Regular Meeting, Thursday, August 26, 1909.

Council Chamber, City Hall,
El Paso, Texas, August 26, 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 and Clayton. Absent, Hewitt and Robinson. There being only two Aldermen present motion was duly made and carried that the council take a recess until 2:30 P. M. this day.

2:30 P. M. August 26, 1909.
Council was reconvened according to the adjournment for recess at the above time. Mayor Pro Tem Robinson present and presiding and Aldermen Clayton and Blumenthal present. Absent, Hewitt and Mayor Sweeney.

Minutes of regular meeting held August 19, 1909 read and approved.

Minutes of adjourned regular meeting held August 25, 1909 read and approved.

Reports of Officers.

Agreement with Frank Boegeman remove obstruction in alley.

City Attorney Coldwell to whom was referred the matter of obstruction in alley in Block 21, Highland Park, stated that he had instructed the City Clerk to enter into an agreement with Mr. Frank Boegeman, the owner of the obstruction giving said owner until the 21st day of October 1909 to remove said obstruction and that such an agreement had been entered into.
On motion duly made and carried the action of the city attorney and City Clerk was ratified.

Report of Health Dept. week ending Aug. 25.

Clerk read the report of Health Dept. for the week ending August 25, 1909.
On motion duly made and carried, the report was received and ordered filed.

Clerk read the following report:

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El Paso, Texas, Aug. 25, 1909.

Hon. Mayor and City Council:

Report of Sewer dept. week ending Aug. 25, '09

Herewith please find report of work done by the sewer department for week ending August 25th, 1909.

Started pumps at new pumping plant, T.P. Street, pumping all sewerage; Cleaned 8 plugged sewers; put in 3 "Y's"; examined 30 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 Tax collector Month of July.

Clerk read report of tax collector for the month of July showing a total collection of $4520 65.
On motion duly made and carried the report was received and ordered filed.

Report of Committees.

Pet. of Frank del Buono etal abate nuisance Granted.

Chairman Blumenthal to whom was referred the following petition, recommended that cement gutters be constructed at place named and petition granted.

El Paso, Texas, August 15, 1909.

To the Honorable Mayor and City Council,
El Paso, Texas.

Gentlemen:— We, the undersigned, property owners, merchants, tenants etc. do beg and pray of you, relief from the condition of South Stanton Street. Beginning at first street and ending at Second St., there is continually stagnant water emitting foul odors, and breeding disease, and a menace to health, also a detriment to our various business interests.
This water is caused by the flushing of the sewers up town and the fire department at Overland and Stanton Streets, also rains, and there seems no way at present to drain this water off. If your august body will give us relief of these existing conditions, it will be very much appreciated

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and the thanks of many voters will be your reward. Thanking you in advance for any consideration you may show us, we beg to remain.

Frank del Buono et al.

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

Proposition from Mrs. Sam Schutz relative opening North El Paso St. Accepted.

Chairman Blumenthal submitted the following proposition from Mrs. Samuel Schutz, relative to opening North El Paso Street and recommended that this proposition be accepted and deal closed as soon as money subscribed is collected.

El Paso, Texas, August 26, 1909.

To the Hon. Mayor and City Council,
of the City of El Paso, Texas.

Gentlemen:- Referring to my proposition made to you under date of July 26th with reference to opening North El Paso Street between Main Street and San Francisco Street, which said proposition is recorded on pp. 60 et seq. Vol. "J" of the Minutes in the office of the City Clerk of the City of El Paso, Texas, and which said proposition was declined by your Honorable Body, I beg now to amend said proposition and re-submit same to you upon the following basis:

1:- I will deed to the City of El Paso the title to the westerly 6 feet of what is known as the property occupied by the Hoyt Furniture Co. said property to be so deeded being that which fronts 6 feet on the northerly line of San Francisco Street running back therefrom along the easterly line of the most easterly alley in said Block 255 feet.

2:- I will withdraw any and all objection to the vacating by the City of the easterly 8 feet of the most westerly alley in Block 17 Mills Addition to the City of El Paso, Texas, and permitting to be built thereon by Mr. Krakauer the building contemplated, said 8 feet of said alley now adjoining to the west the property in said block owned by Mr. Krakauer. Said alley as changed to forever remain open as an alley.

3:- As consideration for the above the City of El Paso

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to pay me $6000.00, or $1,000.00 per front foot for the property to be so deeded to it and said City of El Paso at its expense to tear down and remove the westerly wall of the buildings now occupied by the Hoyt Furniture Co. for the full length thereof, and to also tear down and remove all parts of said buildings which are now upon the property proposed to be deded to the City of El Paso in paragraph No. 1 hereof, and to re-build the westerly wall of said buildings upon my most westerly property line of the Hoyt property as same will be after said proposed sale, and to leave said buildings after said changes in a good and tenantable condition; provided, however, that in the event that I should not elect to have said parts of said buildings torn down by the City of El Paso and said walls so replaced by the City of El Paso, then, and in that event the City of El Paso to appoint one disinterested arbitrator, I to appoint another, and said two arbitrators to determine what the expense of said work so contemplated in this paragraph to be done by the City of El Paso would be, the amount of which said City of El Paso to pay me in lieu of doing said work. In the event said two arbitrators could not agree, then they to appoint a third arbitrator and the decision of any two of said three arbitrators to be final and binding upon the City of El Paso and upon me.

4:- In the event of said work proposed by the preceding paragraph being done by the City of El Paso, then said City to exercise and take the proper care to guard and protect my property rights, and those of my tenant in said Hoyt property while said work is being done.

5:- Should this proposition be acceptable to you, then it is understood that said North El Paso Street will not be opened before the 1st day of February 1910, and that said street after it is opened will be properly lighted by the City.

Respectfully submitted,

Mrs. Samuel Schutz,

By Adolph S. Schutz. Her Atty in Fact.

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On motion duly made and carried the recommendation was ordered carried out and proposition accepted.

Taxation and Finance.

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

Bills for July.

A. G. Alderete	Jay	$135.00
D. J. Jones	Relief Fund El Paso Tuberculor Assn.	30.00
Tex. Bit. Co.	Paving N. Stanton Street property	564.13
Int. Water Co.	Excess water	228.83
John Anderson	Steel skeins City Blacksmith.	5.50
J. Wooldridge	Inc. on live stock. Fire dept.	60.00
W. F. Hutson	Rent of transit Eng. "	10.00
Dr. Race	Stamped envelopes	16.86
R. B. Stevens	Rent of City stables.	44.50
Darbyshire Harvie Co.	Monument covers.	79.95
John B. Kindig	Band concert 8/24/09	54.00

Pay rolls. weekending Aug. 25, 09.

St. Maintenance	Week ending August 25, 09	$286.45
Park Fund	" " " " "	86.25
Scavenger "	" " " " "	118.75
Sewer "	" " " " "	56.00
St. & Alley Imp. and Grade "	" " " " "	753.75

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

Bill of Fred Eicke Denied.

Chairman Clayton to whom was referred the bill of Fred Eicke for property destroyed by the Health Dept. recommended that the bill be denied.

The bill is as follows: Tent 12×16, 3½ feet of wainscotting and wood floor $85.00

Two mattresses $4.00 2 Rocking Chairs $2.50 6.50

Bedding, spreads, sheets, ships etc. 3.00

4 comforts $6.00 3 feather pillows 1.50 7.50

$102.00

Sworn to and subscribed before me, Aug. 25th 1909.

Fred Eicke

Alice M. Davis, Notary Public.

Following is a report from Sanitary Officer referring

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to above bill.

El Paso, Tex. Aug. 26, 1909.

Dr. W. H. Anderson,
City.

Report of Sanitary Officer relative to Ericke's bill.

Dear sir. On last Friday, August 20, as instructed by you and with the sanction of the Hon. Mayor, I distroyed and burned a tent and some bed clothing the property of Mrs. Fred Ericke and wife in Highland Park. Before doing so, I took an invoice of the contents; Mrs. L. A. Riggs who lives next door being present when I did so. The following being a copy of invoice: 1 old tent in which three people had died with tuberculosis and was all open and had been patched repeatedly and would have been impossible to fumigate; 3 quilts; 1 old cot mattress; mattress for full sized bed; two sheets; 2 pillows; 1 old canvas chair; 1 old rocker; 1 old table; 2 buckets; 2 pots; All articles I thought could be used without danger to those using same, I saved, and following is the list of articles I did not destroy: 1 cook stove; 1 dresser; 1 cot; 1 kitchen stove; 1 rocker; 2 chairs; bed and springs; cooking utensils; some linen and small articles. The following people can tell you as to the unsanitary condition of tent and contents: Bush Henry, 811 Copper St., Mrs. Francis M. Taylor, Richmond St., L. A. Riggs, 813 Aurora St., E. A. Walters, 821 Aurora St.

Yours truly
B. Early
Sanitary Officer

On motion duly made and carried the recommendation was ordered carried out and bill denied.

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

Pet. of Peter Ryan to stand wagon on street denied

El Paso, Texas, August 6, 1909.

Hon. Joe M. Sweeney, Mayor.
El Paso.

Dear sir: I understand that all stands around the plaza have to move. In this event I shall have to

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try to get another location, as I have no other way to make a living and have all I possess invested in my wagon and stock, I am quite sure I can get Mr. Sharp's consent to stand on the Oregon side of Post Office. As he has always been very friendly towards me. If I can get your consent to this location, I am sure I can arrange with Mr. Sharp in selecting this location. I will not be in the way of traffic.

Thanking you in advance I am
Very truly yours.
Peter Ryan.

On motion duly made and carried the petition was denied.

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

Pet. of H. L. Edwards. remit taxes. Denied.

El Paso, Texas, August 13, 1909.

Hon. Joe H. Sweeney, Mayor
And the City Council, El Paso, Texas.

Gentlemen:- During the years 1904; 1905; 1906 and 1907, owing to protracted illness of several years, I was unable to keep my taxes paid up in full and taxes on lots 25, 26, 27 and 28, Block 16, Franklin Heights, became delinquent; penalties and interest accruing to the amount of $66.46. Since recovering my health, I have paid up all taxes and respectfully request that you remit the penalties and interest. I did not allow them to become delinquent because of any disposition on my part to shirk my obligations and responsibilities as a citizen but because it was impossible for me to meet them before I did. The expense of parking and paving in front of these lots is to be met in the near future and if you can grant my request your consideration will be greatly appreciated.

Yours truly,
H. L. Edwards.

On motion duly made and carried the petition was denied.

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Pet. of D. M. & Noah Craig reduction of taxes. Granted.

Chairman Clayton to whom was referred the following petition, recommended that one half the taxes be exempt on account of school. Cannot exempt all as party lives on premises.

El Paso, Texas July 29, 1909.

We the undersigned hereby petition the City Council that our property (Lot 3, Block 45, East El Paso Addition, City of El Paso, State of Texas) may be exempt from taxation. Said property being used for the purpose of conducting a school.

Daisy M. & Noah S. Craig.

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

Communications

Pet. of J. C. Worthington, tax reduction. Referred.

Clerk read the petition J. C. Worthington for tax reduction.

On motion the petition was referred to Taxation Com.

Communication Fair Assn. rel. concessions Referred.

Clerk read communication from Fair Association relative to concessions.

On motion the communication was referred to Street & Grade Committee.

Pet. H. R. Woods sewer connection Referred.

Clerk read the petition of H. R. Woods for sewer connections.

On motion the petition was referred to Sanitary Committee.

Communication Waters Pierce Oil Co. relative to moving. Referred.

Clerk read communication from Waters Pierce Oil Co. relative to moving of the Great Western Oil Company.

On motion the communication was referred to City Attorney.

Communication Health Dept. condition of streets. Referred.

Clerk read communication from the Health Dept. relative to the unsanitary condition of certain streets.

On motion the communication was referred to Sanitary Committee.

Clerk read the following communication:

Regular Meeting, Thursday August 26, 1909.

Executive Office, Austin, Texas.
August 24, 1909.

Com. from Gov. Campbell, received and filed.

Percy McGhee, Esq.,
City Clerk of the City of El Paso,
El Paso, Texas.

My dear Sir:- I am in receipt of your favor of August 21st, together with the resolution adopted by the City Council of the City of El Paso, inviting me to visit your city on the occasion of the meeting of Presidents Taft and Diaz or at such other time as may be convenient. I have been seeking to arrange matters so that I could visit El Paso in November, and will probably come at that time, but will hardly be able to be present on the occasion of the meeting of the Presidents. I appreciate your cordial invitation and through you beg to thank the City Council for the compliment.

Yours very truly,
T. M. Campbell.

On motion the communication was received and ordered filed.

Pet. Dockery & Queen et al open S. Oregon St. Referred.

Clerk read petition of Dockery and Queen et al relative to city opening up South Oregon Street. On motion the petition was referred to Street and Grade.

Request. V. M. Brown leave of absence Granted.

Clerk read request of Volney M. Brown for leave of absence. On motion duly made and carried the request was granted.

Unfinished Business.

Fourth estimate, pave Mesa Avenue

Clerk read the following estimate on the paving of Mesa Avenue with Texas Bitulithic Pavement.

City of El Paso, Texas -- Engineering Department.

Fourth approximate semi-monthly estimate of work done and material furnished by the Texas Bitulithic Company under contract dated June 5th, 1909, for paving Mesa Avenue with Bitulithic Pavement.

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	Rate		City - Property.
	$4.94		
Block 8 Mills, 5 Hart. 90 ft.			$444.60
" 2 " 4 " 222.5 ft			1099.15
Franklin St. intersection			
Paving 424.00 sq yds at $1.875	$795.00		
Excavation 72.71 cu. yds @ 26¢	18.90		
Furnishing concrete & setting monument	5.35	$819.25	
Block 22 Mills, 5 Hart 260 ft.			1284.40
" 21 " 6 " 260 ft			1284.40
Underpinning curb 33.67 cu ft. @ $7.50 cu. yds.		9.35	
Missouri St. intersection.			
Paving 480.93 sq. yds. @ $1.875	901.74		
Excavation 136.13 cu. yds. @ 26¢	35.39		
Setting monument	5.00	942.13	
Block 18 Hart 247 Campbell 260 ft.			1284.40
" 17 " 260 ft			1284.40
Wyoming St. intersection.			
Paving 483.63 sq. yd. @ $1.875	906.81		
Excavation 123.81 cu. yds. @ 26¢	32.19		
Furnishing concrete & setting monument	5.35	944.35	
Block 22 Hart, 249 Campbell 260 ft			1284.40
" 23 " 260 ft.			1284.40
" 40 " 260 ft.			1284.40
" 39 " 260 ft			1284.40
" 44 " 192 ft.			948.48
" 45 " 260 ft.			1284.40
Rio Grande St. intersection.			
Paving 453.29 sq. yd. @ $1.875	$849.92		
Excavation 124.55 cu. yds. @ 26¢	32.38		
Furnishing concrete & setting monument.	5.35	$887.65	
Block 67 Hart 260 ft.			1284.40
" 66 Hart 260 ft.			1284.40
Arizona St. intersection.			
Paving 422.97 sq. yds. @ $1.875	$793.07		
Excavation 90.59 cu. yds. @ 26¢	23.55		
Setting Monument	5.00	821.62	
Block 4 P. Alexander 260 ft.			1284.40
" 13 H., 5 P. Alexander 260 ft.			1284.40

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Relaying gutter between Arizona and
Nevada Sts. 37.50 sq. yds. @ 1.875 $70.31
Labor removing old gutter 4.75 75.06
Nevada St. intersection
Paving 496.73 sq. yds @ $1.875 931.37
Excavation 136.17 cu. yds. @ 26¢ 35.40
Furnishing concrete for setting monument. 5.35
Excavating and filling soft
spots, 18.70 cu. yd. @ 26¢. 4.86 976.98

Block 11 Alexander 260 feet. $1284.40
" 10 " 260 " 1284.40
California St. intersection.
Paving 478.07 sq. yds. @ $1.875 $896.38
Excavation 221.62 cu. yds. @ 26¢. 57.62
Furnishing concrete and setting monument. 5.35 959.35
Block 23 Alexander 260 ft. 1284.40
" 24 " 260 ft. 1284.40
Extra excavation account of change
in grade of Nevada St. 92.04 cu. yd. @ 26¢ 23.93
Overhaul 748.9 cu. yds. hauled average
of 635 ft. over free haul @ 14 per cu. yd. 47.54
per 100 ft. $6507.21 $2437.03

Summary.

Total city and property	$30834.24
Less 10%	3083.42
	27750.82
Amount of previous payments.	20820.53
Balance Due.	6930.29.

Respectfully submitted.
F. H. Todd, City Engineer.

El Paso, Texas, August 19, 1909.

On motion duly made and carried the estimate was allowed and ordered paid upon the approval of City Attorney.

Clerk read the following estimate on the paving of Boulevard by the Texas Bitulithic Company.

City of El Paso -- Engineering Department.

Fifth Approximate Semi-monthly estimate of Work done and material furnished by the Texas Bitulithic

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Company, under contract dated February 8th, 1909, for paving Boulevard with Bitulithic pavement.

5th Estimate Tex Bit. Co. Pave. Boulevard.

	Rate	City	Property
	$3.44735		
Block 23 Hart	240 ft.		$827.36
Alley ½ intersection paving 56.89 sq. yds @ $1.875		$106.67	
Mesa Ave. ½ " " 172.44 " " @ 1.875		323.32	
Block 22 Hart	240 ft.		827.36
Alley ½ intersection, paving 56.89 sq. yds @ 1.875		106.67	
Stanton St. ½ intersection paving 172.44 sq. yds. @ 187.5	$323.32		
Raising gutter account of change in grade, concrete 3.75 cu. ft. @ $7.50 per cu. yd. .82			
Extra labor .60	1.42		
Step in curb. S. W. cor., 17 ft. @ 30¢	5.10	$329.84	
Block 21 Hart.	240 ft.		827.36
Alley ½ intersection paving 56.89 sq. yds @ 1.875		106.67	
Kansas St. " " " 176.89 " " @ 1.875		331.67	
Block 20 Hart	240 ft.		827.36
Alley ½ intersection paving 56.89 sq. yds. @ 1.875		106.67	
Campbell St ½ " " 176.89 " " " 1875		331.67	
Block 252 Campbell	240 ft.		827.36
Alley ½ intersection paving 56.89 sq. yds. @ 1.875		106.67	
Florence St. ½ " " " 176.89 " " @ 1.875		331.67	
Block 253 Campbell	240 ft.		827.36
Alley ½ intersection paving 56.89 sq. yds. @ 1875		106.67	
Ochoa St ½ " " 176.89 " " at $1.875	$331.67		
Step in Curb, S. W. cor., 32 ft. @ 30¢	9.60	341.27	
Block 254 Campbell	240 ft.		827.36
Alley ½ intersection paving 56.89 sq. yds. @ $1.875		106.67	
Virginia St ½ " " " 176.89 " " @ 1.875		331.67	
Block 255 Campbell	240 ft.		827.36
Alley ½ intersection paving 56.89 sq. yds. @ 1.875		106.67	
St. Vrain St ½ intersection paving 176.89 sq. yds. @ 1.875		331.67	
Block 256 Campbell	240 ft.		827.36
Alley ½ intersection paving 56.89 sq. yds. @ 1.875		106.67	
Ange St ½ " " " 171.00 " " @ 1.875		320.63	

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Continued --

Block 8 Franklin Heights	216 ft.		744.64
Octavia St ½ intersection paving 182.44 sq. yds. @ 1.875		342.08	
		$342.08	
Block 9 Franklin Heights	400 ft.		1378.96
Noble St. ½ intersection paving 170.22 sq. yds. @ 1.875 --		319.16	
Block 24 Franklin Heights	400 ft.		1378.96
" 63 " " " "	250 2/3 ft		864.14
Brown St. intersection. Paving			
352.66 sq. yds. @ 1.875		$661.24	
Sidewalk 29.25 sq. ft @ 10¢		2.93	
Furnishing concrete for & setting monument		5.35	669.52
Block 25 Franklin Heights	400 ft.		1378.94
" 62 " " " "	362.5 ft.		1249.65
Newman St. intersection paving 46 sq. yds @ 1.875		$86.25	
Surface only, 347.77 sq. yds. @ 1.325		460.80	
Extra binder as per bill. - - - - - -		42.26	
Furnishing concrete & setting monument --		5.35	594.66
Block 40 Franklin Heights	400 ft.		1378.96
" 61 " " " "	400 ft.		1378.93
Austin St. intersection paving 364.89 sq. yds @ 1.875		$684.17	
Curbing 19 ft. @ 30¢		5.70	
Step in curb, 10 ft. @ 30¢		3.00	
Furnishing concrete & setting monument.		5.35	698.22
Block 41 Franklin Heights	362.5 ft.		1249.67
" 60 " " " "	400 ft		1378.92
Lee St. intersection paving 364.89 sq. yds. @ 1.875		$684.17	
Furnishing concrete & setting monument		5.35	689.52
Block 52 Franklin Heights	362.5 ft ---		1249.64
" 59 " " " "	400 ft - - - - - -		1378.94
Dallas St. intersection paving 364.89 sq. yds @ 1.875 -		$684.17	
Furnishing concrete & setting monument		5.35	689.52
Block 53 Franklin Heights	400 ft.		1378.95
" 58 " " " "	400 ft.		1378.90
Williams St. Intersection paving			
364.89 sq. yds. @ 1.875		$684.17	
Furnishing concrete for & setting monument.		5.35	689.52
Block 56 Franklin Heights	58 ft.		$199.95
" 57 " " " "	66 ft.		227.53
Totals		$8625.64	$25641.91

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Total for City and property	$34267.55
Less 10 %	3426.76
	30840.79
Amount of previous payments	27209.94
Balance due this estimate	$3630.85

Respectfully submitted,
F. H. Todd, City Engr.

El Paso, Texas, August 19th, 1909.

On motion duly made and carried the estimate was allowed and ordered paid upon the approval of the City Attorney.

Clerk read resolution ordering City Clerk to advertise for bids to pave Magoffin Avenue, from Octavia Street to Cotton Avenue.

Resolution ordering clerk advertise bids to pave Magoffin Avenue.

Motion was duly made and seconded to adopt the resolution. The Mayor ordered the vote upon the adoption of the resolution to be taken by roll call, which when taken resulted as follows: Yeas, Blumenthal, Clayton, Robinson, Mays, Crone: Absent, Mayor Sweeney and Alderman Hewitt. Whereupon, Mayor Pro Tem, Robinson, declared that all of the vote of the City Council having been cast in favor of the adoption of the resolution, the same be and is hereby adopted. The resolution above referred to is in words and figures as follows to wit:

Be it resolved by the City Council of the City of El Paso:-

That the City Clerk be and is hereby directed to advertise for bids for the construction of a pavement on Magoffin Avenue from its intersection with the west line of Octavia Street to its intersection with the west line of Cotton Avenue. Said pavement in all respects to conform with the specifications therefor prepared by the City Engineer and now on file in his office, which said specifications have been approved by this council. Said advertisement shall appear in each issue of the official paper which appears during the six days prior to September 2d, 1909. All bids must be sealed and each be accompanied by a certified check in

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the sum of One Thousand Dollars, payable to the Mayor of the City of El Paso and which shall become the property of the city in the event that the bidder, if successful, does not within ten (10) days after the acceptance of his bid, enter into a contract with the City of El Paso to complete said pavement in accordance with said specifications within one month from the time of the signing of the contract.

All bids must be filed with the City Clerk on or before 10 o'clock A. M., Sept. 2d, 1909.

The City of El Paso reserves the right to reject any and all bids.

Passed and approved this 26th day of August, 1909.

W. F. Robinson
Mayor Pro Tem.

There being no further business the Council adjourned.

Percy McShee
City Clerk.

Approved

Jas W Kelly
Mayor.