

21085

## AN ORDINANCE

GRANTING A PERMIT TO HAROLD BANCROFT  
OF SAN ANTONIO, TEXAS, TO INSTALL AND  
OPERATE A MINIATURE STEAM TRAIN AT  
ELMENDORF LAKE PARK.

\*\*\*\*\*

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

1. That this ordinance makes and manifests a permit from the City of San Antonio to Harold Bancroft to install and operate a miniature steam train at Elmendorf Lake Park in San Antonio as follows:

2. The permittee will be allowed to construct and operate a miniature steam train to carry passengers, track, station and appurtenances at the place designated by the Director of Parks and Recreation at Elmendorf Lake Park.

3. The permittee shall pay the City of San Antonio 10% of the gross income for the operation under this license. The tickets for the rides shall be deposited with the License and Dues Collector of the City of San Antonio and tickets will be delivered to the permittee upon the payment of an amount equivalent to ten percent of the face value of the tickets to the License and Dues Collector. No other tickets will be used, nor may the issued tickets be reused at any time.

4. The operations of the permittee shall be conducted in a quiet and orderly manner and the place shall be kept free from rubbish and debris which shall be deposited in closed containers at places designated by the Superintendent of Garbage Collection.

5. If the permit granted hereby is in conflict with any restriction, requirement or limitation contained in the deed, dedication or grant of the realty herein described under which the title or use of said place has been vested in the City of San Antonio or dedicated to the public; then, the privilege granted herein shall be cancelled automatically.

6. The failure on the part of the permittee to pay the fee when due as specified, shall automatically terminate this license. The City of San Antonio shall have a prior lien as security for the fee aforesaid on all the property which is put on this property, which shall be cumulative of the statutory lien. The permittee shall file with the City Inventory Clerk a certified description of all property put on the premises herein described, and the permittee shall not remove any of such property as long as the permittee is indebted to the City in any amount. Before removal of any of such property, the permittee shall notify the City Inventory Clerk in writing of the intention of removal.

7. The permittee shall pay for all the gas, electricity and water used at this place, by arrangement with the utility supplying such service.

8. The permittee shall hold the City harmless and indemnify and reimburse it against any damages and expenses claimed against the City, and the permittee shall secure and deposit with the City Clerk a public liability bond in the amount of \$10,000.00 and \$20,000.00 in the name of the permittee and in the name of the City, to protect the City of San Antonio against any claim against the City of San Antonio for personal injury to any person, which bond shall be issued by a surety

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which is authorized to engage in such business under the laws of the State of Texas.

9. The term of this permit shall begin April 1, 1955 and expire May 31st, 1957. Upon the expiration of the term the permittee may remove property put on the land by the permittee, if the permittee is not indebted to the City of San Antonio. The permittee will not suffer the demised premises, nor any erection or improvement thereon, or the estate of the permittee at any time during said term to become subject to any lien, charge or encumbrance whatsoever, other than as herein provided; and, if such an attempt is made or it is done, the encumbrance shall be void and this permit will terminate automatically.

10. In case of default of any of the covenants by the permittee the City may declare this permit terminated at its discretion, and the City shall have the right, without further notice or demand, to remove all persons or property from this property, without being deemed guilty of any manner of trespass and without liability for any damages and without prejudice to any other remedy that the City may have.

11. If the permittee holds over after the termination of this permit for any reason, the charge during such time of hold over shall be double the amount of the charge specified herein, and the hold-over shall be on a monthly basis.

12. The foregoing instrument in writing constitutes the entire agreement for this contract; there being no other written or parole agreement with any officer or employee of the City; it being understood that the Charter of the City requires all of the contracts of the City to be in writing and adopted by ordinance.

13. PASSED AND APPROVED this 31st day of March, 1955.

*R. W. White*

M A Y O R

ATTEST:

*Frank Ballou*  
City Clerk

14. The foregoing instrument constitutes the permit between the City of San Antonio and Harold Bancroft, and is accepted in all things by the undersigned.

*Harold Bancroft*  
Permittee.

*900 Kayton*  
*LE 49210*

*44 - to form  
and file with*

MAR 31 1955

21085

*Lease & Contracts*

AN ORDINANCE

GRANTING A PERMIT TO HAROLD BANCROFT OF SAN ANTONIO, TEXAS, TO INSTALL AND OPERATE A MINIATURE STEAM TRAIN AT ELMENDORF LAKE PARK.

PASSED AND APPROVED

MAR 31 1955

Council Meeting

*[Signature]*  
City Clerk

RECORDED

Minute Book

Page 381

Ordinance Book

Page 46

MAY 1955

CITY CLERK

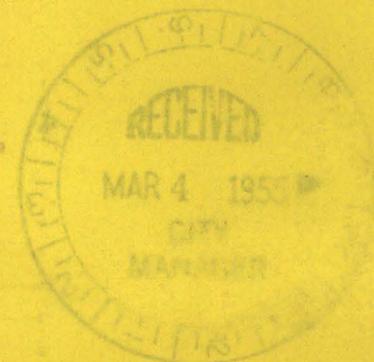
The form in attachment certifies and is accepted in all...

*[Handwritten initials]*

*[Handwritten signature]*

LE 76510

TO: Director of Parks  
FROM: City Attorney  
COPIES: City Manager  
SUBJECT: Proposed Train Concession at Elmendorf Lake Park  
DATE: February 22, 1955



The City acquired title to this park by quitclaim deed from Lakeview Townsite Company on March 24, 1917. The park, or portions of it, has been known by various names; Central Park, Lady of the Lake Park, Lakeside Park, Euclid Park. Prior opinions of this office have held that the property was dedicated as a "park" prior to the aforementioned conveyance.

A park may only be used for the recreation of the general public. 18 A.L.R. 1246, 63 A.L.R. 484, 144 A.L.R. 486. Buildings not incidental to recognized park purposes are not permitted.

It appears that the purpose of the train meets the requirement of being recreational, so that such a concession contract is permissible. It does not appear to conflict with the city's contract with City Concessions Company.

N. P. COSGROVE  
First Assistant City Attorney

NPC:er

ARS:CM:ms

RECEIVED

MAR 8 1955

RECEIVED CITY ATTORNEY'S OFFICE

copy

copy

MAR 8 1955

REGULAR MEETING OF THE PARKS AND RECREATION  
ADVISORY BOARD

PLACE : West Wing, Municipal Auditorium  
TIME : 3:00 p.m.  
DATE : January 6, 1955

MEMBERS PRESENT: Mrs. J. Ross Boles  
Mr. Calvin Foster  
Mr. I. Harris Hein  
Mrs. Allan Reed  
Mr. M. P. Wilson  
Mr. Charles Scheer  
Mr. Virgil Wilson  
Mr. Alvin E. Schmidt

MEMBERS ABSENT : Mrs. Leo Kuntz, Jr.  
Mr. Jesse Benavides  
Mr. Arthur Pfiel  
Mr. Atlee B. Ayres

OTHERS PRESENT : Mr. Murray Brooks  
Mr. Clyde McCollough  
Mr. Christian Bredvad  
Mr. Harold Lozano  
Mr. Robert DuBose  
Ten boys from the Alamo Timing Association

Mr. Foster called the meeting to order and discussion was opened with a request made by the Alamo Timing Association for the open land at Stinson Field to be used for a hot-rod timing track. Mr. Bredvad opened the discussion by telling the board how such a track would take the hot-rods off the streets and put them under the supervised control of the community. The County Commissioner would help solicit funds to build the 90 foot strip. There would be a slight admission to pay for equipment and all profits would go toward advertising the safety program. The City would be held free of liabilities since the club's insurance would be affiliated with the National Hot Rod Association. A permit can be granted by the Parks Director and operated as a concession. It was moved and seconded that details be worked out by the legal department and submitted to Mr. Schmidt. All voting in the affirmative, motion carried.

A letter was read requesting February 14 through the 20, 1955 for use of the Brackenridge Golf Course by the San Antonio Golf Association for the open tournament. Ten per cent of the net profits would go toward improving the golf course. Last year's donation was \$800.00. Immediate action would be necessary. The motion was made and seconded that permission be granted. All voting in the affirmative, motion carried.

A letter was read to the Park Board requesting a lease to build a miniature train amusement on the available space at Elmendorf Park. The project was considered to be an added attraction for the children; discussion was made regarding the contract lease with the option of renewal asked for by Mr. Harold Bancroft. It was moved and seconded that the project be checked into further and that Mr. Schmidt work out the legal and financial details. All voting in the affirmative, motion carried.

A summary of the yearly revenue report and all accomplishments of the Department

REGULAR MEETING OF THE PARKS AND RECREATION  
ADVISORY BOARD

Page 2

during the past year was given by Mr. Schmidt. This was favorably received by the board. Mr. McCollough, Superintendent of Municipal Enterprises, was introduced to the board members. Mr. McCollough attributes the increase in revenue to personal contacts of each department. All divisions showed an increase with the exception of Brackenridge Park. Now that the water system has been improved, an increase is expected.

The Palm Heights area requested more space. Since then ten acres on South Cross has been designated. The problem now being considered is development.

Mr. Foster presented a brochure prepared by the San Antonio Recreation Council. The Recreation Department would like to cover a larger area and build ten new recreation centers. Every effort would be made by the board to have the City Council appropriate additional funds from this year's, 1954 - 55 budget. A detailed report will be submitted by Miss Hamilton to Mr. Schmidt. Mrs. Boles moved that the board request the additional \$39,872.00 revenue to build the recreation centers; Mr. Scheer seconded the motion. All voting in the affirmative, motion carried.

In a general discussion, Tuesday, January 18, 1955, was set as a date for a tour of the parks. Members are to meet at 9 a.m. at a place designated at a later date.

There being no further business, meeting adjourned at 5:00 p.m.

REGULAR MEETING OF THE PARKS AND RECREATION  
ADVISORY BOARD

PLACE : West Wing, Municipal Auditorium

TIME : 3:00 P.M.

Discussion was opened in regards to the tennis tournament that is to be held  
DATE : February 24, 1955. However, the Tennis Association  
designated San Pedro Park. The City Council has passed an ordinance for re-  
building and improving existing courts at San Pedro Park.

MEMBERS PRESENT: Mr. Calvin Foster  
Mrs. Allan Reed for an underground garage. The  
Mr. I. Harris Hein, Mr. M. P. Wilson motion  
recommending to the  
Mr. M. P. Wilson not be given away or leased for  
any type of parking. Mr. Charles Scheer. These members voting in the affir-  
native, Mr. Pfiel, Mr. Mr. Arthur Pfiel. Mr. Alvin E. Schmidt

MEMBERS ABSENT: Mrs. J. Ross Boles for the needy, adequate nurseries  
for the working people. Mr. Virgil Wilson, Director of welfare services,  
child guidance clinic, Mrs. Leo Kuntz, Jr., municipal program.

Miss Green extended an invitation to Board members to attend the Costume  
Dance to be held at Travis Park in honor of the Texas Heroes on March 2, 1955.

OTHERS PRESENT: Mrs. Eric A. Harker  
Miss Mary Green  
Mrs. Maverick Green  
Mrs. C. B. Mendel

Mr. Foster called the meeting to order and the minutes of the last meeting  
were read and approved. Mr. Schmidt, then, briefed the Board on the out-  
come of the old business.

An opinion is in the process of being written by the City Attorney  
favoring the miniature train amusement at Elmendorf Park.

The Alamo Timing Association has been granted the request for the  
open land at Stinson Field to be used for a hot-rod timing track.  
A ten year lease is being drawn up; the city retaining concession  
rights.

The additional funds requested to open new recreation centers is not  
available at the present time. However, the requested allotment will  
be placed on the next fiscal budget.

Plans are now in progress to erect an additional building at the Palm  
Heights Recreation Center. The ten acre site at South Cross is to be  
dedicated as a park in the near future.

A letter was read from Sister Alban from the Santa Rosa Hospital requesting  
a portion of Milam Square for parking facilities. Miss Green from the Con-  
servations Society opened the discussion by telling the Board that San Antonio  
cannot afford to give up any park, since the City did not have many parks in  
proportion to its size. Mrs. Harker read a brochure discussing the develop-  
ment of public parks and how they contributed to the health of the city. In  
the past, the Park Board has been opposed to deteriorating or destroying  
parks. A motion was made recommending denial to the request of granting  
parking area at Milam Plaza for the Santa Rosa Hospital. All voting in the  
affirmative, motion carried.

REGULAR MEETING OF THE PARKS AND RECREATION  
ADVISORY BOARD

Page 2

Discussion was opened in regards to the tennis tournament that is to be held in August. Olmos Basin was recommended, however, the Tennis Association designated San Pedro Park. The City Council has passed an ordinance for re-topping and resurfacing existing courts at San Pedro Park.

The Board discussed Main Plaza as a site for an underground garage. The Conservation Society opposed this project. Mr. M. P. Wilson made a motion recommending to the Council that City Parks not be given away or leased for any type of parking. The motion seconded. Three members voting in the affirmative, Mr. Pfiel, Mr. Scheer, and Mr. Hein not voting.

Mr. Foster read a pamphlet prepared by the Public Welfare Bureau listing as the future needs of San Antonio; quick-aid for the needy, adequate nurseries for the working people, ample social workers, directory of welfare services, child guidance clinic, and a long range financial program.

Miss Green extended an invitation to all Board members to attend the Costume Dance to be held at Travis Park in honor of the Texas Heroes on March 2, 1955.

There being no further business, meeting adjourned at 4:30 P.M.

San Antonio 10, Tex.  
November 23, 1954  
900 Kayton Ave.

Mrs. Reynolds  
Brackenridge Park  
San Antonio, Texas

Dear Madam,

I am requesting permission to place small steam train in Elmendorf Park for daily operation.

This is a steam locomotive and will have four cars of twelve (12) passenger capacity per car.

The grounds I request extends from swimming pool to base ball diamond in length and from Elmendorf Lake to Lake Drive in width.

One building 50 ft. by  $7\frac{1}{2}$  ft. wide to be used as tunnel during operating hours and as storage for train by night. (built on side by lake)

One building 8 ft. by 10 ft. to serve as shelter and ticket office.

Yours truly,

Harold Bancroft  
(LE 4-9210)

c o p y

c o p y

900 Kayton Ave. LE 4-0210

San Antonio, Texas

December 28, 1954

Mr. Alvin Schmidt  
City Hall  
San Antonio, Texas

Dear Sir:

I am requesting permission to operate a miniature steam train for amusement rides for children and adults and additional rides for children if I see fit. The fare for children under 12 years old 10¢ each or 3 for 25¢ Adults 15¢ each or 2 for 25¢.

The grounds I want are located in Elmendorf Park, extending from swimming pool to baseball diamond in length and from Elmendorf Lake to Street (Lake Drive) in width. There will be 1,000 ft. of track laid in this area.

One building 50' by 8' to be used as tunnel during operating hours and as storage for train by night. This building will be painted and maintained as your request.

One building 8' x 10' to serve as ticket office and shelter. This building will be painted.

I wish to pay 10% to City for the use of the above grounds.  
I will furnish lights and water for my use.

I am asking for a 2 year contract with an option of additional contract when the 2 year contract expires.

Yours truly,

Harold Bancroft

c o p y

c o p y

122 Princess Pass  
San Antonio, Texas  
January 24, 1955

Hon. Alvin E. Schmidt  
City Parks Director  
San Antonio, Texas

Dear Mr. Schmidt:

Permission is requested to install at Elmendorf Park under our contract a small train to provide rides for children. The train is already available and the matter has been discussed with you, but you asked that formal request for approval be made to you.

Please consider this letter formal request for approval of this installation. Your prompt response will be appreciated.

Yours very truly,

CITY CONCESSIONS COMPANY, INC.

Eva Reinold

BY

President

copy

copy

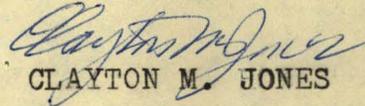
San Antonio, Texas  
March 22, 1955

Mr. Alvin Schmidt  
Superintendent of Parks  
San Antonio, Texas

Dear Mr. Schmidt:

For your information Mr. Harold Bancroft has made arrangements with this office to place a liability insurance policy in the amount of ten and twenty thousand dollars on the miniature train ride, effective immediately upon his being awarded the concession.

Very truly yours

  
CLAYTON M. JONES

Earl Hall Insurance Agency  
302 West Josephine  
San Antonio, Texas

# The SERVICE MUTUAL Insurance Company

OF TEXAS

SERVICE MUTUAL  
BUILDING

WACO, TEXAS

CLAYTON JONES

INSURANCE SERVICE

W. E. "EARL" HALL INSURANCE  
302 W. JOSEPHINE PE 31811 - RES. LE 26859  
SAN ANTONIO, TEXAS

## INSURANCE CERTIFICATE

**TO:** Alvin Schmidt, Park Commissioner  
City Hall  
San Antonio, Texas

**DATE:** April 5, 1955

This is to certify that policies, certificates, or endorsements of insurance as described below have been issued by the undersigned to the assured for whom this certificate is executed and are in force at this time. If the policies described below are cancelled at the request of either this company or the assured notice will be given to the party shown above not less than ten (10) days prior to the date of cancellation. If the coverage as shown by this certificate is changed in any manner during the period of coverage notice will be given to the above named party.

Name of Assured: HAROLD BANCROFT

Address of Assured: San Antonio, Texas

Location of operations to which this certificate applies: Elmendorf Park, San Antonio, Texas

Description of operations or units covered: Miniature Train Ride

### INSURANCE IN FORCE

KIND	POLICY NO.	EFF. DATE	EXP. DATE	LIMITS
WORKMEN'S COMPENSATION				STATUTORY
GENERAL LIABILITY				BODILY INJURY
				\$ _____ Each Person
				\$ _____ Each Accident
				PROPERTY DAMAGE
				\$ _____ Each Accident
				\$ _____ Aggregate
AUTOMOBILE				BODILY INJURY
				\$ _____ Each Person
				\$ _____ Each Accident
				PROPERTY DAMAGE
				\$ _____ Each Accident
OTHER COVERAGES				BODILY INJURY
O.L.& T. Liability	SL-045067	4/1/55	4/1/57	\$10,000 each person
				20,000 each accident

THE SERVICE MUTUAL INSURANCE COMPANY

Dated 4/1/55 at SAN ANTONIO, TEXAS

*W. E. Hall*  
Authorized Representative  
W. E. "EARL" HALL INSURANCE

# The SERVICE MUTUAL Insurance Company

OF TEXAS

SERVICE MUTUAL  
BUILDING

WACO, TEXAS

FIRE AND CASUALTY  
INSURANCE

## INSURANCE CERTIFICATE

TO: Alvin Schmidt, Park Commissioner  
City Hall  
San Antonio, Texas

DATE: April 5, 1955

This is to certify that policies, certificates, or endorsements of insurance as described below have been issued by the undersigned to the assured for whom this certificate is executed and are in force at this time. If the policies described below are cancelled at the request of either this company or the assured notice will be given to the party shown above not less than ten (10) days prior to the date of cancellation. If the coverage as shown by this certificate is changed in any manner during the period of coverage notice will be given to the above named party.

Name of Assured: HAROLD BANCROFT

Address of Assured: San Antonio, Texas

Location of operations to which this certificate applies: Elmendorf Park, San Antonio, Texas

Description of operations or units covered: Miniature Train Ride

### INSURANCE IN FORCE

KIND	POLICY NO.	EFF. DATE	EXP. DATE	LIMITS
WORKMEN'S COMPENSATION				STATUTORY
GENERAL LIABILITY				BODILY INJURY
				\$ _____ Each Person
				\$ _____ Each Accident
				PROPERTY DAMAGE
				\$ _____ Each Accident
				\$ _____ Aggregate
AUTOMOBILE				BODILY INJURY
				\$ _____ Each Person
				\$ _____ Each Accident
				PROPERTY DAMAGE
				\$ _____ Each Accident
OTHER COVERAGES				BODILY INJURY
O.L.& T. Liability	SL-045067	4/1/55	4/1/57	\$10,000 each person 20,000 each accident

THE SERVICE MUTUAL INSURANCE COMPANY

Dated 4/1/55 at SAN ANTONIO, TEXAS

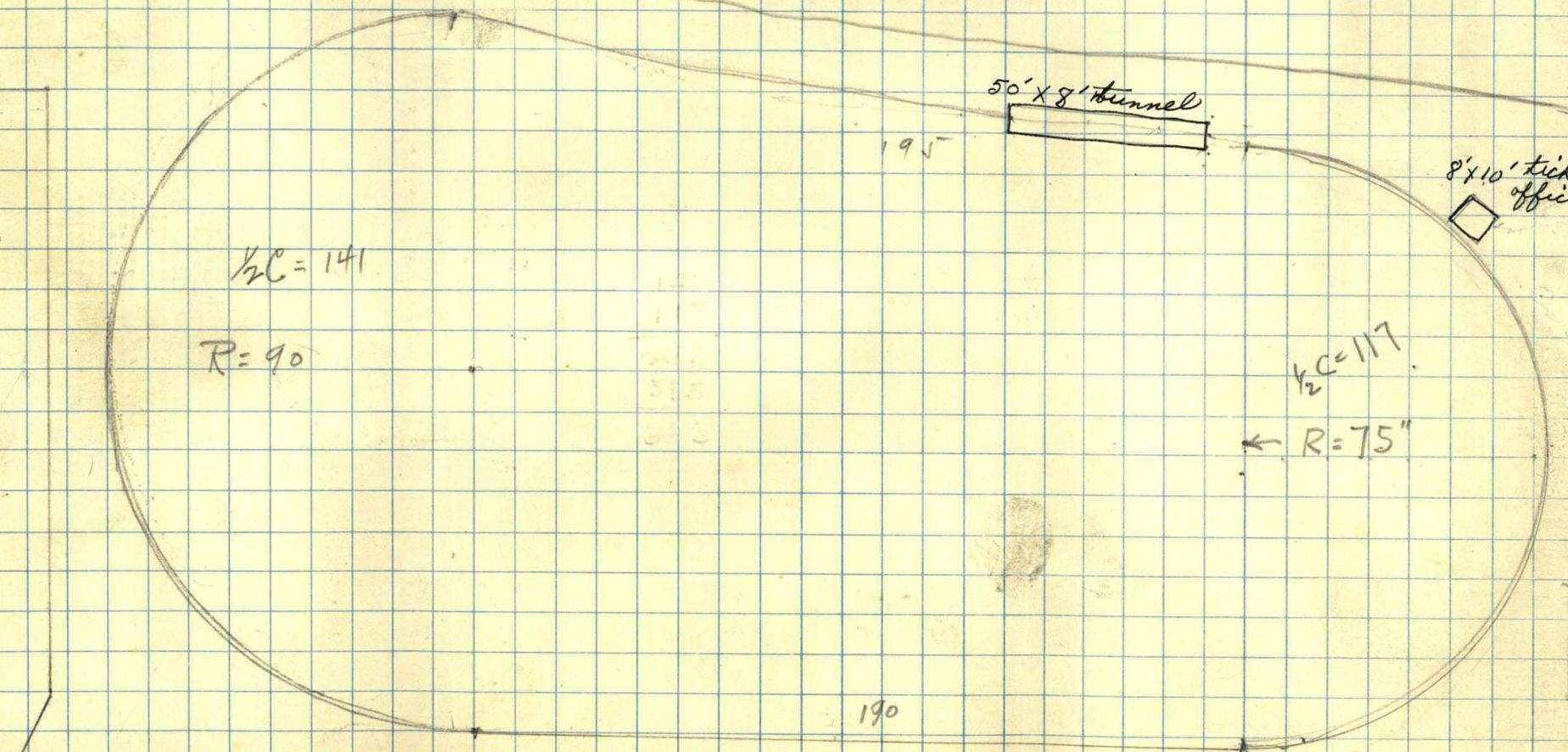
FORM 9-5 6-1

*W. E. Hall*  
Authorized Representative  
W.E. "EARL" HALL INSURANCE

# EL Mendorf LAKE

Baseball Park

Summit St  
1001



50' x 8' tunnel

8' x 10' ticket office

195

190

Lake Drive  
STREET

# VOTE

MAR 31 1955

Meeting of the City Council \_\_\_\_\_, 195

Resolution } Motion by Member of Council \_\_\_\_\_  
Ordinance }

Approp. No. \_\_\_\_\_

Ord. No. 21085

	Roll Call	Aye	Nay	Aye	Nay
EMIL O. SCHERLEN Member of Council Pl. 1		✓			
JOHN OLIVER Member of Council Pl. 2		✓			
WALTER F. RUDELOFF Member of Council Pl. 3		✓			
H. L. DILLASHAW Member of Council Pl. 4		✓			
RAYMOND RUSSELL, Jr. Member of Council Pl. 5		absent			
R. N. WHITE Member of Council Pl. 6		✓			
GLENN B. LACY Member of Council Pl. 7		✓			
Wm. L. BARRETT, Jr. Member of Council Pl. 8		✓			
HENRY B. GONZALEZ Member of Council Pl. 9		✓			