Regular Meeting, Thursday August 19, 1909.

Council Chamber, City Hall.
El Paso, Texas, August 19, 1909.

Council met in regular session on the above day and date, Mayor Sweeney present and presiding and the following Aldermen answered to roll call, Blumenthal, Clayton, Absent Hewitt and Robinson.

Minutes of regular meeting held August 12, 1909 read and approved.

Minutes of adjourned regular meeting held Friday, August 13, 1909 read and approved.

Minutes of adjourned regular meeting held Wednesday August 18, 1909 read and approved.

Report of Officers.

Hearing of Magoffin Ave. Post poned.

The Mayor stated that the hearing on the paving of Magoffin Avenue would be post poned until next meeting on Wednesday, August 25, 1909 at 9 A. M.

Pet. of A. Mathias for damage Denied

City Attorney to whom was referred the following petition recommended that it be denied.

To the Honorable Mayor and City Council of the City of El Paso:

The petition of A. Mathias respectfully represents:-

1:- That your petitioner owns lots numbered one (1) and two (2) in block No. 214 of Campbell's Addition to the City of El Paso, Texas, the same fronting on Magoffin Avenue and being the S. W. corner lots of said block No. 214 the said property being the homestead of your petitioner.

2:- That in the early part of the year 1906. to-wit; about the month of February 1906. petitioner desiring to have a curbing constructed along the front line of said property on said Magoffin Avenue, made application to the city engineer of the City of El Paso, to-wit G. C. Kimberly, for a designation of grade on which

to construct said curbing; that the said City Engineer designated or caused to be designated the grade of said street in front of said property for said purpose, and the height to which said curb and side walk should be built, and by reason thereof and relying thereon petitioner thereupon constructed a curbing along said street in front of said property in accordance and in conformity with said grade so designated by the City Engineer.

3. That thereafter, to wit; on or about June 1st. 1909 the City of El Paso constructed or caused to be constructed along said Magoffin Avenue in front of said property a pavement and changed the grade of said Magoffin Avenue in front of said property so as to raise the grade of said street high above the level of petitioner's said property abutting thereon, to wit, about six inches above the level thereof, and high above the grade of said street as formerly designated by the said G. C. Wimberly as City Engineer as aforesaid, to wit, about six inches above said former grade as designated by said Wimberly; That said City of El Paso in the construction of said pavement and change of grade of said street caused said street to be filled in and raised to such an extent as to put the same on a level with the top of said curbing theretofore constructed by petitioner as aforesaid, thereby reducing the level of petitioner's said property below the grade of said street to a depth of, to wit, about six inches

That said acts of the City of El Paso aforesaid, and especially its acts in causing the grade of said street to be raised as aforesaid were wrongful and caused great damage to petitioner's said property and depreciated the value thereof.

4. That by reason of said wrongful acts aforesaid water is caused to be diverted from the street upon petitioner's said property and to stand thereon: that since the construction of

said grade, to wit: about the month of July, 1909, during a heavy rainfall the water was caused by the grade of said street to be diverted on petitioner's said property in great quantities, so as to damage same, and petitioner was damaged thereby; that by reason of said change of grade of said street, and the building and laying of said pavement as aforesaid upon a grade higher than that given by said Wimberly to petitioner as aforesaid, petitioner has been compelled to have another and different sidewalk and curbing along said property front, constructed at great expense, to wit, sixty dollars: that by reason of said change of grade of said street, petitioner's said property has been reduced below the level of said street and greatly damaged and depreciated in value. That said damages as aforesaid caused to petitioners said property by said change of grade of said street and acts of the City of El Paso herein before described aggregate the sum of Three Hundred Dollars, which sum petitioner is entitled to have paid him by the City of El Paso in satisfaction of his damages.

Wherefore, petitioner presents his petition for redress to your Honorable Body and for compensation for the damages done to said property as aforesaid, and prays that he be allowed the said sum of Three Hundred Dollars in satisfaction of his said damages.

Respectfully submitted.
Ball & Kemp,
Nagle & Scott.
Attorneys for petitioner

On motion duly made and carried the petition was denied.

City Attorney to whom was referred the following petition recommended that it be denied.

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Pet. of Mrs. W. Kemp for damages. Denied.

To the Honorable Mayor and City Council of the City of El Paso:

The petition of Mrs. Wyndham Kemp as Independent Executrix of the estate of Wyndham Kemp, deceased respectfully represents:

1. That your petitioner is the duly qualified and acting executrix of the estate of Wndham Kemp, deceased, independent of the courts, and as such executrix owns lots numbers three and four in Block No. 214 of Campbells Addition to the City of El Paso, Texas, the same fronting on Magoffin Avenue in said city, and being the homestead of your petitioner.

2. That in the early part of the year 1906, to wit: about the month of February 1906, petitioner's testator desiring to have a curbing constructed along the front line of said property on said Magoffin Avenue made application to the city engineer of the City of El Paso, to-wit: G. C. Wimberly, for a designation of grade on which to construct said curbing: that the said City Engineer designated or caused to be designated, the grade of said street in front of said property for said purpose and the height to which said curb should be built and by reason thereof and relying thereon petitioner's testator thereupon constructed a curbing along said street in front of said property in accordance and conformity with said grade so designated by the City Engineer.

3. That, thereafter, to-wit: on or about June 1, 1909, the City of El Paso constructed or caused to be constructed along said Magoffin Avenue in front of said property a pavement and changed the grade of said Magoffin Avenue in front of said property so as to raise the grade of said street high above the level of petitioner's said property abutting thereon, to-wit; six inches above the level thereof, and high above the grade of said street, as formerly designated by the said G. C. Wimberly, as City Engineer as aforesaid, to-wit: six inches above said former grade as designated by the

said Kimberly; That said City of El Paso in the construction of said pavement and change of grade of said street caused said street to be filled and raised to such extent as to put the same on a level with the top of said curbing theretofore constructed by petitioner's testator as aforesaid, thereby reducing the level of petitioner's property below the grade of said street a depth of to-wit: six inches.

That said acts of the city of El Paso aforesaid, and especially its acts in causing the grade of said street to be raised as aforesaid, were wrongful and caused great damage to petitioner's said property and depreciation in the value thereof.

4. That by reason of said wrongful acts aforesaid, water is caused to be diverted from the street upon petitioner's said property and to stand thereon; that since the construction of said grade to-wit, about the month of July, 1909, during a heavy rainfall the water was caused by the grade of said street to be diverted on to petitioner's said property in great quantity so that petitioner's house was damaged thereby in that the wall thereof was cracked and injured and said premises were otherwise damaged thereby; that by reason of said change of grade of said street petitioner has been compelled to have another and different sidewalk and curbing along said property front constructed at great expense, to-wit: fifty dollars; that by reason of said change of grade of said street petitioner's said property has been reduced below the level of said street and greatly damaged and depreciated in value. That said damages as aforesaid caused to petitioner's said property by said change of grade of said street and acts of the City of El Paso hereinbefore described aggregate the sum of Three Hundred Dollars, which sum petitioner is entitled to have paid to her by the

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City of El Paso in satisfaction of her said damages. Wherefore, petitioner presents this her petition for redress to your Honorable Body and for compensation for the damage done to her said property as aforesaid, and prays that she be allowed and paid said sum of Three Hundred Dollars in satisfaction of her said damages.

Respectfully submitted.
Nagle and Scott.
Attorneys for Petitioner.

On motion duly made and carried the petition was denied.

Report of Health Dept week ending Aug. 18'09.

Clerk read report of health department for the week ending August 18, 1909.
On motion the report was received and ordered filed.

Clerk read the following report:

El Paso, Texas, August 18, 1909

Hon. Mayor and City Council.
El Paso, Texas.

Report of Sewer Comm. week ending Aug. 18'09.

Gentlemen:- Herewith please find report of work done by the Sewer Dept. for the week ending August 15th, 1909.
Completed extension of sewer 350 feet on Noble St. to residence of Mr. R. V. Robinson. Put in 8 "Y's"; cleaned 6 plugged sewers; examined 35 flush tanks and manholes.

Respectfully submitted.
J. W. Hadlock.
Sewer Commissioner.

On motion duly made and carried the report was received and ordered filed.

Report of Plumbing Insp. July

Clerk read the report of Plumbing Inspector for the month of July, showing a total collection of $427.00.
On motion duly made and carried the report was received and ordered filed.

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Police and Sanitary.

Chief of Police ordered vacate Emergency Hospt. at police head quarters

Chairman Blumenthal stated that the Health Dept. complained that the Chief of Police was using the Emergency Hospital at police headquarters for offices and that the officials in charge found it impossible to do the work and recommended that the Chief of Police be ordered to vacate the said hospital at once.

On motion duly made and carried the recommendation was ordered carried out and City Clerk instructed to notify the Chief of Police in writing.

Taxation and Finance.

Bills and Pay rolls

Chairman Clayton to whom was referred the following bills and pay rolls recommended that they be allowed and ordered paid.

Jno. B. Kindig.	Concert Aug. 18, 1909	$54.00
Scavenger Dept Pay roll, week ending Aug 18,		118.75
Sewer " " " " " "		113.65
St. Maintenance " " " " " "		219.50
Park " " " " " "		86.25
St. and Alley. Impt Grade. " " " "		774.50

On motion duly made and carried the recommendation was ordered carried out and bills paid.

Chairman Clayton to whom was referred the following petition recommended that it be denied

Pet. of A. Hardin for remission of taxes. Denied.

El Paso, Texas, August 10, 1909.

To the Hon. Mayor and City Council.

Gentlemen:- The undersigned property owner petitions your Honorable Body to remit the penalty on taxes due by me on property located at 1109 N. Kansas St. I was away from the city at the time taxes were due and wrote for statement twice but failed to get answer. Would have paid if I could have known the amount. Yours respectfully.

A. Hardin By

Jno. Hardin.

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On motion duly made and carried the petition was denied.

Mr. Clayton's report on the above petition is as follows:-

Report on Pet of A. Jardin.

There was a notice sent this party May 19th beside this family lives here and could easily have called at Tax Collectors office or phoned and obtained information needed. No request for statement was ever recorded and recommend petition be denied

W. J. Clayton. 8/18/09.

Communications.

Pet of J.C. Rouse Jr. ex. amusement privileges. Fair Week. Referred.

Clerk read petition of J. C. Rous, Jr. for exclusive amusement privileges during Fair week.

On motion the petition was referred to Street and Grade.

Pet of Frank del Buono et al abate stagnant water. Referred.

Clerk read petition of Frank del Buono et al to abate stagnant water on South Stanton St.

On motion the petition was referred to Sanitary Committee.

Pet D. M. & Noah Craig exemption from taxes. Referred.

Clerk read petition of Daisy M. and Noah Craig for exemption from taxes.

On motion the petition was referred to Taxation Committee.

Pet. Duncan Campbell rel. paving Boulevard. Referred.

Clerk read petition of Duncan Campbell relative to paving on Boulevard.

On motion the petition was referred to City Engineer.

Pet. A.L. Edwards remission of taxes. Referred.

Clerk read petition of A.L. Edwards for remission of taxes.

On motion the petition was referred to Taxation Com.

There being no further business the Council adjourned until Wednesday, August 25th 1909, at 10 A.M.

Approved Percy McGhee, City Clerk.

Mayor.