunction with the above described

curb setback, which driveway is to begin at the newly established curb line of the above described setback; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described curb setback and commercial driveway and said plan has been considered and approved by the City Council of the City of Austin; therefore

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

THAT L. C. Banks, owner of a portion of Outlot 52, Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property is situated on the west side of San Jacinto Street and is located north of East 17th Street and being locally known as 1704 San Jacinto Street, is hereby granted permission to set the curb back from the established curb line on San Jacinto Street adjacent to the above described property and to construct a commercial driveway in conjunction therewith.

Permission to construct the above described curb setback and commercial driveway is granted subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereby attached marked 2-H-578 and made a part hereof, and in accordance with the following conditions:

(1) That the construction of the setback area on San Jacinto Street shall be carried out in accordance with the accompanying plan marked 2-H-578 and that all such widened areas, driveways or ramps and curbs shall be constructed of concrete at the expense of the applicant.

(2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2½ parts of sand, and 4 parts of screened gravel or rock.

(3) That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high and that an expansion joint not less than ¾ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-H-578.

(4) That all such expansion joints shall be of the pre-moulded type.

(5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.

(6) That the applicant shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at his expense.

(7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Gillis offered the following resolution:

WHEREAS, Morrow Wrecking Company is the Contractor for removing the front wall damaged by fire on the building located at 808-10-12 Congress Avenue and desires a portion of the street and sidewalk space abutting Lot 3, Block 98, of the Original City of Austin, Texas, during the removal of the front wall damaged by fire on the said 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 Morrow Wrecking Company, the boundary of which is described as follows:

Street and Sidewalk Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Congress Avenue to a point 19 feet east of the curb; thence in a southerly direction 46 feet and parallel with the centerline of Congress Avenue to a point; thence in a westerly direction and at right angles with the centerline of Congress Avenue to the southeast corner of the

above described property; thence along the east line of said property to the point of beginning.

2. That the above privileges and allotment of space are granted to the said Morrow Wrecking Company, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall erect and maintain continuously in good condition during the use of said space hereby allotted, along the north, east, and south boundaries of said working space a substantial walkway at least 4 feet wide in the clear on the inside and at least 8 feet high, the same to be covered solidly on the street side with boards to a height of 4 feet above pavement and on the building side to be covered solidly with boards to a height of 8 feet. The top of the walkway shall be covered solidly with boards at least 8 inches thick which shall be supported at intervals sufficiently close to prevent sagging of the roofing boards. The roof of said walkway shall be covered with a roofing material which will prevent leaking of the roof and provide a dry walkway at all times. No wood strips or obstructions of any kind shall be permitted 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. The section of the working space on the north and south sides on the sidewalk between the property line and the curb shall be solidly covered with boards to a height of 8 feet substantially braced and anchored.

(2) That the Contractor shall construct at the south end of his working space a substantial gate which shall be kept covered at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That "No Parking" signs shall be placed on the street side of the barricades and on the curb for a distance of twenty feet south of the south barricade.

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

(6) That provision 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 waters.

(7) 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.

(8) 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 January 31, 1938.

(9) 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.

(10) 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.

(11) 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 project, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(12) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5000.00) Dollars, 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 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.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Gillis offered the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks and ramps of other materials; and

WHEREAS, J. L. Hunter, owner of Lot 13 of Pease Estate, a subdivision within the City of Austin, Travis County, Texas, which property is known as 1625 Watchhill Road, has requested the City Council of the City of Austin to grant permission to construct a flagstone walk from the curb line to the property line at the above described location; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said flagstone walk; therefore

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

THAT J. L. Hunter, owner of Lot 13 of Pease Estate, a subdivision within the City of Austin, Travis County, Texas, being known as 1625 Watchhill Road, is hereby granted permission to construct a flagstone walk from the property line to the curb line at the above described location and said walk is to be constructed under the supervision and direction of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin, and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the city streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the

City Council; therefore

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

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in JARRATT AVENUE north 256 feet from a point 147 feet north of the north line of Leigh Street, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Jarratt Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(2) A gas main in SABINE STREET southerly 78 feet from a point 10 feet south of the south line of East 23½ Street, the centerline of which gas main shall be 2¼ feet east of and parallel to the west line of said Sabine Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(3) A gas main in EAST 2ND STREET easterly 62 feet from Canadian Street, the centerline of which gas main shall be 25 feet south of and parallel to the north line of said East 2nd Street.

Said gas main described above shall have a covering of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the reatoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The Mayor called up for its third reading, the following ordinance:

AN ORDINANCE AMENDING IN THE CERTAIN PARTICULARS HEREINAFTER STATED AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES, AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. "

The ordinance was read the third time and Councilman Gillis moved that the ordinance

be finally passed. The motion was seconded by Councilman Alford, and was carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The following resolution of the Housing Authority of the City of Austin was received:

"RESOLUTION NO. 4

WHEREAS, on the 23rd day of December, 1937, the City Council of the City of Austin, Texas, by resolution authorized the Housing Authority in and for said City to function; and

WHEREAS, on the 23rd day of December, 1937, the Mayor of said City of Austin pursuant to the authority vested in him appointed the members of said Housing Authority of the City of Austin and designated E. H. Perry as the first Chairman of the said Authority; and

WHEREAS, the members of said Authority convened on the 29th day of December, 1937, for the purpose of organizing said Authority, and said Authority is now authorized to transact business and exercise its powers in said City; and

WHEREAS, the City Council of the City of Austin, Texas, is now authorized, pursuant to Section 6 of the Housing Corporation Law, to pay to the Authority as a loan the amount of money necessary for the administrative expenses and overhead of the Authority and to appropriate such amount to the Authority out of any moneys in the city treasury not appropriated to other purposes;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSING AUTHORITY OF THE CITY OF AUSTIN, TEXAS:

Section 1. That the Chairman be and he is hereby authorized to request the City Council of the City of Austin to pay to the Authority, as a loan, the amount of money necessary for the administrative expenses and overhead of the Housing Authority of the City of Austin during the first year of its operation which the Authority estimates as the sum of \$1000.00, and to appropriate said sum of \$1000.00 to the Authority out of any moneys in the treasury of said City of Austin not appropriated to other purposes, all pursuant to the provisions of Section 6 of the Housing Corporation Law, approved November 3rd, 1937.

Section 2. Be it further resolved, that the Secretary make available certified copies of this resolution to be distributed to the Mayor of the City of Austin and to such members of the City Council of said City as may be expedient. "

Councilman Wolf then offered the following resolution:

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

THAT the sum of \$1,000.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of making an advance to the Housing Authority of the City of Austin for preliminary expenses.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Alford offered the following resolution:

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

THAT the sum of \$325.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of paying for the construction of a masonry retaining wall at the south end of the Congress Avenue bridge as per contract entered into March 1, 1932, between the City of Austin and W. C. Moore.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Mayor Miller introduced the following ordinance:

AN ORDINANCE APPROVING, RATIFYING AND AUTHORIZING THE EXECUTION OF A LEASE AND AGREEMENT BETWEEN THE CITY OF AUSTIN AND THE LOWER COLORADO RIVER AUTHORITY, WHICH CONTRACT IS MADE A PART OF THIS ORDINANCE; LEASING TO THE AUTHORITY THE AUSTIN DAM, POWER HOUSE AND APPURTENANCES, FLOWAGE RIGHTS, RIPARIAN RIGHTS AND PROPERTIES THEREIN DESCRIBED FOR A TERM OF YEARS, ON PAYMENT OF RENTALS AND ON TERMS AND CONDITIONS SET OUT IN SAID CONTRACT; PROVIDING FOR THE RECONSTRUCTION AND REPAIR OF SAID DAM BY LESSEE, AND PAYMENT FOR SAID IMPROVEMENTS AT COST, LESS DEPRECIATION, AS FULLY SET OUT IN SAID CONTRACT; PROVIDING FOR THE PURCHASE BY THE CITY FROM LESSEE OF CERTAIN ELECTRIC ENERGY OR CURRENT ON TERMS AND AT PRICES SET OUT IN SAID CONTRACT; DEFINING AND SETTING OUT THE RIGHTS AND DUTIES OF THE PARTIES UNDER SAID CONTRACT; PROVIDING THAT SAID CONTRACT SHALL OPERATE AS A FRANCHISE CONFERRING ON LESSEE THE RIGHTS AND POWERS TO DO AND PERFORM THE ACTS AND THINGS PROVIDED IN SAID CONTRACT.

Councilman Gillis moved, seconded by Councilman Wolf, that the foregoing ordinance be filed with the City Clerk for public inspection for one week before being called up for final passage. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf offered the following resolution:

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

THAT the sum of \$1000.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of purchasing right of ways for the straightening of Enfield Road from Hopi Trail to Dam Boulevard.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Councilman Wolf moved that the City Manager be authorized to advertise for bids on the construction of a Service Building for the Water, Light and Power Department, in accordance with plans and specifications submitted by the Architect, C. H. Page, Sr., said bids to be opened and read on February 2, 1938. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The following resolution was introduced:

WHEREAS, taxes have been assessed for the years 1928-1932, inclusive, on Lot 8, Outlot 7, Division "C", Stark Addition to the City of Austin, and taxes have been assessed for the years 1927-1934, inclusive, on Lot 29, Outlot 61, Division "B", City of Austin, the total taxes exclusive of penalty and interest on said property amounting to \$453.20; penalty thereon, \$22.64, and accrued interest to December 15, \$166.57; and

WHEREAS, said taxes accrued on all the property above described while in the name of other persons and that Miss Lydia Littman has had to repossess the property and is now liable for said taxes; and

WHEREAS, under the circumstances the City Council deems it advisable and equitable to waive the penalty of \$22.64, and one-half the accrued interest on said taxes, of \$83.29, making a total remission of \$105.93 off of the total amount due on December 15, 1937, conditional upon these taxes, and one-half the interest up to December 15, 1937, being paid within 10 days from January 10, 1938; therefore

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

THAT the penalty and one-half the interest on the aforesaid taxes for the

aforesaid years in the sum of \$105.93, penalty, and one-half the interest, should be and is hereby remitted, and that the Tax Assessor and Collector is hereby authorized and directed to charge said penalty and one-half of said interest off of said tax rolls conditioned upon the payment of said taxes within 10 days from January 10, 1938, and to accept the taxes due on said property for said years if paid within said time in full of said assessment.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The following resolution was introduced:

WHEREAS, taxes have been assessed against W. Gillespie Stacy on certain lots in Travis Heights and Free and Williams Addition to the City of Austin, said taxes amounting in the aggregate at this time to \$354.55, and the penalty for non-payment thereof has been assessed in the sum of \$14.71, and interest has accrued on said taxes in the sum of \$62.98; and

WHEREAS, it is deemed just and equitable to remit the penalty on said taxes in the sum of \$14.71 and 1/2 of the interest thereon in the sum of \$31.49, penalty and interest amounting to \$46.20, leaving the remainder due on said taxes \$354.55 and 1/2 interest thereon \$31.50, aggregating the sum of \$386.05; therefore

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

THAT the penalty on the aforesaid taxes in the sum of \$14.71 and 1/2 of the interest amounting to \$31.49, penalty and interest aggregating \$46.20, is remitted, leaving the aggregate sum due on said property, taxes, \$354.55 and 1/2 interest thereon, \$31.50, aggregating \$386.05, and that the Tax Collector and Assessor is authorized and directed to charge off the aforesaid penalty and 1/2 of the aforesaid interest, conditional on the payment of said \$386.05 on or before January 21, 1938.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

Upon motion, duly seconded and carried, the meeting was recessed at 11:15 A.M., subject to the call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Harris McKee
City Clerk