

affidavit, of more than double the amount of such bond. PROVIDED, HOWEVER, that any person may give one bond or policy limiting the liability of the sureties or insurers to Fifty Thousand Dollars (\$50,000.00) in lieu of the bond or policy above described but otherwise subject to the same requirements, covering and applying to all such liability on account of any number of vehicles not exceeding five; or one bond or policy limiting the liability of the sureties or insurers to One Hundred Thousand (\$100,000.00) Dollars in lieu of the bond or policy above described but otherwise subject to the same requirements, covering and applying to all such liability on account of any number of vehicles; and PROVIDED, FURTHER, that in event ~~of~~ the Mayor or City Commissioners shall at any time and for any reason deem that any assurance given by any license is insufficient for the protection of the public, he or they may require a new or additional assurance, and the licensee or person owning or operating any such vehicle or vehicles shall within three days after receiving written notice of such requirement, provide the required new or additional assurance, with terms, amounts and conditions such as herein required or such as may be approved by the City Commissioners; and PROVIDED FURTHER, that in the absence of special agreement any surety or insurer may by written demand require of said City that a new bond or policy of insurance for any such vehicle or vehicles be required of and given by the licensee within five (5) days, and the City shall thereupon give written notice by personal delivery or by mail to such licensee, and upon the filing of such new bond or policy of insurance shall discharge such first sureties or insurers from further liability to accrue after the time of the approval of such new bond; and PROVIDED FURTHER that neither said City nor any officer thereof shall be held liable for any pecuniary responsibility on account of any such assurance or for the solvency of any such surety or insurer, or in any manner to have become liable for any such sum on account of any such claim or any act or omission relating to such vehicle or vehicles; nor shall the lawful liability of any such person owning or operating any such vehicle be in any manner either limited or enlarged by anything in connection with this ordinance or such license or assurance; but persons having any cause of action secured thereby shall be authorized to sue directly on any such assurance without impleading the City; and all persons known to any surety or insurer to have been injured in the same accident and claiming damages therefor shall be made parties without priority of claim or payment in any settlement or suit had or instituted on account of such matter." Provided, however, that no cause of action, cause or demand which may have accrued or arisen under any bond given under the terms of the ordinance hereby amended shall be affected by this amendment but such bond shall be and remain in full force and effect as to any such claim, cause of action or demand arising prior to the taking effect of this amendment.

Passed and Approved this 26th day of February, A.D.1920.

Sam C. Bell, Mayor.

Attest:

Fred Fries, City Clerk.

THE STATE OF TEXAS.
COUNTY OF BEXAR.
CITY OF SAN ANTONIO.

Before me, the undersigned authority, on this day personally appeared Charles S. Diehl, who being by me duly sworn, says on oath that he is one of the publishers of the San Antonio Light 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: March 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 1920.

Charles S. Diehl,

Sworn to and subscribed before me this 31st day of March, 1920.

Jules W. Fontaine

Notary Public in and for Bexar County, Texas.

AN ORDINANCE
Entitled.

OF-175

"An ordinance to carry into effect Chapter 14 General Laws of Texas, enacted at second called session of the 31ST Legislature, approved May 10th, 1909, authorizing construction of permanent street improvements by incorporated towns, cities and villages and adopted by the City of San Antonio, Texas, at an election held therein on the 30th day of June, 1913, and to provide for notice and hearing to property owners before assessment of such improvements, and to repeal all prior ordinances and parts of ordinances referring thereto."

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

THAT, WHEREAS, the City of San Antonio has adopted at an election held for that purpose on the 30th day of June, 1913, the benefits of a certain Act, being Chapter 14 of the General Laws of Texas, enacted by the 31st Legislature at the second called session, and approved May 10th, 1909, and now incorporated in Chapter 11, Title 22 of the Revised Civil Statutes of Texas; and

WHEREAS, said Act so adopted in accordance with the terms thereof at such election is now in full force and effect in said City, and it is necessary to provide rules and regulations to carry the same into effect:

SECTION ONE

That this ordinance shall be generally known and referred to as the "IMPROVEMENT ORDINANCE" in all proceedings and contracts having reference to the subject matter thereof without further designation.

SECTION TWO.

That this ordinance shall be controlled by the terms of the law in such cases made and provided and by the Charter of the City of San Antonio, and wherever any conflict shall appear between the terms hereof and said charter, the latter shall control, and if any part hereof shall, under the Constitution of the State or of said law or charter be invalid, this ordinance shall not thereby, as a whole, become invalid, but all remaining parts thereof not subject to said invalidity shall nevertheless have full force and effect.

SECTION THREE

The word "Highway" whenever used herein shall be understood to have the meaning and to be defined as is provided in the said Act of the Legislature.

SECTION THREE-A.

Should the City at any time determine to execute or effect any improvements contemplated by said street improvement law and this ordinance, otherwise than by contract, whether the improvement be such as is not readily susceptible of contract, as widening or straightening of streets, or whether the City Commission merely deems it better to effect any paving or other improvement, or any part of such improvement, independent of bidders and contractors, in such event all procedure with reference to bids, contracts and bonds may be omitted, but all other procedure shall be had and observed in accordance with said law and as nearly as practicable in conformity with this ordinance; and upon the determination of the cost of such improvement, and before or after the completion thereof, the City Commission shall proceed to assess the cost thereof as herein and in said street improvement law provided.

SECTION 4.

That this ordinance shall be complied with in all proceedings with reference to subject matter thereof, but shall be regarded as directory only, and no inadvertence, failure, mistake or error in procedure thereunder, or failure to comply with any provision thereof, shall invalidate any contract or assessment made hereunder, or any procedure taken hereunder which would otherwise be legal. It shall be the duty of the City Commission on its own motion or upon request of any interested party to correct any error or mistake in said procedure.

SECTION FIVE.

Whenever the City Commission shall determine to improve any highway, it shall pass a

resolution to that effect which shall be conclusive of the public necessity for such improvement, and shall, in general terms, set forth the nature and extent of the improvement to be made; the character of bonds or bonds to be required; the material or materials with which they may be constructed, and shall state the different and alternative materials, plans and processes under which said improvement may be constructed, and the different plans, if any, of paying therefor. Said resolution may contain any other matters deemed proper by the Commission.

SECTION 6.

Upon passage of such resolution, it shall be the duty of the City Engineer or such other engineer as may be designated by the Commission, to prepare plans, profiles, specifications and proposals for said improvements which shall embrace the different or alternate materials and methods of construction mentioned in the resolution, and shall specify the amount and nature of the construction and maintenance bonds required of successful bidders, and other matters deemed pertinent.

Said plans, profiles, and specifications and proposals shall be submitted to and approved by the City Commission. Wherever steam or other railways have tracks on the highway to be improved, specifications shall also include the work, materials and appliances required for the purpose of paving between their said rails and tracks and two feet on the outside thereof and under the same.

When said plans, profiles and specifications and proposals have been approved, the City Clerk shall promptly advertise for sealed bids for the performance of the work in accordance therewith. Said notice shall generally describe the area of the work to be done, its character and the different materials and methods for which bids are invited, shall state the time up to which sealed bids will be received, and the place where said plans, profiles, specifications and proposals are filed and may be inspected by bidders and shall invite sealed bids in accordance therewith, and to contain such other conditions and matters as may be pertinent.

Said notice shall be signed by the City Clerk on behalf of the City and shall be published at least once in some newspaper or journal in general circulation in the City of San Antonio not less than ten days prior to the date mentioned therein for the opening of bids. Additional advertisements may be made elsewhere at the option of the Mayor.

SECTION 7

Bids shall be sealed and in such form as shall be prescribed in said specifications, and shall be filed by bidders with the City Clerk, or other officer designated by the City Commission, and shall be opened and read in public meeting thereof. The bids shall comply with said specifications and proposals and be responsive thereto. The City Commission shall have the right to accept or reject any bid and to let the work to any bidder whose bid may be deemed by the Commission most advantageous to the City and owners of property abutting the proposed improvements. No bids shall be changed after being opened, and the Commission shall have power after opening same to select the bid or bids proposing such materials, plans or methods of construction as it shall deem best. Any bid not accepted within ten days after being opened shall be deemed rejected. No bid shall be deemed to have been accepted except by ordinance passed and approved by the City Commission authorizing contract thereupon.

Whenever bids are invited for paving or improving between or under the tracks of a railroad or street railroad and two feet on the outside thereof, bidders shall present their proposals in the alternative so as to present a proposal, first: For the

improvement of the street as specified except so much thereof as is included between the rails and tracks of such railroads and two feet on the outside thereof, and Second: For the improvement of the entire street including the area between and under said rails and tracks and two feet on the outside thereof, and the City may award the work upon the first of said alternate proposals at its option without awarding the work mentioned in the second of said alternate proposals.

All extra work occasioned by the location of such rail road on the highway shall be stated in the bid as for extra work, also stating its nature, purpose and cost.

All bids, unless otherwise provided in the resolution calling for same, must be accompanied by security in the form of a cashiers check of some bank in this City or by a check certified by some bank in the City, in the sum fixed by the City Commission in said resolution for improvement, such check to be made payable unconditionally to the Mayor of the City; and all checks shall be held by the City uncashd pending the approval or rejection of bids for the improvement proposed. All such checks shall be returned to the respective successful bidders upon the rejection of their bid or bids. Each check of a successful bidder shall be retained and held until such bidder shall enter into contract and bonds as herein required, whereupon such check shall be returned to the bidder, but should bidder fail or refuse to enter into such contract or to provide such bonds as herein required, said check shall thereupon be collected by the City and the proceeds thereof held to the sole use of the City as liquidated damages for public expense and inconvenience caused by such default of the bidder.

SECTION 8.

Unless accepted or rejected prior thereto, the Commission shall be deemed to hold all bids under consideration during a period not exceeding ten days after the opening thereof, and during said time no bid or check shall be withdrawn or returned.

SECTION 9.

Upon rejection of all bids submitted within ten days from the opening thereof, the City Commission may, by resolution, provide that new bids may be received upon said specifications, plans, profiles and proposals without re-advertising, provided at least three days shall be allowed for preparing and filing such new bids. Such new bids shall be subject to all the provisions hereof with reference to original bids, and shall conform to any changes made in said plans, profiles or specifications which may have been adopted by the City, of which bidders shall advise themselves.

SECTION 10.

When any bid or bids have been accepted by the City Commission, written contract for the work, in duplicate, shall be prepared by the City Attorney, together with such construction and maintenance bonds as have been specified. The same shall be presented to the successful bidder and executed as herein provided. When said contract has been executed by the successful bidder and the bond or bonds made, same shall be returned to the Mayor, who shall execute the contract on behalf of the City, same to be attested by the City Clerk and approved by the City Attorney, said construction and maintenance bonds and the surety or sureties thereon shall comply with the requirements of the specifications adopted by the City Commissioners and shall be approved by the Mayor.

SECTION 11.

Said contract shall be executed by the City and by the contractor in duplicate and one copy thereof retained by the City, Said contract and bonds shall contain such provisions not inconsistent with law as shall be deemed proper by the said City Attorney and approved by the Mayor. And said contractor shall execute ~~such~~ ^{such} contract and make such bond or bonds

within ten days after the forms therefor have been tendered^{liver} by the City.

SECTION 12.

When any bid or bids have been accepted or the City Commission shall have determined to proceed to make an improvement without bidding, the City Engineer, or such engineer as may be designated by the Commission, shall promptly submit thereto a roll to which may be added a map or plat of the street lines, property, railway and curb lines, sidewalk lines or other lines necessary to show existing condition of the proposed improvement on a convenient scale. Such roll shall contain the name of each owner of property abutting upon the highway to be improved, with a brief description of the lot, lots or parcels of land owned by such owner with the frontage thereof, and said lots or parcels shall be described by the lot or block number, and by the name of the owner thereof, or in such other manner as shall sufficiently identify the same; and such roll shall also include the statement of the total estimated cost of the said improvement and the total estimated cost of the improvement between the ~~rails~~ rails and tracks and two feet on the outside thereof, of any railroad or street railroad occupying the said highway or part thereof, and a statement of the total amount of the said cost which it is proposed to assess against the said property owners as a class, and the total estimated amount to be paid by the City, and the amount to be assessed against each property owner, and the estimated cost per front foot to such owners and their property, and stating separately, the total estimated cost of sidewalk or curb, if any, to be assessed against each of the said owners and his property.

If the name of the owner of any property be unknown to the said engineer, he shall designate such owner, or owners, by the name shown by the last completed tax assessment rolls of the City Assessor, and if property be owned by an estate it shall be so designated.

The City Commission shall examine said roll and accompanying plats and statements when filed and correct errors or omissions, or any fault therein, and shall approve the same if correct, but no error, omission or informality therein whatsoever shall invalidate the same or affect any assessment made for any part of the cost of such improvements, and it shall be sufficient to designate the owner or owners of any property as "unknown" when the said engineer may be unable to ascertain their names.

SECTION 13.

Upon approving said roll and attached documents, the City Commission shall, by resolution, order that a hearing shall be given before it to the owners of property abutting on the said proposed improvement as well as to all persons having any interest therein, or any lienor claim upon the same, and to the owners of railroads or street railroads, if any, occupying said highway, and all persons interested therein or having any lien or claim thereon, and shall direct that said owners or other interested parties, their agents and attorneys, shall be notified to appear at said hearing, and shall fix the date, hour and place thereof, and shall set forth in general terms the nature and general extent of the proposed improvements, and shall state the amount proposed to be assessed against the owners of said railroads or street railroads, if any, and the amount per front foot for said improvements, including curb and sidewalk, if any, proposed to be assessed against owners of property abutting upon the said improvements. And shall refer said owners, and all interested parties, for full information to the said roll and attached documents filed by the said Engineer.

It shall^{not} be necessary to include in said resolution, or in the notice of the said hearing, the names of owners of property abutting on said improvements, or a specific description of particular lots, but a notice to all owners of property within the

area specified to be improved, and all other persons interested therein, shall be sufficient. No error or omission in said resolution or notice shall invalidate same.

SECTION 14.

Notice of said hearing shall be given to said owners, their agents or attorneys, and other interested parties, as provided by law, by advertisement, which shall consist of a copy of the resolution described in the preceding paragraph, attested by the City Clerk by his signature, to which may be added such further information as may be necessary or proper to advise the said owners or interested parties of said hearing and direct them to appear and be heard at the same; and which notice shall be signed by the said City Clerk, and the said resolution and notice published at least three times before said hearing in some newspaper of general circulation published in the City of San Antonio, the first of which publication shall be at least ten days before the date fixed for the hearing.

SECTION 15.

Additional notice of said hearing may be given in the discretion of the City Commission by the City Clerk forwarding a copy of the said notice by registered mail or messenger to each of said owners, if known, or to the legal representative of any estate, if known, which notice shall be transmitted to the address of such person, if known, or if unknown, to their representatives, agents or attorneys, if known. Delivery at the residence or place of business of any person shall be deemed sufficient service, but such personal service shall be only cumulative of said published notice, which shall, in all cases, be deemed valid, sufficient and binding.

SECTION 16.

The hearing before the City Commission shall be held on the date and at the place designated in the published notice, and all owners of or persons interested in any property liable to or proposed to be assessed for any part of the cost of improvement shall be entitled thereto to a full and fair hearing, at which they shall have the right to contest said assessment and personal liability and the regularity of all proceedings with reference to the improvements, and the said assessments and the benefits of such improvement to their property, and any other matter with reference to same. Any property owner or interested person may appear at said hearing in person or by attorney or agent, and shall have the right to testify and produce evidence, and have the benefit of such powers as the City Commission may possess to require the attendance of witnesses. Any objection to the said assessment or contest thereof shall be in writing, and shall be presented and heard in order as filed. The said hearing shall be kept open and continued from time to time and from day to day by the Commission until all persons wishing to do so have received a full and fair hearing.

SECTION 17.

The City Clerk shall keep, in a well bound book, a record of each such hearing, the date of publication of the notice and a copy thereof and the name of the paper in which published, and the manner of service of each personal notice and the return made thereof, and the date, when and by whom, each objection or contest was filed, and a brief statement of the conclusion reached by the City Commission on each contest and the date of the final closing of the hearing.

Upon the closing of the hearing, the City Commission shall, from the evidence adduced thereat and other facts in its possession, determine the amounts, if any, which shall be assessed against each parcel of property and the owner thereof, and the property of said street or ^{steam} railroads and their owners by ordinance.

The whole cost of constructing sidewalk and curb in front of or along abutting property, if any, and such proportion of the balance of the cost as may be ascertained to be lawfully chargeable, shall be assessed against the owners of such abutting property and their property, and there shall be assessed against the owners of railroads or street railroads, if any, occupying the streets if included in said contract for improvements, not exceeding the whole cost of such improvements between their rails and tracks and under the same two feet on the outside of rails. The cost of the said improvements to be assessed against owners of abutting property shall be apportioned amongst them in accordance with what is known as the front foot plan, or rule, in proportion as the frontage of each owner is to the improvement to be made, provided that if in the opinion of the City Commission, from the evidence before them, in particular cases, such plan of apportionment shall be unjust or unequal, having in view the benefits conferred and burfens imposed upon owners of such property, it shall be at liberty to adopt such rules of apportionment and to apportion the said cost in such manner as shall effect substantially equality and justice.

The said ordinance of assessment shall contain all such provisions as shall be deemed necessary by the Commission, and shall provide for personal liability of said owners, and the imposition of a lien upon their property as provided by law, and shall provide that sums payable by said owners of abutting property shall be paid in installments as follows:

One-sixth thereof within thirty days after the completion of the said improvements and their acceptance by the City;

One sixth on or before one year from said date;

One sixth on or before two years from said date;

One sixth on or before three years from said date;

One sixth on or before four years from said date;

One sixth on or before five years from said date; and

said ordinance shall provide for the issuance of assignable certificates, evidencing the said assessments upon such terms and conditions as may be fixed in the ordinance. Said installments shall bear interest from the said date of acceptance at the rate of seven (7) per cent per annum, payable in annual installments, and said ordinance shall provide for the enforcement thereof and for the maturity, at the option of the holder thereof, of the whole of said assessments in the event of default in the payment of any installment of interest or principal when due. Said assessment shall be payable at the office of and collectable by the collector of taxes of this City under such regulations as shall be prescribed hereafter, provided, however, that in case any such improvement shall not be completed by the contractor or contractor first undertaking same, and the City shall subsequently contract for the completion of same; or in case the City shall complete such work without contract; or in case the City shall effect all or any part of any improvement without contract; or in case several contractors shall severally undertake different parts of the work; or in case the City shall purchase materials for such improvement from any person or persons contracting to furnish same; or in any other similar case the City Commission shall by ordinance passed after the completion and acceptance of such work direct the issuance of the assessment certificates on account of the cost of such improvement, to the City or its assigns, or to the contractor or material men, or to the several contractors in proportion to the amount of such work effected, or materials furnished and used for such improvement, and the several amounts, if any, payable therefor to each party at interest, to each of whom, respectively, such improvement certificates shall be by said ordinance made

payable.

SECTION 18.

In event the improvement to be effected shall consist of widening, narrowing or straightening any street, avenue, alley, highway, public place or square, the Commission^{ent} shall, by resolution, declare the public necessity for such improvement, set out in general terms its nature and character, and direct the City Engineer or such other engineer as may be designated, to prepare plans, profiles, plats and specifications covering the proposed improvement, and to report same to the Commission, together with the statement of the cost of such improvement, the name of the property owners abutting thereon, the description of said property, and the amount, if any, to be assessed against such owners and said property as their or its proportion of the cost of the making of such improvements.

In event, however, that it should be found necessary to commence or complete such work prior to calling a property owners hearing and making such assessment, the right to do so shall not be affected, but such hearing may be had and assessment made thereafter and the first installment in such event shall be payable 30 days after the date of issuance of the certificate of assessment.

SECTION 19.

At any time after the passage of such resolution the Mayor may, if he deems it necessary, appoint a property owners or citizens committee, such appointment to be made in writing and filed with the City Clerk. Said committee shall serve without compensation and shall assist the City Engineer and the Commissioner of Streets and Public Improvements in determining the details of said improvement and in ascertaining the cost thereof and the amounts assessable against the various pieces of abutting property, and shall also co-operate with said engineer and commissioner in securing the property necessary for such improvement, making arrangements for removal of buildings, obtaining releases, etc. but no action of such committee shall be binding upon the City unless same is first submitted to and approved by the Commissioners as provided by law.

SECTION 20.

The report of the engineer upon said improvement and the cost thereof, together with the report or recommendation of the Citizens or Property Owners Committee, if any, shall be submitted to the Commissioners and if same meets their approval an ordinance shall be passed declaring the public necessity for such improvement and providing therefor, and directing the City Clerk to give notice to the property owners affected of the intention of the City to make said improvements and to assess against the abutting property and its owners the lawful proportion of the cost of such improvement.

SECTION 21.

Such notice shall be given as far as possible as provided for herein in the case of street paving, and in strict conformity with the improvement law, and the property owners hearing shall be had and the assessment, if any, made in the same manner, save and accept:

(1) The assessment certificates to improvements of this character shall be divided into ten equal installments, one payable thirty days after completion of the improvement as shown by the certificate of the City Engineer to be filed with the City Clerk, and one payable each year thereafter for a period of nine years; (2) Such assessment certificates shall be payable either to the City or to such person or persons as the ordinance making the assessment shall provide, and shall be assignable certificates, and shall be otherwise, so far as not inconsistent herewith, similar to those provided for herein in case of street paving.

SECTION 22.

In the event of any mistake, irregularity or omission in any proceeding with reference to any improvement, or the assessment of the cost thereof against any abutting property or its owner, or against the property of any railroad or street railroad and its owners, the City Commission shall, by ordinance, re-assess against said property and its owner, or owners, the cost or part of the cost of such improvements as herein provided, and such re-assessment shall be made as near as possible under the same rules and regulations, and as hereinbefore provided and after hearing preceded by a like notice as herein provided for the original assessment. Said proceedings to re-assess may be taken by the Commission either upon its own motion or at the request of any contractor or other persons claiming under any invalid assessment or holding a certificate issued therefor. Such reassessment shall be made after a hearing to the person or persons to be reassessed and other interested parties as hereinbefore provided, and in the case of owners of abutting property shall not be in excess of the benefits to said property by means of said improvements.

After said hearing an ordinance as herein provided shall be passed by the Commission making such re-assessments, and upon the surrender of any certificate issued for the original assessment ascertained to be invalid, a new certificate shall be issued therefor to the holder thereof as provided in the said ordinance of re-assessment.

SECTION 23.

The ordinance making such assessments shall also provide that all installments of principal or interest thereof shall be payable at the office of the collector of this City; and said Collector is hereby authorized and directed to receive such payments when so tendered to him in the full amount due and payable to the date of such payment, and shall upon any such payment being made issue to the person paying same his official written receipt for the amount received, which shall be evidence of such payment on any demand for the same. The collector shall prepare each such receipt in duplicate, preserving a stub, such receipts and stub to show, among other things, the date of the payment, the name of the person making such payment, the description of the property against which the assessment was made, the nature of the improvement for which it was made, the name of the original payee or contractor, the date of the assessment certificate and its number, if any, and the collector shall preserve as a permanent record of his office the stub of each such receipt issued by him or under his authority. The collector shall immediately or at regular intervals as prescribed for other collections, deposit with the treasurer of the City all sums paid on such assessments since the last previous deposit, accompanied by one copy of said duplicate receipts as issued for each payment so deposited. Thereafter upon the presentation to the treasurer of the City of any coupon of any such assessment certificate duly issued by the City representing any installment of principal and interest, and upon the surrender to said treasurer of such coupon, with a receipt for the payment to be made, properly endorsed thereon and signed by the person presenting same or in the case of the maturity of the ^{last} ~~sixth~~ installment upon the presentation and surrender of the assessment certificate, receipt and release as hereinafter provided the treasurer shall pay over to the bearer of each such coupon or certificate the amount so paid into the City Treasury on account of such installment of principal and interest represented by such coupon or certificate. The coupons being intended for surrender and delivery to the property owner or person paying the amounts due thereon to the City Collector, the bearer, person or bank presenting such coupon or certificate for payment shall also execute to the treasurer a

seperate receipt to be preserved in the files of the City evidencing the payment of same by the City, and describing each coupon or certificate so presented and paid and stating the name and address of the person, persons or bank transmitting same for collection. Such seperate receipts so to be taken by the treasurer may be endorsed or stamped and signed on ~~the~~ the back of the respective duplicate receipts prepared for the treasurer by the collector as hereinbefore required, and all such receipts shall be carefully preserved by the treasurer, and shall be by the treasurer filed in the office of the auditor of the City at least once each week; and same shall be by the auditor carefully and systematically filed and preserved among the records of the City; and the auditor shall also keep a suitable account or register for each ~~xxxx~~ improvement ordered by the City Commission, in which register said auditor shall enter full data as to all payments made to and by the City as herein provided, as shown by such receipts. All receipted coupons, paid assessment certificates and releases which may be delivered to the treasurer upon the city paying over any money as herein provided shall also be by the treasurer delivered to the auditor and shall be by the auditor kept and preserved with said respective records of the city, until such receipted coupons, paid assessment certificates or releases may be demanded by the person or persons who made original payment thereof whereupon they shall be delivered to such person or persons. Upon the full and final payment of all sums due by the terms of any such certificate the original payee or holder of such certificate shall thereupon immediately surrender to the owner or owners of the premises described therein, or to the treasurer of the city for them, such assessment certificate together with all coupons not theretofore paid and surrendered, and also a good and sufficient quitance and release in writing, duly acknowledged, evidencing the satisfaction of such indebtedness and the full release of the lien or liens securing same; and such written release and surrender of the assessment certificate by the holder thereof shall in all cases operate to release also the lien securing any voluntary contract taken for the same improvement in connection with such assessment certificate. And in case of default in the payment of any installment of principal or interest due on any certificate, and upon the maturity thereof as evidenced by its terms or by the written declaration of the holder thereof, it is hereby also made the duty of said City Collector, on the written demand of the holder of such certificate, to advertise and sell the premises and property subject to the lien securing such certificate for the purpose of realizing any sum or sums remaining unpaid thereon, together with interest and costs, said sale and the conveyance of the property thereupon to be made in the manner provided by law and the city charter for the sale of property for advalorem city taxes; or in case of such default and on the written demand of the holder of any such certificate, the city of San Antonio shall exercise its charter powers and the powers conferred by said street improvement law, and shall institute and prosecute a proper suit or suits to foreclose or enforce such lien and to collect such assessment certificate, together with all interest and costs in the name of the city but for the benefit of the holder thereof; provided that each such holder shall in advance deliver such assessment certificate and other necessary evidence to the City Clerk and to the satisfaction of the City Attorney or City Commission, provide for and indemnify the City against any claims for damages and all costs or expenses which might be incurred in any such proceedings or suit; and provided further, that neither the City of San Antonio nor any official of said City shall be or become obligated or liable for any error or omission in the matter of computing the amounts payable upon such certificates or in the matter of identifying the holders of such certificates; and should the City or any official thereof, for any reason whatever fail to enforce, or not proceed with effect in the enforcement of any such certificate or

claim, the City of San Antonio shall not thereby incur any financial loss or liability, nor shall any official of said City thereby in any manner incur any personal liability, nor shall any official of said City thereby in any manner incur any personal liability; and provided further, that nothing herein contained shall be deemed to deprive the holder of any such certificate of his personal right to use any lawful means of collecting such certificate, including the right at his own cost and expense to bring and conduct suit thereon in his own name in any court of competent jurisdiction.

SECTION 24.

Whenever any person shall desire a release from the City of any such assessment and lien, either in addition to or in the absence of the release from the holder of any assessment certificate as hereinbefore provided, and such person shall present to and file with the City Auditor the assessment certificate evidencing such assessment and lien, stamped or marked paid, or such certificate accompanied by other evidence of the payment thereof satisfactory to said City Auditor, thereupon said City Auditor shall be and he is hereby authorized to execute and acknowledge in the name of the City a good and sufficient release thereof in writing; and any such release so executed by said City Auditor shall evidence full payment and satisfaction of said certificate, assessment and lien, with equal force and effect as if executed by the original payee or any assignee of such certificate; and upon any such certificate being so released by the Auditor he shall stamp or mark same "Released by the City of San Antonio", and shall carefully file and preserve the same as a record of his office; and whenever any person shall present any such assessment certificate to said City Auditor accompanied by a release from the holder thereof or whenever said City Auditor shall execute such release in either case said City Auditor shall note such release in the Register of Assessment Certificates and shall sign on such assessment certificate a statement to the effect that such assessment certificate has been presented and entered on the Register of Assessment Certificates as fully satisfied, stating the date of such presentation and the name of the person presenting same; and said Auditor shall enter on said Register of Assessment Certificates, in connection with the record of each assessment certificate he may release, a notation showing that such release was executed by the City.

SECTION 25.

The City of San Antonio shall, as in this ordinance provided, freely afford and render to contractors and holders of assessment certificates all proper and available relief, proceedings and remedies to which contractor is entitled at law or in equity, and which the city may lawfully afford by the exercise of its corporate powers, whereby to assess, levy special taxes, fix liens and declare personal liabilities, and to receive collections for holders of assessment certificates, or to undertake collections thereof if so required, and in proper cases to make corrections of assessments or to re-assess; and in any other lawful and proper way not involving pecuniary liability or expense the City shall in good faith provide and facilitate the collections of assessment certificates and special taxes for all such improvements; but the City shall not be or become liable or responsible, either directly or indirectly, for the payment of any sum of money whatever for or on account of any assessment or assessment certificate, levy, lien or special tax, nor on account of any error or omission in or concerning same, nor on account of any property being exempt, nor on account of the failure of any person to pay the amount levied or assessed; nor shall the City be or become liable or responsible, either directly or indirectly, for the payment of any

part of the cost of ~~the~~^{any} improvement other or further than that portion of the cost of such improvement which the City herein expressly undertakes to pay; provided that the cost of "extras" if any shall be paid by the City, or as may be provided in the contract, unless same be included in the cost of the improvement for which assessments are made.

SECTION 26.

The contractor undertaking and effecting any such improvement shall have the full right to require that all assessments, levies, liens, personal liabilities and assessment certificates shall be made, fixed, declared and issued substantially as required by this ordinance and in strict compliance with said street improvement law; and should there be any defect or irregularity in the proceedings had whereby a compliance with this section would be defeated, the City Commission shall by regular proceedings make such corrections or assessments as may be necessary to effect a compliance herewith; provided that in case of any amendment, modification or repeal of any relevant provision of this ordinance after any bid shall be filed and before same shall be opened the bidder shall have the right to withdraw such bid. And it shall always be understood in every contract or arrangement for any such improvement that the City of San Antonio is contracting or arranging for such improvement, and as to all parts of the same, acts for the City at large as well as for persons liable to be assessed for a part of the cost of the improvement, and the said City shall be the sole proper or necessary party to any suit which may arise with reference to any bid, proposal, deposit check, contract or bond, or the compliance with or the performance of the same or any default, penalty or forfeiture thereof or thereupon, and it shall never be necessary or proper to join the owners of abutting property or rail roads or street railroads as parties to any such suit, or to any suit other than suits for the collection and enforcement of assessments or liens, or to suits wherein the prayer is for some relief to be adjudged directly against abutting property or the owner or owners thereof, or such railroads or street railroads. All bids, proposals or contracts hereafter made or entered into for such improvements shall be made or shall be deemed to have been made in contemplation of and subject to this ordinance, and all such bidders and contractors shall be fully bound and obligated by its terms and provisions as if contained in the bid, proposal or contract.

SECTION 27.

All public service corporations lawfully having rails, tracks, mains, pipes, poles, conduits, wires or other fixtures or appliances in the public streets of this City are hereby required to take notice of the resolutions of the City Commission and the advertisement inviting bids for the permanent improvement of any street; and it is hereby made the special imperative duty of each such public service corporation after first obtaining a proper permit from the City authorities, to lay, place, repair, or renew in such time and manner as not to hinder or interfere with such work of improvement, all proper rails, tracks, mains, conduits, pipes or other fixtures and appliances, of such size, condition, character, material, weight and arrangement as to suffice fully for all the needs of the service to be rendered by or which may reasonably be required of such public service corporation on such street for and during the period of at least ten years from and after the time of such improvement, so that it may not be necessary to disturb the pavement of such street for any such purpose during such period of at least ten years.

Sec 28. This ordinance shall stand in lieu and instead of a certain other procedure ordinance passed by the City Commission on the 18th day of December, 1913, entitled "An Ordinance establishing a plan under which all permanent paving and certain other permanent street improvements shall be made and paid for wholly or partly by special assessments, defining the procedure with reference to such improvements, and prescribing certain rights

and liabilities of property owners, contractors and others, and for other purposes", which ordinance is hereby in all things repealed and the several amendments of the said ordinance passed and approved, to-wit, as follows: January 19, 1914, shall be and are hereby also expressly repealed, provided, however, that said ordinance shall remain in force for the purpose of fully completing any procedure begun and being carried on heretofore under the terms thereof. And this ordinance shall be in effect and control all procedure with reference to its subject matter hereinafter initiated.

PASSED AND APPROVED this 8th day of March, 1920.

Sam C. Bell.

Attest:

Fred Fries,
City Clerk.

Mayor.

AN ORDINANCE *OF-176*

Granting permit to R.E. Davis to construct a sanitary sewer in Drexel Avenue.

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

SECTION 1. That permission is hereby granted R.E. Davis to construct a sanitary sewer on Drexel Avenue beginning at Nopal Street and extending east about 80 feet according to plat line and grade, made by the City Engineer hereto attached, The cost of said sewer being estimated about One Hundred Dollars (\$100.00) to be paid by the said R.E. Davis. 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 connection to this sewer shall be made until 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 City Engineer is hereby directed to collect the sum of Thirty Five (\$35.00) for each and every connection made with said sewer or sewer service going into said main and pay the same over to said R.E. Davis 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 no further 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 be effective at once on the above mentioned condition.

Passed and Approved this 11th day of March, 1920.

Attest:

Fred Fries,
City Clerk.

Sam C. Bell,

Mayor.

OF-176.1

AN ORDINANCE OF-176.1

Prohibiting the taking or use of water from the San Antonio River, San Pedro Creek, Alazan Creek, Apache Creek and Menger Creek for drinking or other domestic purposes and uses.

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

SECTION ONE: That it shall hereafter be unlawful to draw, pump, dip or otherwise take water from the San Antonio River, the San Pedro Creek, the Alazan Creek, the Apache Creek or the Menger Creek, within the corporate limits of the City of San Antonio, for drinking or other domestic purposes, or to drink or use for other domestic purposes any water taken therefrom.

SECTION TWO: Every one violating the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum of not less than Five Dollars (\$5.00) and not more than Twenty Five Dollars (\$25.00) and each day such violation may continue shall constitute a separate and distinct offense.

SECTION THREE: The fact that a great number of persons are constantly and continuously taking and using the waters of the San Antonio River, San Pedro Creek, Alazan Creek, Apache Creek and Menger Creek for drinking and other domestic purposes, and for reasons apparent therefrom, this ordinance is of urgent importance for the immediate preservation of public health and safety, and shall take effect from and after its passage and approval.

Attest: PASSED AND APPROVED this 11th day of March, A.D.1920.
Fred Fries, City Clerk. Sam C. Bell, Mayor
THE STATE OF TEXAS.
COUNTY OF BEXAR.
CITY OF SAN ANTONIO.

Before me, the undersigned authority, on this day personally appeared Charles S. Duke who being by me duly sworn, says on oth that he is one of the publishers of the San Antonio Light, 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:

March 12, 13-14-15-16-17-18-19-20-21 1920.

Sworn to and subscribed before me this 31 day of March 1920.

Charles S. Duke
Jules H. Fontaine
Notary Public and for Bexar County, Texas
City Clerk.

OF-176.2

AN ORDINANCE OF-176.2

Creating and establishing zones of quiet within the vicinity of all hospitals in the City of San Antonio.

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

SECTION ONE: That all territory embraced within the distance of two hundred and fifty (250) feet of any hospital, sanitorium or other institution for the treatment of sick persons is hereby created and established as a zone of quiet.

SECTION TWO: It shall be the duty of the Commissioner of Fire and Police to place or cause to be placed and maintained on lamp posts or some other conspicuous place on every street or alley in the vicinity of which any hospital, sanitorium or other institution for the treatment of sick persons may be situated and at a distance of not less than two hundred and fifty feet in either direction from such hospital, signs or placards ~~xxxxxx~~ displaying the words "Zone of Quiet".

Section Three. That fast driving of all automobiles or other vehicles or the making, causing or permitting to be made of any unnessary noise, the crying of wares by street vendors, the playing of musical instruments, the sounding of gongs, bells, horns, whistles, sirens or other noise making instruments or devices, on any street or alley or other

alley or other public place within any zone of quiet, as created and established by the provisions of this ordinance, is hereby declared to be a nuisance and is hereby prohibited.

SECTION FOUR: That every person^{who} shall violate the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Five (\$5.00) Dollars nor more than Fifty Dollars (\$50.00) for each offence.

Passed and Approved this 11th day of March, A.D.1920.

Sam C. Bell, Mayor.

Attest:
Fred Fries, City Clerk.

THE STATE OF TEXAS.
COUNTY OF BEXAR.
CITY OF SAN ANTONIO.

Before me the undersigned authority, on this day personally appeared Charles S. Duke, who being by me duly sworn, says on oath that he is one of the publishers of the San Antonio Light, 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: March 12-13-14-15-16-17-18-19-
20-21 1920.

Charles S. Duke

Sworn to and subscribed to before me this 31st day of March 1920

Jules H. Fontaine
Notary Public in and for Bexar County, Texas

AN ORDINANCE OF-177

Amending an ordinance of July 29, 1918, entitled, "An ordinance for the licensing and regulation of driverless automobiles hired or leased to the public for use upon or over the streets or thoroughfares of the City of San Antonio", by reducing the amount of the indemnity bond required to be given.

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

SECTION ONE: That the ordinance of July 29, A.D.1918 entitled "An ordinance for the licensing and regulation of driverless automobiles hired or leased to the public for use upon or over the streets or thoroughfares of the City of San Antonio," be and the same is hereby amended by repealing Section 7 thereof, same being the section relating to bonds, and substituting in lieu of said Section 7 the following section, which shall be numbered 7, and in all respects take the place of the section so repealed:

"Section 7: Before any such license shall issue, the applicant shall pay the license fee required and furnish to the City of San Antonio for each 'driverless automobile' to be licensed a good and sufficient assurance in writing that such business shall be operated with due care for the public safety. Such assurance shall ^{consist} of a good and sufficient bond or policy of insurance to be approved by the Mayor, conditioned that the holder of such license shall well and truly pay to the mayor of said City or his successors in office, for the benefit of every person injured, or owner of property damaged through the negligence of such licensee or his agents or employes in failing to keep and maintain said cars offered to the public for hire in proper and safe condition for operation upon the streets of the City, or through the negligence of said licensee, his agents or employes, in hiring or leasing said cars to be operated on or over the streets of the city by a person or persons incompetent or unqualified to safely and properly operate same upon said streets, or will well and truly pay, directly to any such person or persons injured in person or property any amount of money that may be awarded by final judgement of any court of competent jurisdiction against such licensee on account of any such injury not exceeding for bodily injury to any one person the sum of Two Thousand Five Hundred Dollars (\$2500.00), or the sum of Ten Thousand Dollars (\$10,000.00) for all persons injured in any one accident or occasion, and not exceeding the sum of One Thousand Dollars (\$1000.00) for direct and material damages to property resulting from any one accident or occasion. The said bond or policy shall provide that each such cause of action shall survive in case of death of the injured person for the benefit of the beneficiaries of such person, and that such bond or policy shall be subject to successive recoveries during the time that such bond or policy shall continue in effect. The said bond or policy may be executed by sureties or insurers consisting of any solvent surety or insurance company, authorized to transact business in the State of Texas, or such bond may be executed by two or more personal sureties, but in such event the obligors on such bond shall attach to their bond their statement in writing, acknowledged for registration, to the effect that they own in fee simple real estate, describing it, situated in a specific county or counties of the State of Texas, which is free from encumbrance and subject to no claim of exemption, and of an actual market value, to be stated therein, of more than double the amount of such bond, and such bond for the full amount thereof shall in said statement recite to be and shall be a lien for the benefit of the beneficiaries in said bond on such real estate, and shall be recorded in the office of the County Clerk of each county in which such real estate is situated. Said lien shall be released by the Mayor upon five days application as hereinafter provided, subject to any liability accruing prior to said ~~xxxx~~ release.

PROVIDED, HOWEVER, any such person, association or corporation may give one bond limiting the liability of the sureties to \$25,000.00 in lieu of the bond above described, but otherwise conditioned the same, covering and applying to all such liability on account of any number of vehicles not exceeding ten, or one such bond for \$50,000.00, covering any number of vehicles.

PROVIDED, HOWEVER, that in the event the Mayor shall at any time and for any reason deem that any assurance given by any licensee is insufficient for the protection of the public, he may require new or additional assurance and the licensee or person owning or operating any such automobile shall within three days after receiving written notice of such requirement provide the required new or additional assurance; and PROVIDED, FURTHER, that, in the absence of special agreement, any surety or insurer may by written demand require of the mayor that a new assurance for any such automobile be furnished by the licensee within five days, and the mayor shall thereupon give written notice by personal delivery or by mail to any such licensee and the approval of such new assurance, or the expiration of the five day period above provided for, shall discharge such first sureties or insurers from any liability which shall accrue after the time of approval of such new assurance or the expiration of the said period; and PROVIDED, FURTHER, that in the event any bond or policy be so cancelled upon the request of the sureties or insurers because of the default of the licensee in the payment of the premium, if any, specified and provided for in such bond or policy, such cancellation shall, at the option of the mayor, be sufficient cause for the revocation and termination of the license held by such licensee; and PROVIDED, FURTHER, that neither said City nor any officer thereof shall be held liable for the pecuniary responsibility or solvency of any such surety or insurer or in any manner become liable for any sum on account of any such claim or any act or omission relating to such automobile, but persons having cause of action secured thereby shall be authorized to sue directly on such assurance without impleading the city; and all persons known to any surety or insurer to have been injured or damaged in the same accident and claiming damages therefor shall be made parties without priority of claim or payment in any suit had or instituted on account of such matter."

SECTION TWO: Provided, however, that no liability or responsibility, claim or demand of any character whatsoever existing under or by virtue of any bond heretofore given in compliance with the section here now repealed shall be in any way affected, but such liability or responsibility claim or demand shall remain in full force and effect, in accordance with the terms of such section and the bond given thereunder.

SECTION THREE: This ordinance, being of urgent importance, for immediate preservation of the public safety and welfare, and further facts apparent upon the face thereof, and being passed by four-fifths vote of the Commissioners, shall take effect immediately from and after its passage and approval.

PASSED AND APPROVED this the 15th day of March, A.D.1920.

Attest:
Fred Fries, City Clerk.

Sam C. Bell, Mayor.

THE STATE OF TEXAS.
COUNTY OF BEXAR.
CITY OF SAN ANTONIO.

Before me, the undersigned authority, on this day personally appeared Charles S. Dieke, who being by me duly sworn says on oath that he is one of the publishers of the San Antonio Light 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: March 17-18-19-20-21-22-23-24-25-26 1920.

Sworn to and subscribed before me this 31st day of March 1920
Julius H. Fontaine
Notary Public

AN ORDINANCE OF-178

Providing for the redemption of property sold by virtue of decree of court for City taxes.

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

SECTION ONE: That all lands or lots hereafter sold under and by virtue of decree of court for taxes due the City of San Antonio may be redeemed by the owner or owners thereof within two years from the date of the deed, upon the payment to the purchaser or his assigns of double the amount so paid, including all costs of court, provided the purchaser at such foreclosure sale, or his assigns, shall not be entitled to the possession of the property sold for taxes until the expiration of two years from the date of deed.

SECTION TWO: That where lands or lots shall hereafter be sold to the City of San Antonio under decree of court in any suit or suits brought for collection of taxes thereon, the owner or any person having an interest in such lands or lots shall have the right at any time within two years from the date of sale to redeem their interest therein upon payment to the City of the amount of taxes for which sale was made, together with all costs and penalties required by law and also the payment of all taxes, interest, penalties and costs on or against said lands or lots at the time of such redemption, provided that the City of San Antonio shall not be entitled to possession of such lands or lots sold to it for taxes until the expiration of two years from the date of sale.

PASSED AND APPROVED this 18th day of March, A.D.1920.

Attest:

Sam C. Bell, Mayor.

Fred Fries,
City Clerk.

AN ORDINANCE OF-179

Amending Section 8 of Chapter 2 of the Revised Criminal Ordinances of the City of San Antonio.

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

SECTION ONE: That Section 8, Chapter 2, of the Revised Criminal Ordinances of the City of San Antonio of 1899 be and the same is hereby amended so as to hereafter read as follows, to-wit:

"Section 8. It shall be unlawful for any person to drive loose stock through any of the streets of the City of San Antonio within the following limits, to-wit: Commencing on River Avenue at City limits, thence south west in a direct line to the intersection of Zarzamora Street and Fredericksburg Road, thence South on Zarzamora Street to Waverly Avenue, thence West on Waverly Avenue to Hamilton Avenue, thence South on Hamilton Avenue to Gaudalupe Street, thence east on Guadalupe Street to South Trinity Street, thence South on South Trinity Street to Saltillo Street, thence east on Saltillo Street to South San Marcos Street, thence South on South San Marcos to Powell Street, thence southeast on Powell Street to Nogalitos Street, thence southwest on Nogalitos Street to Edwards Street, thence south on Edwards Street to Big Foot Street, thence east on Big Foot Street to South Flores Street, thence north on South Flores Street to West Mitchell Street, thence east on West Mitchell Street to the intersection of South Presa Street and Arlington Court, thence east on Arlington Court to South Cherry Street, thence north on South Cherry Street to McKinley Avenue, thence east on McKinley Avenue to South Palmetto Avenue, thence north on South Palmetto Avenue to East Crockett Street, thence east on East Crockett Street to New Braunfels Avenue, thence north on New Braunfels

Amended by Ord. 181-5-196
Aug. 18-1924

Avenue to Dawson Street, thence east on Dawson Street to Lockart Street, thence north on Lockhart Street to the line of the G.H. & S.A.R.Railroad, thence east along the line of the G.H & S.A.Railroad to the city limits, thence north along the city limits to the northern boundary of the City of San Antonio, thence west along the city limits to the place of beginning."

Section Two. That all ordinances and parts of ordinancez in conflict here-with be and the same are hereby repealed.

PASSED AND APPROVED this 25th day of March A.D.1920.

Attest:

Sam C. Bell, Mayor

Fred Fries, City Clerk.

THE STATE OF TEXAS.
COUNTY OF BEXAR.
CITY OF SAN ANTONIO.

Before me, the undersigned authority, on this day personally appeared Charles S. Diehl, who being by me duly sworn, says on oath that he is one of the publishers of the San Antonio Light 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: March 30, 31, and April 1, 2, 3, 4, 5, 6, 7, 8, 1920.

Charles S. Diehl,

Sworn to and subscribed to before me this 31st day of March, 1920.

Jules W. Fontaine
Notary Public in and for Bexar County, Texas.

AN ORDINANCE

OF-180

Releasing and discharging the bond of the Guaranty State Bank as a special City Depository upon certain conditions, and accepting in lieu thereof another bond with different sureties.

WHEREAS, the Guaranty State Bank of San Antonio was on the 26th day of November, A.D.1919, by ordinance, duly designated as a special depository for the funds of the City of San Antonio in the sum of Two Hundred Thousand Dollars (\$200,000.00) and a bond of said bank as principal, with Lee Joseph, Geo. D.Campbell, B.R.Webb, Geo D.McGloin, Geo B.Eggleston, M.J.Arnold, S.Bruce Brough, H.H.Bryant and Henry C. King Jr. as sureties, was filed with the City Clerk and accepted and approved by the Mayor and Commissioners; and

WHEREAS, since this time the personel of the officers of said bank has been changed and one of the officers of said bank having severed his connection with the institution, desires to be relieved from any liability in the future upon said bond, and the bank has tendered in lieu of said bond another and other bond, which, in the opinion of the Mayor and Commissioners is good and sufficient bond, THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF THE CITY OF SAN ANTONIO:

SECTION ONE: That the bond executed on the 25th day of November, A.D.1919 by the Guaranty State Bank as principal, and Lee Joseph and others as suretyes and approved by the Mayor and Commissioners of the City on the 26th day of November, 1919, be and the same is hereby released and discharged in so far as any responsibility might accrue after this date, with the express provision, however, that no liability or responsibility, claim or demand of any character whatsoever that may have accrued upon, under or against said bond prior to this date shall be in any way releasd, extinguished or affected.

SECTION TWO: That the new bond for Two Hundred Thousand Dollars (\$200,000.00) executed by said Guaranty State Bank as principal, and Geo. D.Campbell, B.R.Webb, Geo D.McGloin, Carl D.Newton, W.T.Smith, M.J.Arnold, R.Bruce Brough, H.H.Bryant and H.C. King Jr. as sureties and dated 31 of March 1920, and conditioned as provided by law, be and the same is hereby in all respects accepted and approved by said Board of Commissioners, and ordered to be filed and recorded by the City Clerk and retained carefully in the archives of the City, and the said Guaranty State Bank is hereby continued as a special depository of and for the funds of the City as set out in said ordinance so designating said bank upon the 26th day of November, A.D.1919.

PASSED AND APPROVED this 5th day of April, A.D.1920.

Attest:

Sam C. Bell,
Mayor

Fred Fries,
City Clerk.

BOND OF CITY DEPOSITORY.

THE STATE OF TEXAS :
 COUNTY OF BEXAR :
 CITY OF SAN ANTONIO :

KNOW ALL MEN BY THESE PRESENTS:

That we the Guaranty State Bank of San Antonio, Texas, as Principal, and Geo. D. Campbell, B.R. Webb, Geo D. McGloin, Carl D. Newton, W.T. Smith, M.J. Arnold, R. Bruce Brough, H.H. Bryant and Henry C. King Jr. as sureties, are held and firmly bound and obligated unto Sam C. Bell, Mayor of the City of San Antonio, a municipal corporation of ~~the State of Texas~~ the State of Texas and County of Bexar, and unto his successor or successors in office, in the sum of Two Hundred Thousand Dollars (\$200,000.00) for the payment of which in said City well and truly to be made unto the said Mayor or unto the said City of San Antonio in lawful money of the United States of America, we do hereby bind ourselves, our heirs, executors, administrators and successors, jointly and severally, by these presents.

THE CONDITION OF THIS OBLIGATION is such that, whereas, the above bounden Guaranty State Bank has been selected by the Commissioners of the City of San Antonio as a special depository of a part of the funds of said City and the sum of Two Hundred Thousand Dollars (\$200,000.00) of such funds has been deposited with said bank to the credit and for the use of said City upon the agreement and understanding that said Guaranty State Bank has promised, agreed and obligated itself to pay interest on said sum of money, or so much thereof as remains with it until same is finally withdrawn, at the rate of four and one-half (4½%) per cent per annum, to be computed semi-annually on daily balances and paid to said City of San Antonio on the 25th days of May and November of each and every year hereafter; provided, however, that on any sum of money so deposited remaining in said special depository for less than twelve (12) months from the date of said deposit, interest shall be paid by said depository at the rate of 4½% per annum; and

WHEREAS, the further condition of this obligation is such that the said Guaranty State Bank shall and will faithfully perform all the duties and obligations devolving upon it as such special depository by law or by the Charter and ordinances of said City, and especially what is known as the "Finance Ordinances" of said City; and shall and will, well and truly, pay upon presentation all warrants and checks properly drawn upon it as such depository on behalf of said City and against such funds and account so deposited or credited whenever any such funds shall be in said depository or to the credit of said City in said depository, in whatever name or manner kept, applicable to the payment of any such warrant or check, and that all funds of said City so deposited shall be faithfully kept by said depository, and with the interest thereon properly and correctly accounted for according to law, and

WHEREAS, it is further agreed by all parties hereto, including sureties, that this bond shall be held to be an independent common law obligation in accordance with its face and tenor, as well as a bond required by statute, charter and ordinance; and all proceedings and prerequisites herein recited or required by law as preliminaries to the selection of such depository shall be conclusively presumed to have been duly and regularly had and performed before the execution of this bond, wholly regardless of defects or omissions, if any, in such preliminaries; and that at the time when this bond is presented to the City for approval the names of all sureties expected to join in this bond appear as signatories hereto; and

WHEREAS, this bond is given in lieu of and as a substitute for a certain other bond executed upon the 25th day of November, A.D. 1919 by this bank as principal and its then directors as sureties, the signers hereto now agree that it is their intention in giving this new bond to indemnify and save harmless the City of San Antonio against any loss of any character whatsoever by reason of its special deposit in this bank aforesaid, regardless of what may be the occasion for said loss or when the matters causing it occurred.

NOW, THEREFORE, if the said Guaranty State Bank of San Antonio, Texas, shall well and truly comply with all the terms and conditions of this obligation, then and in such case this obligation shall be and become null and void; otherwise to remain in full force and effect.

IN TESTIMONY WHEREOF witness our hands and the corporate seal of said bank this 31st day of March A.D. 1920.

Guarantee State Bank,
 Principal
 By Geo D. Campbell,
 President.

ATTEST:

Aug P. Villareal,
 Secretary.

Geo D. Campbell, ;
 B.R. Webb :
 G. McGloin :
 Carl D. Newton :
 W.T. Smith :
 Martin J. Arnold : Sureties.
 B. Bruce Brough :
 H.H. Bryant :
 Henry C. King Jr. :