

SPECIAL MEETING OF THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:

THURSDAY, JANUARY 19th, A. D. 1928, 2:00 P. M.

PRESENT: Honorable C. M. Chambers, Mayor, presiding, and Commissioners, Bushick, Rubiola, Steffler, Wright.

Commissioner Steffler, introduced the following ordinance, which was read and adopted by the following vote on roll call, to-wit; Ayes, Chambers, Bushick, Rubiola, Steffler, Wright.

AN ORDINANCE

MH-684
DIRECTING THE CONDEMNATION OF CERTAIN PROPERTY OWNED BY MRS. BEBE DENMAN HOWARD, DENMAN MOODY AND GEORGE H. MOODY, FOR WIDENING OF MAIN AVENUE.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:-

1. That a public necessity exists for the opening, widening and improvement of Main Avenue, from the north line of West Travis Street to the south line of West Martin Street, and to effectuate the same, it is necessary to appropriate, for the purpose of establishing a public street, construction of sewers and drains and other purposes incidental thereto, the following described tract or parcel of land, lying and being in the State of Texas, and County of Bexar, and within the corporate limits of the City of San Antonio, more particularly described as follows:-

2. A tract of land on the east side of Main Avenue, out of Lot No. Seven (7), New City Block No. One Hundred and Forty (140), as follows:-

Beginning at a point in the east line of Main Avenue, 233.8 feet south of the intersection of the east line of Main Avenue and the south line of West Martin Street;

Thence in a southerly direction along the east line of Main Avenue, a distance of 18.1 feet;

Thence in an easterly direction, a distance of 30.0 feet to the new established east line of Main Avenue;

Thence in a northerly direction along the new established east line of Main Avenue, a distance of 18.1 feet;

Thence in a westerly direction, a distance of 29.95 feet to the east line of Main Avenue, a point of beginning.

3. Said property is now owned and claimed by Mrs. Bebe Denman Howard, wife of John H. Howard, George H. Moody and Denman Moody.

4. A plot of said property is herewith filed in the office of the City Clerk of the City of San Antonio and marked Exhibit "A" for identification.

5. Said property shall be condemned for the use of the City of San Antonio for the purposes hereinabove expressed; and the City Attorney is directed to file the necessary proceedings for the condemnation thereof; all as provided by the Charter of the City of San Antonio.

6. PASSED AND APPROVED, this the 19th day of January, A. D. 1928.

ATTEST: Fred Fries.
City Clerk.

C. M. Chambers.
Mayor.

Commissioner Steffler, introduced the following ordinance, which was read and adopted by the following vote on roll call, to-wit; Ayes, Chambers, Bushick, Rubiola, Steffler, Wright.

AN ORDINANCE

-685
AUTHORIZING RELEASE OF VENDOR'S LIEN TO CERTAIN PROPERTY IN OLMOS BASIN, TO T. D. COBBS, JR.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:-

1. That the Mayor be and he is hereby authorized to execute release of Vendor's Lien retained in deed of the City of San Antonio to T. D. Cobbs, Jr., dated the 8th day of February,

A. D. 1926, conveying certain property out of Old City Lots Nos. Forty (40) and Forty-one (41) Range Three (3), District Three (3), for and in consideration of the payment of the balance of the purchase price thereof.

2. PASSED AND APPROVED, this 19th day of January, A. D. 1928.

C. M. Chambers.
Mayor.

ATTEST: Fred Fries.
CITY CLERK.

Commissioner Steffler, introduced the following ordinance, which was read and adopted by the following vote on roll call to-wit; Ayes, Chambers, Bushick, Rubiola, Steffler, Wright.

AN ORDINANCE

MH 686

PERMITTING ST. MARY'S CHURCH AND COLLEGE, AND THE MISSIONARY SOCIETY OF OBLATE FATHERS OF TEXAS, TO CONSTRUCT A TUNNEL UNDER NORTH ST. MARY'S STREET.

BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:-

1. That the St. Mary's Church and College, and the Missionary Society of Oblate Fathers of Texas, be and are hereby granted a permit to construct and maintain a tunnel under North St. Mary's Street, between City Blocks Nos. 404 and 405, and to use the same as a passage under the street in connection with the buildings on their property abutting said street.
2. The licensees, their contractors, servants and agents, shall conform to the blue print attached to this ordinance, and work under the direction of the City Engineer; and, construct and maintain said tunnel in a good and substantial manner; and back-fill all excavations, reconstruct sidewalks, street and pavement, in the same manner in which it now is; and, shall obtain all permits and pay all fees required under the ordinances of the City of San Antonio; and make all arrangements with all public service corporations and persons using said street, in such a manner as to relieve the City of San Antonio from any liability.
3. All of the public utilities of the City of San Antonio shall be re-built, and constructed by the licensees in such a manner as will not interfere with the use thereof, or impair the services rendered thereby.
4. The grant herein is a permissive easement, and shall never mature, or be construed, as a vested right; and, if ever at any time public necessity requires the regulations, or the revocation of this permit and the abolition of this tunnel, the City of San Antonio, its successors or assigns shall not be held liable to the licensees, their successors or assigns, for the payment of any sum or sums of money thereof.
5. The City of San Antonio reserves the right to place its pipes, drains, cables and other appliances for public utilities in and across said excavation; and, the licensees hereby waive all claims for damages that may arise by reason thereof; and, agree that they will at no time make any claim for damages against the City of San Antonio caused by, through or under this tunnel; and, will protect and hold the City of San Antonio harmless from all damages arising from the construction, the existence or the use of said tunnel, or from the grant herein.
6. The exercise of any right under this permit by the licensees, shall operate as the acceptance of all of the terms thereof by all of the parties affected thereby, without further formality.

7. PASSED AND APPROVED, this 19th day of January, A. D. 1928.

C. M. Chambers.
Mayor.

ATTEST: Fred Fries.
City Clerk.

The hearing to the owner or owners, and all persons interested in Lot No. 7, New City Block No. 3263, was resumed, after adjournment of January 18, 1928. (See Record of Hearing page 77).

Whereupon, on motion duly seconded and carried, the meeting adjourned.

APPROVED *D. M. Thamburg*
MAYOR.

ATTEST *Edw. Stines*
CITY CLERK.