

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 23, 1959
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police.

Invocation was delivered by DR. FRED E. BROOKS, Presbytery of Austin.

Councilman White moved that the Minutes of the Meeting of July 16, 1959, be approved. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

A RESOLUTION PROVIDING FOR MEETING OF AND PUBLIC HEARING BEFORE THE CITY COUNCIL OF THE CITY OF AUSTIN CONCERNING CERTAIN PROPOSED ACTIONS UNDER THE URBAN RENEWAL LAW OF TEXAS; AND PROVIDING FOR NOTICE OF SUCH MEETING AND HEARING.

WHEREAS, the Urban Renewal law of the State of Texas (Article 1269 1-3 Vernon's Annotated Civil Statutes of Texas) finds and declares the existence in the incorporated cities, towns and villages of said state of slum and blighted areas (as therein defined) and that such areas constitute a serious and growing menace, injurious and inimical to the public health, safety, morals and welfare of the residents of the state; and,

WHEREAS, said Urban Renewal law authorizes the exercise of certain powers thereunder by any such city, town or village and by an Urban Renewal Agency as

provided for in said Urban Renewal law, for the elimination and prevention of the spread of such slum and blighted areas, provided that the governing body of such city, town or village shall have:

(a) Cause to be published at least twice in the newspaper officially designated by such governing body, a notice that on a date certain (which date shall be stated in the notice and shall be not less than sixty (60) days after the publication of the first such notices), such governing body will consider the question of whether or not it will order an election to determine if it should adopt a resolution substantially in the form set forth in Part 1 hereof;

(b) Determine (on or after the date specified in such notice) to call such election;

(c) Given (after its determination to call such election) at least thirty (30) days notice of such election;

And provided further, that at such election so called and held (at which only qualified voters residing in such city, town or village, owning taxable property within the corporate limits thereof, who have duly rendered the same for taxation, shall be entitled to vote), the majority of those voting thereat shall vote in favor of such governing body's adoption of, and such governing body thereafter adopts, such resolution; and,

WHEREAS, the City Council of the City of Austin, deems it necessary that said city avail itself of the provisions of said Urban Renewal law, and the City Council further deems it necessary to consider whether or not an Urban Renewal Agency, as provided for in said Urban Renewal law, shall be created in and for the City of Austin, Texas; and,

WHEREAS, it is the purpose and intent of the City Council of the City of Austin, on the date and at the time and place specified in the form of notice contained in Part 1 hereof, to hold a public hearing on the question of, and to consider and determine, whether or not it will order an election to determine if it should adopt a resolution substantially in the form set forth in said form of notice; Now, Therefore,

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

Part 1: That the following notice is hereby ordered to be published by the City Council of the City of Austin, Texas, said notice to be published in the Sunday, July 26, 1959, and Sunday, October 4, 1959, issues of the Sunday American Statesman which is published on weekdays, Mondays through Saturday as The Austin American (morning edition) and The Austin Statesman (evening edition), newspapers of general circulation published by Newspapers, Inc., being published in the City of Austin, Texas, said notice to be in the following form, to wit:

"Notice of meeting of and public hearing by the City Council of the City of Austin, Texas, concerning certain proposed actions under the Urban Renewal law of the State of Texas.

Pursuant to the provisions of the Urban Renewal law of the State of Texas, notice is hereby given that the City Council of the City of Austin, Texas, will meet at the City

Hall, in said city, on the 8th day of October, 1959, at 10:00 o'clock A.M. at which time and place said Council will conduct a public hearing on the question of and will consider and determine, whether or not it will order an election by the qualified voters residing in said city, owning taxable property within the boundaries thereof, who have duly rendered the same for taxation, to determine if the City Council should adopt a resolution substantially as follows:

RESOLUTION MAKING CERTAIN FINDINGS, DETERMINATIONS, AND ELECTIONS UNDER AND PURSUANT TO THE URBAN RENEWAL LAW OF TEXAS

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

SECTION 1. It is hereby found and determined that one or more slum or blighted areas exist in the City of Austin, Texas.

SECTION 2. It is hereby further found and determined that the rehabilitation, conservation, or slum clearance and redevelopment or a combination thereof, of such slum or blighted area or areas, is necessary in the interest of public health, safety, morals or welfare of the residents of said city.

SECTION 3. It is hereby further determined that the City of Austin shall exercise the powers granted to the city by the Urban Renewal law of the State of Texas, except the Urban Renewal project powers as defined in said Urban Renewal law.

SECTION 4. It is hereby further determined to be necessary and in the public interest that the City of Austin elect, and, accordingly, the City hereby elects to have said Urban Renewal project powers exercised by the Urban Renewal Agency of the City of Austin, which agency is created by said Urban Renewal Law.

SECTION 5. The findings, determinations, and elections herein made are made in accordance with, and the various terms used herein are used in the same sense as used or defined in said Urban Renewal law.

At the aforesaid public hearing, each person will be given full opportunity to be heard, either in person or by his counsel, relative to the subject being considered, and likewise to present to and file with the City Council for its consideration, his written comments and recommendations relative to such subject.

ADOPTED: July 23, 1959

APPROVED: July 23, 1959

ATTEST:

/s/ Elsie Woosley
City Clerk

/s/ Tom Miller
Mayor

"

Part 2: The City Council shall meet on the date and at the time and place specified in the form of notice contained in Part 1 hereof and shall then and there hold a public hearing on the question of, and consider and determine, whether or not it will order an election in the City of Austin, in accordance with the Urban Renewal law of the State of Texas, to determine if it should adopt a resolution substantially in the form set forth in said form of notice.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

WHEREAS, a certain drainageway easement was reserved and dedicated to the public, in, upon, and across a part of Lot 9, Block C, in Highland Park West, a subdivision of a portion of Daniel J. Gilbert Survey No. 8, the C. J. Strother Survey No. 611 and the Albert Sillsbe Survey No. 1 in the City of Austin, Travis County, Texas, according to a map or plat of said Highland Park West of record in Book 4 at page 299 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the hereinafter described premises has requested that the hereinafter described drainageway easement located on such premises be released; and,

WHEREAS, the hereinafter described easement is not now needed and hereafter will not be required by the City of Austin; Now, Therefore,

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

That W. T. Williams, Jr., City Manager, be and he is hereby authorized to execute a release of the drainageway easement located on the hereinafter described premises:

810 square feet of land same being out of and a part of Lot 9 Block C in Highland Park West, a subdivision of a portion of Daniel J. Gilbert Survey No. 8, the C. J. Strother Survey No. 611 and the Albert Sillsbe Survey No. 1 in the City of Austin, Travis County, Texas, according to a map or plat of said Highland Park West of record in Book 4 at page 299 of the Plat Records of Travis County, Texas, said 810 square feet of land are more particularly described by metes and bounds as follows:

BEGINNING at a point in the east line of Lot 9 Block C in said Highland Park West and from which point of beginning the southeast corner of said Lot 9 bears S 27° 20' W 10.02 feet;

THENCE, with the east line of said Lot 9 N 27° 20' E 50.27 feet to a point in the west line of a drainage easement described in an instrument dated September 26, 1956, of record in Volume 1745 at page 2 of the Deed Records of Travis County, Texas;

THENCE, N 18° 10' E 62.77 feet to the most northerly corner of the herein described tract of land same being a point in a line ten (10.00) feet west of and parallel to the east line of said Lot 9;

THENCE, with said line ten (10.00) feet west of and parallel to the east line of said Lot 9, S27°20' W 111.65 feet to the southwest corner of the herein described tract of land and from which point the southeast corner of said Lot 9 bears S 27° 20' W 10.02 feet and S 59° 18' E 10.02 feet;

THENCE, S 59° 18' E 10.02 feet to the point of beginning.

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by instrument dated September 9, 1956, of record in Volume 1745 at page 2 of the Deed Records of Travis County, Texas, an easement for an open or enclosed drainageway was dedicated to the public in, upon and across a strip of land ten (10.00) feet in width, same being out of and a part of Lots 8 and 9, Block "C" in Highland Park West, a subdivision of a portion of the Daniel J. Gilbert Survey No. 8, the C. J. Strother Survey No. 611 and the Albert Silsbe Survey No. 1, in the City of Austin, Travis County, Texas, according to a map or plat of said Highland Park West of record in Book 4 at page 299 of the Plat Records of Travis County, Texas; and,

WHEREAS, an enclosed drainage of adequate size has been installed in such open or enclosed drainage easement; and,

WHEREAS, the owner of the above described property has requested that the City relinquish its right to maintain an open drainage ditch and retain only an easement for enclosed drainage; and,

WHEREAS, the installation of enclosed drainage within the aforementioned easement has made it unnecessary for the City to retain the right to maintain an open drainage ditch on such easement; Now, Therefore,

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

That W. T. Williams, Jr., City Manager, be and he is hereby authorized to execute a release effective to relinquish the City's right to maintain an open drainage ditch, but retaining in the City of Austin specifically the right to maintain enclosed drainage on the hereinafter described tract:

A strip of land ten (10.00) feet in width, same being out of and a part of Lots 8 and 9, Block "C" in Highland Park West a subdivision of a portion of the Daniel J. Gilbert Survey No. 8, the C. J. Strother Survey No. 611 and the Albert Silsbe Survey No. 1, in the City of Austin, Travis County, Texas, according to a map or plat of said Highland Park West of record

in Book 4 at page 299 of the Plat Records of Travis County, Texas, the portion of said strip of land ten (10.00) feet in width traversing Lot 9, Block "C" having been dedicated as a drainage easement on said plat of Highland Park West and the portion traversing Lot 8, Block "C" having been dedicated as a drainage easement in an instrument dated September 9, 1956, of record in Volume 1745 at page 2 of the Deed Records of Travis County, Texas; the centerline of said strip of land ten (10.00) feet in width being more particularly described as follows:

BEGINNING at a point in the north line of Lot 9, same being a point in the south line of Perry Lane and from which point of beginning the northeast corner of said Lot 9, same being the northwest corner of Lot 8, bears South 48° 10' East 51.75 feet;

THENCE, South 1° 02' East 95.19 feet to a point;

THENCE, South 18° 10' West 30.99 feet passing a point in the east line of said Lot 9, same being in the west line of Lot 8, in all a distance of 114.72 feet to point of termination, and from which point of termination the southwest corner of said Lot 8 bears South 18° 10' West 10.24 feet and North 59° 18' West 15.00 feet.

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Councilman Palmer introduced the following ordinance and moved that it be published in accordance with Article 1, Section 6 of the Charter of the City of Austin:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 25.94 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY NO. 15 IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The ordinance was read the first time and Councilman Palmer moved that the ordinance be passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Councilman Bechtol offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by deed of record in Vol. 642, page 322, the City of Austin, a municipal corporation, has acquired title to and is the present owner of Outlot No. 68, in Division "0", of the Outlots adjoining the Original City of Austin, Travis County, Texas; and

WHEREAS, such Outlot 68 is contiguous to that certain subdivision known as Chalmers Addition, according to the map or plat of said subdivision of record in Vol. 7, page 181, of the Plat Records of Travis County, Texas, and which subdivision is a part of Outlot 67, in Division "0" of the Outlots adjoining the Original City of Austin; and

WHEREAS, there was at one time shown on some of the maps of the City of Austin an extension of Chalmers Avenue from Riverview Street to the Sand Beach Reserve, but such shown roadway was only forty feet (40') in width and was carved out of the said Outlot 67 and no portion of Outlot 68 was included therein and such roadway was never dedicated for public use; and

WHEREAS, by Ordinance No. 560126C, passed January 26, 1956, such forty foot (40') roadway area was perpetually closed and vacated and Chalmers Avenue from Riverview Street to the Sand Beach Reserve was relocated in accordance with the map or plat of said Chalmers Addition as finally approved by the City of Austin on June 21, 1956, and such forty foot (40') strip of land was included within the boundaries of Chalmers Addition and as the most Westerly Forty feet (40') thereof; and

WHEREAS, the City of Austin does not now nor has it ever claimed title (except as to easements thereon in favor of the City of Austin) in and to such forty foot (40') strip which was so closed and abandoned as a street by the aforesaid ordinance; and

WHEREAS, Tom Kouri and Henry Kuempel are the present owners of Lots Sixteen (16) through Twenty-One (21), both inclusive, of said Chalmers Addition and have contracted to sell the same to Walter P. Webb and Joe B. Frantz, both of Travis County, Texas, and counsel for such purchasers by reason of the foregoing facts has raised a question as to the interest, if any, of the City of Austin in and to such forty foot (40') strip as to the portion thereof enclosed within the said Lots Nos. Sixteen (16) through Twenty-One (21), both inclusive; and

WHEREAS, in order to quiet the title in and to such forty foot (40') strip as enclosed within said lots and to avoid the necessity and expense of a suit in trespass to try title; Now Therefore,

BE IT RESOLVED by the Council of the City of Austin, in due and lawful meeting assembled, that the City Manager of the City of Austin, be, and he is hereby, authorized, empowered and instructed, to make, execute, acknowledge and deliver for and upon behalf of the City of Austin, a municipal corporation, a special warranty deed to Tom Kouri and Henry Kuempel, of Travis County, Texas, conveying the interest, if any, of the City of Austin in and to the following described property, to wit:

The West Forty Feet (W.40') of Lots Nos. Sixteen (16),

Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20) and Twenty-One (21), and being a part of Block "B", all of Chalmers Addition, a subdivision of a portion of Outlot 67, Division "O", in the City of Austin, Travis County, Texas, according to the map or plat of said subdivision of record in Vol. 7, page 181, of the Plat Records of Travis County, Texas, and to which said map or plat and the record thereof reference is here made for all pertinent purposes;

but that such conveyance shall not include and convey easements now held by the City of Austin in, upon or across such aforescribed property, and the Clerk of the City of Austin is hereby empowered, authorized and instructed to affix the seal of the City of Austin thereto."

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Councilman Bechtol offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the creation of an East - West thoroughfare to connect the Lockhart and Bastrop Highways with the Fredericksburg Road to provide for the free and safe flow of traffic between such highways and intersecting streets within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right of way to permit the creation and construction of said East - West thoroughfare, to be known as Ben White Boulevard; and,

WHEREAS, the City of Austin has negotiated with the owner of said land and has been unable to agree with such owner as to the fair cash market value thereof; Now, Therefore,

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

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against the owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land:

3.03 acres of land, same being out of and a part of that certain portion of Block Nos. 8 and 11 of Fortview, a subdivision of a portion of the Isaac Decker League Survey No. 20 in the City of Austin, Travis County, Texas, according to a map or plat of said Fortview of record in Book "Z" at page 606 of the Deed Records of Travis County, Texas, which was conveyed together with other property by a Warranty Deed dated February 10, 1937, from Henry Radam et ux Adele Radam to Nora Todd, a feme sole, of record in

Volume 595 at page 214 of the Deed Records of Travis County, Texas, said 3.03 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a point for the southwest corner of the said Block 8 of Fortview same being the northwest corner of the said Block 11 of Fortview and being also the northwest corner of that certain tract of land conveyed to Nora Todd, a feme sole, by Warranty Deed dated May 28, 1935, of record in Volume 523 at page 322 of the Deed Records of Travis County, Texas, and from which point of beginning a 3/16" bolt at the point of intersection of the south line of Fort McGruder Lane with the east line of South First Street bears N 30° 06' E 1.04 feet, N 59° 58' W 653.96 feet and N 29° 45' E 657.06 feet;

THENCE with the west line of the said Block 8 of Fortview as fenced N 30° 06' E 191.78 feet to an iron stake in the proposed north line of Ben White Boulevard;

THENCE with the proposed north line of Ben White Boulevard S 52° 23' E 213.34 feet to an iron stake;

THENCE continuing with the proposed north line of Ben White Boulevard S 56° 57' E 449.21 feet to an iron stake in the east line of the said Block 8 of Fortview as fenced;

THENCE with the east line of the said Block 8 of Fortview S 29° 58' W 140.38 feet to a point for the southeast corner of the said Block 8, same being the northeast corner of the said Block 11 of Fortview;

THENCE with the south line of the said Block 8 of Fortview, same being the north line of the said Block 11 of Fortview N 60° 02' W 97.38 feet to a point, same being the northwest corner of that certain tract of land on contract of lease dated February 15, 1946, from Nora Todd Elliott et vir to Edward W. Joseph of record in Book 783 at page 338 of the Deed Records of Travis County, Texas;

THENCE with the most westerly east line of the herein described tract of land, same being the west line of the said Edward W. Joseph lease as fenced S 27° 33' W 116.77 feet to a point in the proposed south line of Ben White Boulevard;

THENCE with the proposed south line of Ben White Boulevard N 47° 49' W 328.50 feet to an iron stake in the most southerly west line of the said Nora Todd Elliott tract of land;

THENCE with the most southerly west line of the said Nora Todd Elliott tract of land N 29° 46' E 47.21 feet to an iron stake at an interior ell corner of the said Nora Todd Elliott tract of land, same being in the north line of the said Block 11 of Fortview;

THENCE with the north line of the said Block 11 of Fortview, same being the most westerly south line of the said Nora Todd Elliott tract of land N 59° 38' W 124.11 feet to an iron stake;

THENCE continuing with the most westerly south line of the said Nora Todd Elliott tract of land N 59° 57' W 122.98 feet to the point of beginning.

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Councilman Bechtol offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the creation of an East - West thoroughfare to connect the Lockhart and Bastrop Highways with the Fredericksburg Road to provide for the free and safe flow of traffic between such highways and intersecting streets within the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land for right of way to permit the creation and construction of said East - West thoroughfare, to be known as Ben White Boulevard; and,

WHEREAS, the City of Austin has negotiated with the owner of said land and has been unable to agree with such owner as to the fair cash market value thereof; Now, Therefore,

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

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against the owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land:

3.87 acres of land a portion of Blocks Nos. 11 and 12 of Fortview, a subdivision out of and a part of the Isaac Decker League Survey No. 20 in the City of Austin, Travis County, Texas, as shown on a map or plat recorded in Book Z page 606 Travis County Deed Records conveyed together with other property by a Warranty Deed dated February 10, 1937, from Henry Radam et ux, Adele Radam to Nora Todd, a feme sole, recorded in Book 595 page 214 Travis County Deed Records, and being also a portion of that certain tract of land on contract of lease dated February 15, 1946, from Nora Todd Elliott et vir to Edward W. Joseph recorded in Book 783, page 338 Travis County Deed Records. Said 3.87 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a tacked hub set in the northeast corner of Block No. 11, same being in the northwest corner of Block No. 12 and being also in the southeast corner of Block No. 8 of Fortview, a subdivision out of and a part of the Isaac Decker League Survey No. 20 in the City of Austin, Travis County, Texas, as shown on a map or plat recorded in Book Z, page 606, Travis County Deed Records from upon which an iron stake set in the most easterly south corner of that certain 2.74 acre tract of land a portion of said Block 11 of Fortview conveyed by a Warranty Deed dated December 15, 1948, from Henry R. Todd et ux Bernyce Todd to E. M. Stevenson of record in Book 911 page 224, Travis County Deed Records, same being in the northeast corner of that 0.99 of one acre of

land conveyed by a Warranty Deed dated April 25, 1945, from Henry R. Todd et ux Bernyce Todd of Hays County, Texas, to Walker Sankey et ux Evelyn Sankey, recorded in Book 758, page 297, Travis County Deed Records bears N 60° 02' W 315.97 feet and S 29° 46' W 258.05 feet;

THENCE with the south line of Block No. 8 same being the north line of Block No. 11 of Fortview N 60° 02' W 97.38 feet to a point in the northwest corner of that certain tract of land on contract of lease from Nora Todd Elliott et vir to Edward W. Joseph;

THENCE with the west line of the said Edward W. Joseph lease as fenced and used upon the ground S 27° 23' W 116.77 feet to a tacked hub set in the proposed south line of Ben White Boulevard;

THENCE with the proposed south line of Ben White Boulevard the following three (3) courses:

1. S 47° 49' E 109.61 feet to an iron stake.
2. S 52° 23' E 660.55 feet to an iron stake.
3. S 11° 07' E 181.0 feet to an iron stake set in the west line of South Congress Avenue;

THENCE with the west line of South Congress Avenue same being the east line of the Nora Todd Elliott tract the following two (2) courses:

1. N 29° 39' W 291.74 feet to an iron stake set at point of curvature of a curve to the left, having an angle of intersection of 5° 43', a radius of 11,410.33 feet and a tangent distance of 569.70 feet.
2. Following said curve to the left an arc distance of 70.87 feet the sub-chord of which bears N 29° 28' E 70.87 feet to a tacked hub set in the most easterly northeast corner of the said Nora Todd Elliott tract of land.

THENCE with the north line of Block No. 12 same being the south line of Block No. 7 of said Fortview N 59° 55' W 786.38 feet to the place of the beginning.

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the southeast corner of the intersection of Briarcliff Boulevard and Berkman Drive, which property fronts 125 feet on Briarcliff Boulevard and 125 feet on Berkman Drive, being known as a portion of Block C of Gaston Place in the City of Austin, Travis County, Texas, and hereby

authorizes the said Walter Bohn to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans. The Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained, if after hearing it is found by the City Council that the said Walter Bohn has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"July 23, 1959

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of Walter Bohn for permission to construct, maintain, and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the southeast corner of the intersection of Briarcliff Boulevard and Berkman Drive, which property fronts 125 feet on Briarcliff Boulevard and 125 feet on Berkman Drive, being known as a portion of Block C of Gaston Place in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Walter Bohn and is under lease to the Humble Oil and Refining Company. We hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as General Retail upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street, and furthermore, shall not create a nuisance to others in the neighborhood. It is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued, if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that Walter Bohn be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith subject to the following conditions.

"(1) That all buildings and equipment shall be placed inside of the property line; correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways; building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works

as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

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

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

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2 - H - 146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan, hereto attached, which plan bears the Department of Public Works file number 2 - H - 1661.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2 - H - 1661 and shall be of the premoulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection, and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted,
 (Sgd) S. Reuben Rountree, Jr.
 Director of Public Works
 (Sgd) J. C. Eckert
 Building Inspector"

The motion, seconded by Councilman Perry, carried by the following vote:
 Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
 Noes: None

Pursuant to published notice thereof the following zoning applications were publicly heard:

MRS. J. L. CRAWFORD, JR.	1013 East 38 $\frac{1}{2}$ Street	From "A" Residence
By Lockhart-Hutchens		To "O" Office
		RECOMMENDED by the
		Planning Commission

Mr. Miles Hutchens represented the applicant who had a contract of sale to a doctor who wanted to construct a one story clinic. ~~Opposition was expressed~~

by HENRY BROWN, MR. M. R. HENNIGER who presented a petition with 53 signatures, MRS. BROMAN, 917 East 38½ Street and C. W. KIMMONS. The Council deferred action until it could make a personal inspection of the area.

NORTHWAY CREST DEVELOP-
MENT COMPANY
By Webb Ruff

7613-7717 Guadalupe
513-17 Northway Drive

From "A" Residence
To "B" Residence
RECOMMENDED by the
Planning Commission

Mr. Webb Ruff represented himself, stating this area would serve as a buffer zone between the commercial area and nice residential area. He wanted to construct multi-unit apartments. Opposition was expressed by J. E. BAKER, ONEY L. CHAFIN, JIM POWELL, KENNETH ALDRIDGE, and others, as their homes were new in this highly restricted area and they did not want multi-unit apartments adjoining the property and in the neighborhood; that there was no guarantee as to the type of apartments that would go in; and that the whole neighborhood would be depreciated. Written opposition from ROBERT L. PRADO and EVERETT BRYANT was noted. The Council deferred action until it could make a personal inspection of the area.

WYATT O. STONE, JR.
By Calvin W. Jayroe

2003-05 West 35th
Street

From "A" Residence
To "IR" Local Retail
NOT Recommended by the
Planning Commission

MR. JAYROE represented the applicant who wanted to construct a building for a decorators and furniture studio, and pointed out the development of the surrounding areas. Opposition was expressed by MR. H. A. CARTIER, A. P. DOOLEY, C. B. ETHERIDGE, DON HART, MRS. MCKINNON, and others, who resented speculators coming in a nice neighborhood that had been built up to something worthwhile; and stated there was no need for anything commercial in the area; that they wanted to keep their lovely residential neighborhood as it is. The Council deferred action until it could make a personal inspection of the area.

LeROY MELCHER

5702-12 Berkman Drive
Rear of 5710-12
Berkman Drive

From "A" Residence
To "IR" Local Retail

The Mayor announced that the hearing had been postponed indefinitely.

GLADYS B. BEEDLE
By Charles G. Trenckmann

1323 Oltorf Street

From "A" Residence
To "C" Commercial
RECOMMENDED by the
Planning Commission
and to include part of
Lot 14 east of
Bouldin Creek

The Mayor asked those who wished to grant the change to "C" Commercial and include part of Lot 14 east of Bouldin Creek to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The Mayor announced that the change had been granted to "C" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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JOHN A. MERCADO

5300-02 Evans Street

From "A" Residence &
"IR" Local Retail
To "C" Commercial
NOT Recommended by the
Planning Commission
RECOMMENDED "IR" Local
Retail for Lots 29 & 30

The Mayor asked those who wished to grant the change to "C" Commercial to vote "aye"; those opposed to vote "no." Roll call showed the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The Mayor announced that the change had been granted to "C" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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DR. HUGO A. KLINT
CARL E. RICHARD
By T.B. Kellum,
Attorney

2601-3019 South
Interregional
Highway

From Interim "A"
Residence 6th H&A
To "GR" General Retail
6th H & A
RECOMMENDED by the
Planning Commission

The Mayor asked those who wished to grant the change to "GR" General Retail 6th Height and Area to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The Mayor announced that the change had been granted to "GR" General 6th Height and Area and the City Attorney was instructed to draw the necessary

ordinance to cover.

E. T. HOWELL
R. L. TENNISON, JR.

3503 Webberville Road

From "C" Commercial
To "C-1" Commercial
RECOMMENDED by the
Planning Commission

The Mayor asked those who wished to grant the change to "C-1" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

RANDELL TALLEY
WILLIE DURHAN
By C.T. Uselton

5213-5215 Evans

From "A" Residence
To "IR" Local Retail
RECOMMENDED by the
Planning Commission

The Mayor asked those who wished to grant the change to "IR" Local Retail to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The Mayor announced that the change had been granted to "IR" Local Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

PLANNING COMMISSION

Delwood 4 East, Sec. 2&3
Windsor Park III, Secs.
1 & 2
Manor Hills, Sec. 6
Manor Hills, Sec. 5
Ethel Robbins Subd.
Outlot 52 & 54, Div. B &
portion of Outlots 52
& 54, Div. B.

Establishment of
Original Zoning
RECOMMENDED "A" Resi-
dence 1st Height & Area
by the Planning
Commission

The Mayor asked those who wished to establish the original zoning as "A" Residence 1st Height and Area to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The Mayor announced that the original zoning had been established as "A" Residence 1st Height and Area and the City Attorney was instructed to draw the

necessary ordinance to cover.

Councilman White moved that MR. JOHN BRADY be appointed as JUDGE of the Corporation Court for July 24, 1959. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Bechtol, Palmer, Perry, White, Mayor Miller
Noes: None

The Council stood in silence and in memory of the wife and son of MR. ALLEN DUCKWORTH, and the Mayor asked that the following Resolution of sympathy be made a part of the permanent records of the City and that a copy be sent to MR. DUCKWORTH and daughter:

(RESOLUTION)

WHEREAS, The people of the City of Austin are vitally concerned with the welfare of those who come to this City for the conduct of the affairs of the State of Texas by the Legislature; and

WHEREAS, Allen Duckworth, has distinguished himself in his profession through extraordinary observation, analysis and reporting upon the myriads of preplexing matters of public business coming before this and many previous Legislatures; and

WHEREAS, on July 19, 1959, while en route from their home in Dallas to Join him in Austin, Mrs. Duckworth and Allen M. Duckworth, wife and son of Allen Duckworth, lost their lives in an automobile accident near Waxahachie, Texas; Now, therefore,

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

That the people of Austin, speaking through their City Council, express their deepest sympathy to Allen Duckworth and his daughter, Paula Duckworth, in their great loss.

There being no further business, the Council adjourned at 1:30 P.M. subject to the call of the Mayor.

APPROVED



Mayor

ATTEST:



City Clerk