SAN ANTONIO, TEXAS. August 28th. 1895.

To Mr John Wilkins Sr.

San Antonio, Texas.

Dear Sir:-

The City Council of the City of San Antonio on the 27th. day of August 1895 passed an ordinance, approved by the Mayor of the said city on the same day, of which the following is a copy:

"A N O R D I N A N C E

Declaring the necessity of appropriating for the use of the city for its sewers a right-of-way through certain property owned by John Wilkins Sr. and leased to Peter Grill, and requiring a plat of same to be filed with the city clerk.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, as follows:

Section 1: That in the opinion of the City Council it has become and is necessary to appropriate for the use of the City of San Antonio for its sewers the following described property owned by John Wilkins Sr. and Peter Grill as his lessee, residents of the City of San Antonio, Bexar County, Texas, to-wit, a right-of-way for a sewer main through and across and embracing that tract or parcel of land owned by said John Wilkins Sr. and leased to said Peter Grill, lying and being on the east side of Presa Street and north side of "old city tract line" in said City of San Antonio in Bexar County, Texas, described by field notes as follows:

Beginning at a stake set at the intersection of said old city tract line with the east side of South Presa Street which stake is the south-west corner of the property owned by said John Wilkins Sr.

Thence in a north-easterly direction and along said old city tract line 833 feet to a stake set for the south-west corner of block No. 28 owned by L.C. Grothause,

Thence in a northerly direction 30 feet.

Thence in a south-westerly direction parallel with the said old city tract line 833 feet to a stake set on the east side of So. Presa Street 30 feet to the place of beginning.

Section 2: That the city engineer be and he is hereby required to prepare and file with the city clerk a plat of said property proposed to be condemned. "

Said ordinance was passed pursuant to the provisions of Section 203 of the charter of said city as amended by the Twenty-fourth Legislature of Texas, of which section the following is a copy:

SAN ANTONIO ---------CITY CHARTER.

CHAP. 7. (S.B. No. 300.) An act to amend sections 43 and 203 of an act incorporating the City of San Antonio, approved August 13th. 1870, and of the acts amendatory thereof, passed by the Twenty-second Legislature, being chapter 24 of said acts, and to add

sections 203a and 203b thereto.

Section 203. Whenever in the opinion of the city council it shall become necessary or proper to appropriate private property for the use of the city for streets, alleys, avenues, boulevards, parks, public squares, plazas, sewers, gas works, water works, market houses, school h ouses, or other public purposes authorized by law, such property may be condemned for such use in the following manner: The city council shall declare by ordinance the necessity or propriety of such appropriation, describing the property sought to be appropriated, and stating the name and residence of the owner, if known, and if unknown, stating that fact, and shall file or cause to be filed with the city clerk a plat of the property proposed to be condemned. The damages to accrue to the owner of such property by reason of such condemnation shall be assessed by three commissioners, who shall be disinterested freeholders of the city, one to be selected by the owner of the property, one to be selected by the mayor, and the third to be selected by the two thus appointed. The city clerk shall issue to such owner a notice calling upon him to appoint the commissioner to be selected by him, and such notice shall be accompanied by a copy of this section of the charter, which notice and copies shall be delivered to such owner by the city marshal. If such owner shall fail to appoint the commissioner to be selected by him, giving the name of such appointee to the city clerk within ten days after the service of such notice and copies upon him, the mayor shall appoint such commissioner. If the two commissioners so appointed can not agree upon the selection of the third, then the county judge of Bexar County, shall upon application of the mayor, appoint such commissioner. Such commissioners, or any two of them, after being duly sworn to perform the duties of their appointment with fidelity and impartiality, shall fix a time and place for the hearing of the parties upon the matter of such assessment, and shall give not less than ten days notice to both parties of such time and place, which notice may be served by any disinterested person capable of making oath to his return, who shall make his return under oath. When the property sought to be condemned is the property of the estate of a deceased person or of a minor, or a person of unsound mind, and such estate has a legal representative, or such minor or person of unsound mind has a guardian, the notice and copies hereinbefore provided for shall be served upon such legal representative or guardian, who shall make the appointment hereinbefore required to be made by the owner and within the time hereinbefore prescribed; otherwise the same shall be made by the mayor. When the property sought to be condemned is the property of a non-resident of this State, such owner shall have twenty days after service of notice and copies in which to appoint the commissioner to be selected by him, and twenty days notice of the hearing before the commissioners after service of notice thereof At the time and place appointed for such hearing, or at any other time and place to which the hearing may be adjourned, the said commissioners or any two of them shall proceed to hear evidence and assess the damages to accrue to the owner of the property by reason of its condemnation. For such purpose the said commissioners shall have the power to compel the attendance of witnesses and the production of testimony and to administer oaths and punish for contempt as fully and in the same manner as is provided by law for the district and county courts. A report of such assessment, signed by

the commissioners making the same, shall be filed by them with the city clerk. The city council shall by ordinance accept or reject such report. If such report be accepted by the city council, the damages so assessed shall be paid to the owner of the property or his legal representative or guardian, as the case may be, or deposi-ted with the city treasurer, subject to the order of such owner, legal representative or guardian, after which such property may at any time be taken for the use of the city. If the report be rejected by the city council, proceedings may be taken anew to assess the damages. If no report be made within thirty days after the appointment of the commissioners, proceedings may be taken anew to assess the damages.

Sec. 2: That the following sections be and the same are hereby added to the said act of incorporation, and all acts amendatory thereof:

Section 203a. The method of condemning private property for the use of the city, prescribed in section 203 of its charter, as amended by this act shall not be exclusive; and private property may also be condemned for the uses of the city for the purposes expressed in said section, by the same proceedings and under the same rules, so far as applicable as are now provided by the general laws of this State for the condemnation of private property for the use of railroad corporations, or in any other manner or by any other proceedings authorized by the general law of this State for the condemnation of private property for public use.

Sec. 203b. Said city is hereby authorized to acquire by purchase, gift, devise or condemnation, any private property or any interest therein, whether such property be situated within or without the corporation limits of said city, which may be necessary or proper for the establishment or maintenance of an efficient system of sewers for said city. Said city is hereby given the right to lay, construct and maintain its sewers in, under and across or along any public street, highway or public grounds within or without the corporation limits of said city; Provided that due regard shall be had for franchise rights and vested rights in, upon and along said streets, highways and public grounds.

In accordance witht the provisions of said section of said charter, you are hereby notified and called upon to appoint the commissioner to be selected by you under said provision of said charter giving to me the name of such appointee within ten days after service upon you of this notice and the accompanying copies of ordinance and section of charter.

If you are willing to name same commissioner to act in fixing award, it will be satisfactory to the city to do the same. If, how-ever, you do not wish to do this, each one of you will have to name a commissioner.

As your Lessee Peter Grill

Yours truly,

C. R. Morton

City Clerk.

City of San Antonio
Vs.
John Wilkins Sr.
proceedings condemning
line for right of way
for Tax —

5-50 p.m.

Came to hand August 28th A.D. 1895
at 3 o'clock p.m. and executed on
same day at 5 o'clock and
fifty minutes p.m. by delivering
to the within named John Wilkins
Sr. in person a true copy of
this writ —

W. D. Drese
City Marshal

Line expiring Sept 8/95