

AN ORDINANCE OI-104

GRANTING PERMIT TO SECURITY BUILDING & LOAN ASSOCIATION TO CONSTRUCT
A SANITARY SEWER IN ALLEYS THRU. N. C. B. NOS. 7028, 7029, 7030, 7031,
7032, and 7033.

BE IT ORDAINED by the Commissioners of the City of San Antonio,

SECTION 1. That permission is hereby granted to Security Building and Loan Association to construct 8" Sanitary Sewers in alleys of above mentioned New City Block Numbers, 7028, 7029, 7030, 7031, 7032, and 7033 being located between Topeka, Chicago, Halliday, and Fair. From Lynhurst Ave. to New Braunfels Ave. according to plat, line and grade made by the City Engineer hereto attached, the cost of said sewer being estimated about seventeen hundred dollars (\$1700.00) to be paid by the said Security Building & Loan Association the final actual cost to be filed with the City Engineer within ten days after the completion of the sewer.

SECTION 2. The said sewer to be constructed to the City's line and grade and in accordance with the City's standard specifications for the construction of sewers in all particulars, and to maintain the sewer in the street for a period of one year after the date of the acceptance of the sewer by the City Engineer.

SECTION 3. "Conditioned" that no sewer service connections to this sewer shall be made until it has been completed and properly connected to the City's Main, and duly accepted by the City.

SECTION 4. Said sewer, when completed, to become the property of the City of San Antonio, and part of its public sewer system.

SECTION 5. The Plumbing Inspector is hereby directed to collect the sum of Thirty Five dollars (\$35.00) for each and every connection made with said sewer main or house service going into said main and pay the same over to the said Security Building & Loan Association, not later than the 10th of each month, following the month in which said connection is made, until the actual cost of said sewer shall have been collected and paid over to aforesaid, when the entire connection fee shall be collected.

This ordinance is hereby declared to be of urgent importance for reasons of Public welfare apparent herefrom and the same shall take effect at once on the above mentioned condition

PASSED AND APPROVED on the 26th day of November, A. D. 1937.

ATTEST: Jas. Simpson
City Clerk

C. K. Guin
Mayor

- - -

AN ORDINANCE *OT-105*

GRANTING A LICENSE TO THE UNITED STATES OF AMERICA - DEPARTMENT OF AGRICULTURE - WEATHER BUREAU TO PUT CEILING LIGHT ON STINSON FIELD

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

1. That the Mayor is hereby authorized to execute an instrument in writing giving the United States of America - Department of Agriculture - Weather Bureau a license to put a ceiling light on Stinson Field at the southeast corner of the Administration Building.
2. It is ordered by two-thirds vote of the full Board of Commissioners of the City of San Antonio that this ordinance shall receive final action without having first been read at three several meetings of the Commission.
3. PASSED AND APPROVED this 26th day of November, A. D. 1937.

ATTEST: Jas. Simpson
City Clerk

C. K. Quin
Mayor

AN ORDINANCE *OT-106*

DECLARING THE ADOPTION OF A CERTAIN AMENDMENT OF AND ADDITION TO THE CHARTER OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, PROPOSITION BEING TO AMEND THE CHARTER OF THE CITY OF SAN ANTONIO BY ADDING SECTION 99-A BEING A PROVISION AUTHORIZING AN ADVERTISING TAX

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

1. WHEREAS, heretofore, to-wit, on the 24th day of September, A. D. 1937, the Commissioners of the City of San Antonio declared the intention of said Commissioners, on their own motion to pass an Ordinance submitting to a vote of the qualified voters of said City, and amendment to the Charter of the City of San Antonio by the addition of Section 99-A; all of which is more fully set out in Notice of Intention, to which reference is made for more particular description of said amendment; and,
2. WHEREAS, said Commissioners of the City of San Antonio caused notices of twenty days of such intention to be given as required by law, by the publication for ten days in the "San Antonio Evening News", a newspaper of general circulation published within the City of San Antonio said twenty day notice being from the first day said notice was published, and said notice was published in every issue of said newspaper on the following days, to-wit: September 24, 25, 27, 28, 29, 30, October 1, 2, 4, and 5, A. D. 1937; and,
3. WHEREAS, thereafter on the 14 day of October, A. D. 1937, an ordinance was duly and finally passed by the Commissioners of the City of San Antonio and approved by the Mayor, which became effective immediately, whereby a Special Election was called and ordered to be held in the City of San Antonio on the 23 day of November, A. D. 1937, to submit to the qualified voters of the City the amendment and addition, proposed to be made to the Charter of the City of San Antonio; and,
4. WHEREAS, when said ordinance was passed and approved, no petition for the submission of the question "Shall a Commission be chosen to frame a new charter?" had been presented, in accordance with law, and said Commissioners of the City of San Antonio therefore submitted said amendment on their own motion; and,
5. WHEREAS, said ordinance set forth the full text and substance of said proposed amendment, prepared as required by law, and also contained proper provisions lawfully regulating the manner of holding said election and making returns thereof; and,
6. WHEREAS, all proper notices and proclamations of said election were duly and

lawfully given, and said ordinance including said proposed amendment was published, as required by law, on October 23, November 9, 10 and 11, A. D. 1937, in the "SAN Antonio Evening News", a newspaper published in said City of San Antonio; and the City Clerk did, as required by law, mail a copy of said proposed amendment to every qualified voter in said City, as same appear from the Tax Collectors rolls for the year ending January 31 preceding said election; and,

7. WHEREAS, said election was lawfully and regularly held in said City on Tuesday November 23, 1937, at which said proposed amendment was properly submitted to the qualified voters of said City, as and in the manner required by law, by the printed ballots used for said election, and the votes cast at said election were fully counted and proper and lawful returns thereof made by the officers of said election; and,

8. WHEREAS, said returns were canvassed by the Commissioners of the City of San Antonio, and the result of said election declared at their meeting held in the Council Chamber at the City Hall in said City Hall, on the 24 day of November, A. D. 1937, from which it appears that said Proposition to the Charter of the City of San Antonio was approved by a majority of the qualified voters voting at said election, the respective votes cast in favor of and against said amendment, as appears from said returns, and said canvass, being as follows, to-wit:-

"YES" -- For the Proposition: Shall the Charter of the City of San Antonio be amended by adding Section 99-A, being a provision authorizing an advertising tax	5,983 votes
"NO" -- Against the Proposition: Shall the Charter of the City of San Antonio be amended by adding Section 99-A, being a provision authorizing an advertising tax	3,105 votes

9. And, WHEREAS, all proceedings for the purpose of making said amendment have been duly and regularly had, in pursuance of law; and in order to give effect to said amendment, it now devolves upon the Commissioners of the City of San Antonio by this final order to declare said amendment to be fully and finally adopted and take effect as amendment to, and a part of the Charter of said City; THEREFORE:

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

10. That by virtue of the Constitution and Laws of the State of Texas, and of the powers and authority conferred on the Commissioners of said City, said amendment is now and here by declared to be finally adopted, and hereafter shall have due force and effect as an amendment to said Charter, in accordance with its terms and provisions, such amendment hereby ordained to be adopted being as follows, to-wit:-

11. "Section 99-A. The Board of Commissioners of the City of San Antonio shall levy and collect annually a special tax not exceeding 5 cents on every \$100.00 valuation of the taxable property within the City of San Antonio, to advertise the City of San Antonio to increase the growth of the City, for the improvement thereof and for the benefit of the inhabitants, and the taxes shall be expended in a manner which will promote the general prosperity and welfare of the City of San Antonio."

12. That the City Clerk be and he is hereby directed to record the said amendment at length upon the records of the City of San Antonio, in a separate book to be kept in his office for such purpose, and the Mayor shall, as soon as practicable, certify to the Secretary of State of the State of Texas, under the seal of the City of San Antonio, an authenticated copy of said amendment, and showing the approval of the qualified voters of such amendment.

13. That the City of San Antonio, in its corporate capacity, shall hereafter have and enjoy all rights, powers and immunities held or conferred upon it by virtue of its Charter, as same existed prior to said amendment, and by the terms and provisions of the Constitutional amendment of 1912, adopted at the election held on November 5th of said year, and known as Section 5 of Article 11 of the Constitution of the State of Texas, and further by the terms and

provisions of Chapter 147 of the General Laws of the Thirty-third Legislature of the State of Texas, known as the "Enabling Act", and by the terms and provisions of Chapter 13, Title 28, of the Revised Civil Statutes of the State of Texas effective September 1, 1925; but, in accordance with the provisions of said "Enabling Act", the special Charter of said City, with all amendments thereto, as heretofore granted and made and as the same existed at the date hereof, shall be and remain in full force and effect, except as the same is altered by the lawful terms and effect of the said amendment to said Charter hereinbefore set forth.

14. PASSED AND APPROVED, this 2 day of December, A. D. 1937.

ATTEST: Jas. Simpson
City Clerk

C. K. Quin
Mayor, City of San Antonio

AN ORDINANCE

AUTHORIZING THE AMENDMENT OF THE LEASE ON STINSON FIELD.

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

1. That the Mayor is authorized to execute a supplemental contract with Long & Harman, Inc., of the date of the 1 day of June, 1937, to delete Item 10 and insert in place thereof, the following stipulations:-

"10. That the tenant agrees to operate the airport as a public airport with the facilities thereon available at all times to the general public without discrimination. That the City have the right to establish a scheduled rate for the use of facilities at the airport or in the alternative to have the tenant establish the rates subject to ratification by the City."

2. It is ordered by two-thirds vote of the full Board of Commissioners of the City of San Antonio that this ordinance shall receive final action without having first been read at three several meetings of the Commission.

3. PASSED AND APPROVED this 2nd day of December, A. D. 1937.

ATTEST: Jas. Simpson
City Clerk

C. K. Quin
Mayor

AN ORDINANCE

ACCEPTING AND APPROVING THE SECURITIES PLEDGED BY THE NATIONAL BANK OF COMMERCE OF SAN ANTONIO, TEXAS, TO SECURE THE CITY FUNDS DEPOSITED AND TO BE DEPOSITED IN SAID BANK BY THE CITY DURING THE FISCAL YEAR 1937, AND DIRECTING THE DEPOSITING OF SAID SECURITIES FOR SAFE-KEEPING AND RELEASING THE SURETIES ON ALL BONDS HERETOFORE GIVEN BY SAID BANK AS CITY DEPOSITORY

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

1. That the securities pledged with the Governing Body of the City of San Antonio by the National Bank of Commerce of San Antonio, Texas as City Depository, to secure the funds of said City, deposited and to be deposited, in said Bank, during the fiscal year beginning June 1, 1937 and ending May 31, 1938, be and the same are hereby accepted and approved, and that receipt signed by the Mayor, countersigned by the City Auditor, and attested by the City Clerk, be given said Bank for securities pledged by it, which said securities are described as follows:

1-(a) Securities pledged by the National Bank of Commerce are described in the attached Exhibit "A", which is made a part of the ordinance by reference as fully as if it were specified herein.

2. The receipt given to said Bank for the securities pledged by it shall recite,

in substance, that the said securities have been duly pledged with the Governing Body of the City of San Antonio by the National Bank of Commerce of San Antonio, Texas, as a Depository of said City, for the purpose of securing the Funds of said City, deposited and to be deposited in said Bank during the Fiscal year beginning June 1, 1937, upon the terms and conditions prescribed and provided by law.

3. It is directed that said securities be deposited by the Mayor, for safe-keeping in safe deposit box in the vaults of the National Bank of Commerce rented by the City from said Bank.

4. That all securities on all bonds heretofore given to said City, by said National Bank of Commerce as City Depository, be and are hereby released from further liability as sureties on such bonds.

5. PASSED AND APPROVED this the 2nd day of December, A. D. 1937.

ATTEST: Jas. Simpson
City Clerk

C. K. Quin
Mayor

- - -
EXHIBIT "A"

San Antonio, Texas
November 29th, 1937.

Received from the National Bank of Commerce of San Antonio, Texas, the following described securities pledged by said Bank with the governing body of the City of San Antonio, Texas, for the purpose of securing the funds of said City of San Antonio, deposited and to be deposited in said Bank, during the Fiscal Year beginning June 1st, 1937, by virtue of ordinance passed July 15th, 1937, of said City, to wit:-

\$550,000.00	U. S. Treasury Notes, 1½%, due 3-15-39, Nos. 10517, 13952, 462, 463, for \$100,000.00 each; Nos. 18844-18853 inclusive for \$10,000.00 each; Nos. 1590-1599 inclusive for \$5,000.00 each; Interest coupons due 3-15-38 and s/c attached.
\$250,000.00	U. S. Treasury Notes, 1 5/8%, due 3-15-50, Nos. 42365/42369 inclusive, 41291, 41292, 41319/41331 inclusive, 42350/42354 inclusive, for \$10,000.00 each; Interest coupons due 3-15-38 and s/c attached.
\$400,000.00	U. S. Treasury Notes, 1½%, due 6-15-40, Nos. 10906/10909 inclusive, for \$100,000.00 each; Interest coupons due 6-15-38 and s/c attached.
\$100,000.00	Home Owners' Loan Corporation Bonds, 2 3/4% due 8-1-49/39, Nos. 4236, 3663, 6162, 30007/ 30009 inclusive, 28515, 25421, 28514, for \$10,000.00 each; Nos. 47144, 20707 for \$5,000.00 each; Interest coupons due 2-1-38 and s/c/ attached.
<u>\$1,300,000.00</u>	TOTAL

The said securities have been deposited in Safe Deposit Box No. A-857 and have been duly pledged with the governing body of the City of San Antonio, Texas, by the National Bank of Commerce of San Antonio, Texas, as a depository of said City for the purpose of securing the funds of said City, deposited and to be deposited in said Bank by virtue of Ordinance passed July 15th, 1937, of said City upon the terms and conditions prescribed and provided by law.

THE CITY OF SAN ANTONIO, TEXAS

BY C. K. Quin
Mayor

BY Frank H. Bushick
Commissioner of Taxation and
ex-officio City Treasurer.

COUNTERSIGNED

Walter Tatsch
Auditor

Jas. Simpson
City Clerk

W. J. Heye

BANK REPRESENTATIVES

C. R. Spearman

E. L. Bell

AN ORDINANCE *01-108*

ACCEPTING THE PROPOSAL OF HAROLD WINTERS FOR LEASE OF PRIVILEGES AND CONCESSIONS IN THE CITY PARKS: AND AUTHORIZING THE MAYOR TO EXECUTE CONTRACT

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

1. That the proposal of Harold Winters, of San Antonio, Texas, to pay \$5,640.00 per annum for the lease of privileges and concessions in the parks and city property of the City of San Antonio, according to contract on file in the office of the City Clerk, for a term of two years beginning December 1, 1937 and ending November 30, 1939, be and the same is accepted hereby.

2. That the Mayor is authorized hereby to execute contract, approved by the City Attorney, for the lease of the privileges and concessions in the parks and city property, for two years beginning December 1, 1937, and ending November 30, 1939, at an annual rental of \$5,640.00.

3. That all other bids are rejected hereby.

4. It is ordered by two-thirds vote of the full Board of Commissioners of the City of San Antonio that this ordinance shall receive final action without having first been read at three several meetings of the Commission.

5. PASSED AND APPROVED this 2nd day of December, A. D. 1937.

ATTEST: Jas. Simpson
City Clerk

C. K. Quin
Mayor

AN ORDINANCE *01-109*

FOR PERMISSION TO USE THE CITY SANITARY SEWERS GRANTING THE PETITION OF E. F. G. HEUSINGER

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

1. That the petition of E. F. G. Heusinger, outside the City Limits of the City of San Antonio, for a license to use the sanitary sewerage system of the City of San Antonio thru means to be made by the Licensee, is granted hereby, subject to the following precedent conditions.

2. That the permit hereby granted is purely temporary and the City reserves the right to revoke same at any time, with or without notice, for any reason that may in the judgment of the City be sufficient.

3. The connection with the City sewer to be made at the risk of the licensee to Part of lot 28 B, County Blk. 5644 B. Bexar Co., Texas.

4. That this permit is intended to cover only the sewerage from the property of the above mentioned petitioner, as same is now situated on said premises at 208 Terrell Road, outside the City Limits, and no other person or persons shall be allowed or permitted, by the person to whom this permit is granted, his agents, servants or employees, to use the said City sanitary sewers thru the connection here permitted to be made.

5. That the future purchaser or owner of the above property mentioned in this ordinance, shall comply with all the provisions hereof.

6. That the use to be made of said sewer connection with the City sewerage system shall be subject to the regulation and direction of the City and no use shall be made hereof which might in any way impair the City sewer system or cause same to be obstructed or damaged in any manner whatsoever.

7. That in consideration of the permit hereby granted and the service to be rendered

the said licensee hereunder, said grantee agrees to pay the City of San Antonio, as a rental charge, the schedule of fees fixed, and to be fixed, by the Ordinances of the City of San Antonio, said rental commencing on the date of connection made with the City sanitary sewers, but in the event the permit hereby granted is cancelled for any reason, the pro rata amount of said rental shall be returned, less any expense incurred by the City in the premises.

8. That the inspectors of the City shall have free access to the grantee's premises and all buildings situated thereon during the continuance of this permit and while said premise are connected with said City sanitary sewers, for the purpose of inspecting the condition of the plumbing and the use of said sewers, and that all condition as herein embodied are being faithfully observed.

9. All expense incident to making this connection with the City sewers shall be borne by the petitioner, and the petitioner shall indemnify, hold and save harmless the City against any loss or damage of any character whatsoever incident to or caused by the use of the facilities here now granted.

10. This Ordinance shall become effective upon recording with the County Clerk of Bexar, and the returning of same to the City Clerk for filing as a permanent record, and the filing by the petitioner of a written acceptance of same with the City Clerk.

11. The City of San Antonio shall never be liable to the licensee for pecuniary damages for failure to take and treat the sewage, of the licensee, said right of action is waived as a part consideration of this permit:

12. PASSED AND APPROVED this 2nd day of December, A. D. 1937.

ATTEST: Jas. Simpson
City Clerk

C. K. Quin
Mayor

- - -

AN ORDINANCE

01-110

AMENDING THE RULES OF PROCEDURE OF THE BOARD OF COMMISSIONERS

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

1. That Section 1, Chapter Seventeen of the Ordinances of the City of San Antonio, as follows:-

"All ordinances and resolutions of a general character which may be offered shall be read at three several meetings of the City Council before receiving final action thereon, except when ordered otherwise by a two-thirds vote of the full board;"

2. Be and the same is hereby repealed.

3. It is ordered by two-thirds vote of the full board of Commissioners of the City of San Antonio that this ordinance shall receive final action without having been first read at three several meetings of the Commission.

4. PASSED AND APPROVED this 10th day of December, A. D. 1937.

ATTEST: Jas. Simpson
City Clerk

C. K. Quin
Mayor

- - -

*Harris Cooks
Page 105.*

01-111

AN ORDINANCE

AUTHORLING THE CITY OF SAN ANTONIO TO APPROVE A CONTRACT TO BE ENTERED INTO BETWEEN JOSEPHINE SUSAN WESTFALL AND JAMES DONALDSON, INC., FOR LEASING APPROXIMATELY EIGHT ACRES OF LAND IN WILSON COUNTY, TEXAS, FOR QUARRYING PURPOSES

WHEREAS, Josephine Susan Westfall, of Bexar County, Texas, the widow of Edward Dixon Westfall, Deceased, is desirous of entering into a contract of lease with James Donaldson, Inc., as lessee, under the terms of which the lessee is to be granted the right to excavate and remove sand from a certain eight (8) acres of land, more or less, in the P. W. Peacock Survey in Wilson County, Texas, in which said land the City of San Antonio, Texas, has an interest for the use and benefit of its Public Library Fund under the terms of the will of Edward Dixon Westfall, Deceased, duly probated in the County Court of Bexar County, Texas, in cause No. 2390, on the docket of said court, said will being recorded and set out in Volume 6, of the Probate Minutes of said Court at page 465.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Commissioners of the City of San Antonio:

That the City of San Antonio, acting by and through its Mayor, be and it is hereby authorized to execute and deliver to James Donaldson, Inc., an instrument in writing approving and confirming the execution and delivery of said sand mining lease, a copy of which lease and of the instrument of approval and confirmation is attached hereto, marked Exhibit A, and made a part hereof, the consideration therefor to be the sum of Ten and No/100 (\$10.00) Dollars, to be paid by the lessee to the City of San Antonio upon delivery to said lessee of such instrument of confirmation.

This 16 day of December, A. D. 1937.

APPROVED

C. K. Quin
Mayor of the City of San Antonio

ATTEST: Jas. Simpson
Clerk of the City of San Antonio

AN ORDINANCE

01-112

APPROVING A RE-SURVEY OF NEW CITY BLOCKS 7028, 7029, 7030, 7031, 7032 AND 7033

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

1. That the City Engineer enter in the record of his office the plat surveyed and certified by A. Marbach, dated the 15 day of December, A. D. 1937, of New City Block 7028, 7029, 7030, 7031, 7032, and 7033, bounded on the north by Topeka Boulevard, on the east by New Braunsfels Avenue, on the south by Fair Avenue, and on the west by Lynhurst Avenue, in lieu of all other maps of said blocks and adjacent streets transcribed heretofore in the records of the office of the City Engineer; and hereafter the monuments, lines and streets described herein shall be as specified in said map:-

2. Provided that by the passage of this ordinance the City of San Antonio does not assume any liability for any deficiency or for any excess in any plot of land thereby affected, and disclaims specifically any responsibility for any controversy arising between property owners; but this corrected survey is filed solely to establish the true street and alley lines.

3. The plat approved on the 17 day of June, A. D. 1937, by the Commissioners of the City of San Antonio is hereby nullified.

4. PASSED AND APPROVED this 16 day of December, A. D. 1937.

ATTEST: Jas. Simpson
City Clerk

C. K. Quin
Mayor

AN ORDINANCE *OI-113*

GRANTING - PERMIT TO BATES AND BURGIE TO TAKE WATER FROM THE SAN ANTONIO RIVER.

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

1. The City of San Antonio grants permission to J. D. Bates and J. L. Burgie to pump 800 gallons of water per minute from the San Antonio River at a point in Yoakum Bend into property of the San Antonio Belt & Terminal Railway Company, shown on Drawing A-16226, in the office of the Engineer of Maintenance of Way, on Lot C, New City Block A-14, which water will be returned free from contamination to the river at the same place, and to be used to cool condensers in the plant of the grantees.

2. In order to take this water, the grantee will be permitted to construct a sump in the bed of the San Antonio River, which will be constructed entirely of concrete with an opening into the river channel which opening will be protected by a screen all of said construction to be done in such a manner as will not interfere with the flow of water in the river and subject to the continued approval of the River Engineer, and the structures shall be maintained always in a safe and satisfactory condition.

3. The grant of this water right shall not be considered superior to the right of any other water user, but shall be on a parity therewith; and, in case of insufficient supply, the various users shall share the water ratably.

4. The grant of this water right shall never mature into a vested right which would require compensation to the grantees.

5. This is a permissive easement and shall be at the will of the City; and, if at any time public necessity requires the alteration or revocation of this permit, and/or the abolition of this structure, the City shall not be held liable to the grantees, their assigns, successors, heirs or administrators, for the payment of any money.

6. The grantees agree to indemnify and save harmless the City from and against any and all loss, damage, liability, cost and expense which the City may sustain or bear, or to which the City may be put, resulting directly or indirectly in any manner from the location of said structure and its appurtenances on or beneath the premises hereinbefore specified; and the grantees shall keep at all times the structure in a good and safe condition.

7. In the event the grantees discontinue the use of said structure and abandon the same, or fail to keep, observe and perform any covenant on the part of the grantees herein contained, all rights hereby given shall forthwith cease and terminate and the grantees thereupon shall remove said structure and restore the premises as nearly as possible to the same state and condition they were in prior to the installation of the said structure. Should the grantees fail, neglect or refuse to so remove said structure and restore said premises, such removal or restoration may be performed by the City at the expense of the grantees, which expense the grantees agree to pay to the City on demand. In case the City shall bring suit to compel performance of or to recover for breach of, any covenant, agreement or condition herein

written, the grantees shall and will pay to the City reasonable attorney fees in addition to the amount of the judgment recovered and costs.

8. The exercise of any right under this permit by the grantees shall operate as an acceptance of all of the terms thereof without further formality.

9. This instrument and the terms and conditions thereof shall be a covenant running with the land.

10. This instrument in writing constitutes the entire agreement of accord and satisfaction between the parties, there being no other written or parol agreement with any officer or employee of the city; it being understood by all parties that the Charter of the City of San Antonio requires all contracts to be in writing and approved by ordinance, before the City is bound.

11. PASSED AND APPROVED this 16th day of December, A. D. 1937.

ATTEST: Jas. Simpson
City Clerk

C. K. Quin
Mayor

- - -

AN ORDINANCE

AMENDING AN ORDINANCE GRANTING THE COUNTY OF BEXAR AN EASEMENT IN MANUEL LEAL SURVEY 30 TO WIDEN HIGHWAY 9.

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

1. That an Ordinance granting the County of Bexar an easement in the Manuel Leal Survey 30 to widen Highway 9, passed and approved on the 11 of February, 1937, be and the same is hereby amended by deleting Paragraph 4 of said ordinance, and putting the following provision in lieu thereof:-

2. "4". The City of San Antonio reserves all subsurface rights for its sewerage and water systems and will preserve and maintain such systems at its cost and expense with as little interference with the use and enjoyment of the rights herein conveyed as can be done, and the grantee will protect such systems against any and all damages on account of the easement for the highway hereinabove granted. All necessary changes in said systems caused by said use shall be made at the cost of the grantee."

3. PASSED AND APPROVED this 23rd day of December, A. D. 1937.

ATTEST: Jas. Simpson
City Clerk

C. K. Quin
Mayor

- - -

AN ORDINANCE

APPROVING A RE-SURVEY OF NEW CITY BLOCKS 6832, 6833, 6834, A-41, 6964, 6965, 3842, 3843, A-40, 6867, 6868, 2946, 2947, 2948, 2949, 2950, AND 2951.

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

1. That the City Engineer enter in the record of his office the plat surveyed and certified by Ed Lizik, File H-405, dated the 23 day of December, A. D. 1937, of New City Blocks 6832, 6833, 6834, A-41, 6964, 6965, 3842, 3843, A-40, 6867, 6868, 2946, 2947, 2948, 2949, 2950, and 2951, bounded on the north by Steves Avenue, on the east by Gevers Street, on the south by Fair Avenue and on the west by New Braunfels Avenue, in lieu of all other maps of said Blocks and adjacent streets transcribed heretofore in the records of the office of the City Engineer; and hereafter the monuments, lines and streets described herein shall be as specified in said map:-

2. Provided that by the passage of this ordinance the City of San Antonio does not assume any liability for any deficiency or for any excess in any plot of land thereby affected, and disclaims specifically any responsibility for any controversy arising between property owners but this corrected survey is filed solely to establish the true street and alley lines.

3. PASSED AND APPROVED this 23 day of December, A. D. 1937.

ATTEST: Jas. Simpson
City Clerk

C. K. Quin
Mayor

- - -

02-116

AN ORDINANCE

DEFINING NOISE NUISANCE; SPECIFYING CERTAIN ACTS CONSTITUTING NOISE NUISANCES AND PROVIDING THE SAME SHALL NOT BE EXCLUSIVE; DEFINING CERTAIN TERMS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY; AND CONTAINING A SAVING CLAUSE

*Amended 8/28/52
OK y 8/28*

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

SECTION ONE: DEFINITIONS, ETC.

Amended 8/28/52

(a) Any unreasonably loud, disturbing, unnecessary noise which causes material distress, annoyance, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a noise nuisance, and is hereafter prohibited.

(b) Any noise of such character, intensity and continued duration, which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, is hereby declared to be a noise nuisance, and is hereafter prohibited.

(c) The terms "person" as used in this Ordinance shall be construed to include both singular and plural, and shall mean and embrace any individual, firm, corporation, association, partnership or society, and their agents, servants and employees.

SECTION TWO: CERTAIN ACTS DECLARED TO BE NOISE NUISANCES

The following acts, among others, are declared to be noise nuisances in violation of this Ordinance, but said enumerations shall not be deemed to be exclusive, to-wit:

(a) The playing of any radio, phonograph or other musical instrument or instruments to be played by any person or persons, or operated by any mechanical device in such manner or with such volume, as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any hospital, dwelling, hotel or other type of residence.

Amended 8/28/52

(b) The playing of any radio, phonograph or any musical instrument or instruments to be played by any person or persons, or operated by any mechanical device at the entrance thereto or in the foyer or lobby of any amusement place or house, moving picture show, theater, or other like place of amusement, or on the sidewalks adjoining the same so as to disturb persons passing by or the inhabitants of the neighborhood.

(c) The permitting by the owner, lessee, manager or person controlling or operating any amusement house, moving picture show, theater or other like place of amusement, of any loud or vociferous language or any soliciting for, or description of said amusement house, moving picture show, theater or other like place of amusement or the performance therein, in the entrance thereto, or in the foyer or lobby thereof, or on the sidewalk adjoining the same, so as to disturb persons passing by, or the inhabitants of the neighborhood.

(d) The keeping of any animal or bird which by causing frequent or long-continued noise shall disturb the comfort and repose of any person of ordinary sensibilities in the immediate vicinity thereof.

(e) The continued or frequent sounding of any horn or signal device on any automobile

motorcycle, bus or other vehicle except as a danger or warning signal; the creation by means of any such signal device of any unreasonably loud or harsh noise for any unnecessary and unreasonable period of time.

(f) The running of any automobile, motorcycle, motor vehicle, or other vehicle so out of repair, or so loaded, or in such manner as to create loud or unnecessary grating, grinding, jarring or rattling noise or vibrations.

(g) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, automobile, motorcycle, motor vehicle or boat engine except thru a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) The erection, including excavation, demolition, alteration or repair work on any building other than between the hours of 7 A. M. and 6 P. M. on week days, except in case of urgent necessity in the interest of public safety and convenience, and then only by permit from the Commissioners of the City of San Antonio, which permit may be renewed by the Commissioners of the City of San Antonio during the time the emergency exists.

(i) The creation of any excessive noise on any street adjacent to any school or institution of learning while the same is in session, or adjacent to any hospital which unreasonably interferes with the workings of such institutions, providing conspicuous signs are displayed in such manner indicating that the same is a school or hospital street.

(j) The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

(k) The raucous shouting and crying of peddlers, hawkers, vendors or other persons which disturbs the peace and quiet of the neighborhood.

(l) The crying, calling or shouting, or the use of any whistle, rattle, bell, gong, clapper, hammer, drum, horn, loudspeaker, hand organ or other devices or instruments for the purpose of advertising any goods, wares or merchandise, or of attracting attention to or inviting patronage of any persons to any place of amusement, performance, show, or to any business whatsoever.

(m) The blowing or causing to be blown, or permitting to be blown, the steam whistle of any steam engine or railroad locomotive, at any time whatsoever in the case of stationary engines, excepting that said stationary whistle may be blown at the time of beginning work in the morning, time of stopping work at noon, time of beginning work at noon, and time of quitting work in the afternoon, and providing that any whistle may be blown to serve as an alarm in case of fire, or other disaster, and in the case of locomotive engines at any time or in any place or under any circumstances whatsoever when the blowing of such whistle is not required by law; and the offense created by this section or provision shall include the blowing of the whistle on any locomotive engine when same is standing on any tracks or in any railroad yard, or when same is switching in the railroad yards, or in any case whatever except when such locomotive engine is moving toward and is intended to cross some public road or street at a distance of eight rods or more from the place where such whistle may be blown in which case only necessary signal whistling shall be done without prolonged or unnecessary noise.

SECTION THREE: SAVING CLAUSE:

If any section or provision of any section of this ordinance shall be held to be void, ineffective or unconstitutional, the holding of any such section or provision of any such section to be void, ineffective or unconstitutional for any cause whatsoever, shall not affect the validity of the remaining sections and provisions of this ordinance.

SECTION FOUR: ORDINANCES REPEALED.

All ordinances or parts of ordinances in conflict herewith shall be, and are hereby repealed.

SECTION FIVE: GENERAL PROVISION FIXING PENALTY.

Any person violating, causing or permitting to be violated any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed one hundred dollars (\$100.00), and each and every day such violation continues shall constitute a separate offense.

SECTION SIX: CUMULATIVE.

This ordinance shall be cumulative of all laws of the State of Texas.

SECTION SEVEN: EMERGENCY.

WHEREAS, an emergency is apparent for the immediate preservation of order, good government and public safety, that requires this ordinance to become effective at once: therefore upon the passage of this ordinance by a vote of four-fifths (4/5) of the Board of Commissioners, it shall be effective from and after the date of its passage as made and provided by the Charter of the City of San Antonio.

PASSED AND APPROVED, this the 30th day of December, A. D. 1937.

ATTEST: Jas. Simpson
City Clerk

Phil Wright
Acting Mayor

- - -

AFFIDAVIT OF PUBLISHER

THE STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared A. C. Strum Publishing Company, who being by me duly sworn, says on oath that he is Bookkeeper of Express of the San Antonio Evening News, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the ordinance hereto attached has been published in every issue of said newspaper on the following days, to-wit: Dec. 31, 1937 and January 1, 3, 4, 5, 6, 7, 8, 10, 11, _____, 1938

A. C. Strum

Sworn to and subscribed before me this 15th day of January, _____, 1938.

Walter Kenamer
Notary Public in and for Bexar County,
Texas

(SEAL)

- - -

AN ORDINANCE

ACCEPTING AND APPROVING THE SECURITIES PLEDGED BY THE NATIONAL BANK OF COMMERCE OF SAN ANTONIO, TEXAS, TO SECURE THE CITY FUNDS DEPOSITED AND TO BE DEPOSITED IN SAID BANK BY THE CITY DURING THE FISCAL YEAR 1937, AND DIRECTING THE DEPOSITING OF SAID SECURITIES FOR SAFE-KEEPING AND RELEASING THE SURETIES ON ALL BONDS HERETOFORE GIVEN BY SAID BANK AS CITY DEPOSITORY

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

1. That the securities pledged with the Governing Body of the City of San Antonio by the National Bank of Commerce of San Antonio, Texas as City Depository, to secure the Funds of said City, deposited and to be deposited, in said Bank, during the fiscal year beginning June 1, 1937 and ending May 31, 1938, be and the same are hereby accepted and approved, and that receipt signed by the Mayor, countersigned by the City Auditor, and attested by the City Clerk, be given said Bank for securities pledged by it, which said securities are described as follows:

1-(a) Securities pledged by the National Bank of Commerce are described in the attach-

01-117

ed Exhibit "A", which is made a part of the ordinance by reference as fully as if it were specified herein.

2. The receipt given to said Bank for the securities pledged by it shall recite, in substance, that the said securities have been duly pledged with the Governing Body of the City of San Antonio, by the National Bank of Commerce of San Antonio, Texas, as a Depository of said City, for the purpose of securing the Funds of said City, deposited and to be deposited, in said Bank during the Fiscal year beginning June 1, 1937, upon the terms and conditions prescribed and provided by law.

3. It is directed that said securities be deposited by the Mayor, for safe-keeping, in safe deposit box in the vaults of the National Bank of Commerce rented by the City from said Bank.

4. That all securities on all bonds heretofore given to said City, by said National Bank of Commerce as City Depository, be and are hereby released from further liability as sureties on such bonds.

5. PASSED AND APPROVED this the 30th day of December, A. D. 1937.

ATTEST: Jas. Simpson
City Clerk

Phil Wright
Acting Mayor

EXHIBIT "A"

San Antonio, Texas
December 29, 1937

Received from the National Bank of Commerce of San Antonio, Texas, the following described securities pledged by said Bank with the governing body of the City of San Antonio, Texas, for the purpose of securing the funds of said City of San Antonio, deposited and to be deposited in said Bank, during the Fiscal Year beginning June 1st, 1937, by virtue of ordinance passed July 15th, 1937, of said City, to-wit:-

\$450,000.00	U. S. Treasury Notes $1\frac{1}{2}\%$, due 3-15-39, Nos. 10517, 13952, 462, 463, for \$100,000.00 each; Nos. 1590-1599 inclusive for \$5,000.00 each; Interest coupons due 3-15-38 and s/c attached.
\$250,000.00	U. S. Treasury Notes, $1\frac{5}{8}\%$, due 3-15-40, Nos. 42365, 42369 inclusive, 41291, 41292, 41319, 41331 inclusive, 42350, 42354 inclusive, for \$10,000.00 each; Interest coupons due 3-15-38 and s/c attached
\$500,000.00	U. S. Treasury Notes, $1\frac{1}{2}\%$, due 6-15-40, Nos. 10906, 10909 inclusive, 10743, for \$100,000.00 each; Interest Coupons due 6-15-38 and s/c attached.
\$100,000.00	Home Owners' Loan Corporation Bonds, $2\frac{3}{4}\%$, due 8-1-49/39, Nos. 4236, 3663, 6162, 30007, 30009 inclusive, 28515, 25421, 28514, for \$10,000.00 each; Nos. 47144, 20707 for \$5,000.00 each; interest coupons due 2-1-38 and s/c/ attached.
<u>\$1,300,000.00</u>	TOTAL

The said securities have been deposited in Safe Deposit Box No. A-857 and have been duly pledged with the governing body of the City of San Antonio, Texas, by the National Bank of Commerce of San Antonio, Texas, as a depository of said City for the purpose of securing the funds of said City, deposited and to be deposited in said Bank by virtue of Ordinance passed July 15th, 1937, of said City upon the terms and conditions prescribed and provided by law.

THE CITY OF SAN ANTONIO, TEXAS

BY Phil Wright
Acting Mayor

BY Frank H. Bushick
Commissioner of Taxation and
ex-officio City Treasurer

COUNTERSIGNED

Walter Tatsch
Auditor

Jas. Simpson
City Clerk

W. J. Heye

BANK REPRESENTATIVES
C. R. Spearman

E. S. Bell