

490106-B
AN ORDINANCE

AN ORDINANCE AUTHORIZING AND EFFECTING EXCHANGE IN THE USE OF CERTAIN PROPERTY BETWEEN GUY A. THOMPSON, TRUSTEE, INTERNATIONAL-GREAT NORTHERN RAILROAD COMPANY, DEBTOR, AND THE CITY OF AUSTIN AT AND NEAR THE INTERSECTION OF WEST THIRD STREET AND BAYLOR STREET IN THE CITY OF AUSTIN IN CONNECTION WITH AND IN CONTEMPLATION OF THE CONSTRUCTION AND MAINTENANCE BY THE RAILROAD OF A NEW PASSENGER STATION ON RAILROAD PROPERTY IN THE VICINITY OF BAYLOR STREET AND WEST THIRD STREET; AND SUSPENDING THE RULE OF READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

WHEREAS, Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor, is now engaged in constructing on railroad property at and near the intersection of West Third Street and Baylor Street in the City of Austin a new and modern railway passenger station; and

WHEREAS, after examination and study of the facts and circumstances surrounding the proposed future use of the railroad property and other property in this vicinity, including property owned and controlled by the City of Austin, the City Council finds that the best interests of the public will be served to negotiate and effect certain exchanges of property uses between the City of Austin and Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

SECTION 1. For and in consideration that Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor, will construct and maintain without cost to the City of Austin a driveway and street on railroad property west of and approximately parallel to Lamar Boulevard and will keep open for public travel such driveway and street which is more particularly described as follows:

A strip of land forty (40) feet in width, same being partly out of Lots 1 and 2 of Block 8 of Raymond Plateau, a subdivision of a portion of Outlot 11 of Division Z of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, a map or plat of said Raymond Plateau being of record in Book 1, page 30, of the Plat Records of Travis County, Texas, which Lots 1 and 2 were conveyed to the I & G N RR Company by warranty deed dated December 1, 1876 of record in Volume 36, at page 312, of the Deed Records of Travis County, Texas, and being partly out of a certain lot, tract or parcel of land out of Outlot 11, Division Z, of said Government Outlots which was conveyed to the I & G N RR Company by instrument dated July 31, 1880, of record in Volume 47, at page 419, of the Deed Records of Travis County, Texas,

the centerline of said strip of land forty (40) feet in width being more particularly described by metes and bounds as follows:

BEGINNING at a point in the north line of said Lot 2, same being the south line of West 3rd Street, and from which point of beginning the point of intersection of the south line of West 3rd Street with the west line of Lamar Boulevard bears S. 65°10' E. 55.15 feet;

THENCE S. 20°47' W. following a line 55 feet westerly from and parallel to the west line of Lamar Boulevard to point of termination on the south line of said Outlot 11, same being the north line of the Sand Beach Reserve;

the City of Austin will permit the said Guy A. Thompson, Trustee, International Great Northern Railroad Company, Debtor, for the use and benefit of said railroad to use and occupy certain tracts owned and controlled by the City of Austin for tracks and other railway facilities with the right, however, reserved in the City of Austin to traverse said tracts with a street or highway crossing if it is found to be useful or desirable in the future. Said tracts hereby subjected for said use by the railroad are described as follows:

Two tracts of land, each being out of and a part of Outlot 1, Division Z of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, and being out of and a part of that certain lot, tract or parcel of land which was conveyed to the City of Austin, Texas, by sheriff's deed dated July 27, 1894, of record in Volume 110, at page 439, of the Deed Records of Travis County, Texas, the tract of land hereinafter referred to as No. 1 containing 0.16 of one acre of land, more or less, and the tract of land hereinafter referred to as No. 2 containing 0.567 of one acre of land, each of the said two (2) tracts of land being more particularly described by metes and bounds as follows:

Tract No. 1:

BEGINNING at an iron pipe at the northwest corner of the aforementioned City of Austin tract in the south line of the I & G N Railroad right-of-way;

THENCE with the north line of the said City of Austin tract and the south line of said I & G N Railroad right-of-way, S. 57°45' E. 101.97 feet to an iron pipe on the northeast corner of the said City of Austin tract;

THENCE with the east line of the said City of Austin tract and the southerly prolongation thereof, S. 26°02' W. at 55.92 feet pass an iron pipe on the southeast corner of the said City of Austin tract, in all a distance of 88 feet, more or less, to a point;

THENCE following the approximate toe of a slope with the following three courses:

(1) N. $57^{\circ}00'$ W. 6.5 feet, more or less, to a point;
 (2) N. $45^{\circ}45'$ W. 70 feet, more or less to a point;
 (3) N. $3^{\circ}45'$ W. 67 feet, more or less, to a point
 in the west line of the said City of Austin tract;
 THENCE with the west line of the said City of Austin
 tract, N. $32^{\circ}45'$ E. 19 feet, more or less, to the point of
 beginning.

Tract No. 2:

BEGINNING at an iron stake in the north line of the Sand
 Beach Reserve, for the southeast corner of this tract, and from
 which iron stake another iron stake at the point of intersection
 of the north line of the Sand Beach Reserve with the centerline
 of Baylor Street bears S. $54^{\circ}50'$ E. 581.04 feet;

THENCE with the north line of the Sand Beach Reserve, N. 54°
 $50'$ W. 106.74 feet to an iron stake;

THENCE with an east line of the Sand Beach Reserve and the
 northerly prolongation of same, N. $26^{\circ}02'$ E. at 180.00 feet pass
 an iron stake on a corner of said Sand Beach Reserve, in all a
 distance of 235.92 feet to an iron stake on the south right-of-way
 line of the I & G N Railroad, said line being a curve whose
 intersection angle is $9^{\circ}20'$, whose tangent distance is 235.90
 feet, and whose radius is 2889.93 feet;

THENCE following said curving line to the left an arc
 distance of 101.50 feet, the subchord of which arc bears S. 58°
 $57'$ E. 101.49 feet to an iron stake;

THENCE S. $25^{\circ}03'$ W. 244.03 feet to the point of beginning.

And for and in consideration of the benefits to the public to be
 derived from the railroad's performance of its obligations with respect to
 the driveway and street first described above, the City Council further ordains
 that a certain portion of Baylor Street be and the same is hereby closed to
 public travel and that the said Guy A. Thompson, Trustee, International-Great
 Northern Railroad Company, Debtor, shall be and he is hereby authorized and
 permitted for the use and benefit of said railroad to use for railroad pur-
 poses the following described portion of Baylor Street so long as the same
 may be needed for railroad or passenger station purposes:

All of that portion of Baylor Street, formerly known
 as Crockett Street, which lies south of the south line of West
 Third Street, formerly known as Cypress Street, as shown on
 a map or plat of Raymond Plateau, a subdivision of a portion
 of Outlot 11, Division Z, of the Government Outlots adjoining
 the Original City of Austin, Travis County, Texas, according
 to a map or plat of said Government Outlots on file in the
 General Land Office of the State of Texas, a map or plat of
 said Raymond Plateau being of record in Book 1, at page 30,
 of the Plat Records of Travis County, Texas.

SECTION 2. All rights, titles, obligations, and privileges hereby granted
 to or vested in or imposed upon said Guy A. Thompson, Trustee, shall pass and
 attach to and vest in his successors and assigns.

SECTION 3. This Ordinance shall cease to have effect and shall be void unless it is accepted in writing by said Guy A. Thompson, Trustee, within four (4) months after its passage and approval.

SECTION 4. The rule requiring that ordinances shall be read on three separate days is hereby suspended, and this Ordinance shall become effective as provided by the Charter of the City of Austin.

PASSED: January 6, 1949

APPROVED: January 6, 1949

APPROVED:

(Sgd) Tom Miller
Mayor

(Sgd) Trueman E. O'Quinn
City Attorney

ATTEST:

(Sgd) Hallie McKellar
City Clerk

(Seal)

STATE OF TEXAS :

COUNTY OF TRAVIS :

WHEREAS the City Council of the City of Austin, Texas, on the 6th day of January, 1949, passed and on the same date the Mayor of said City approved an ordinance entitled

"An ordinance authorizing and effecting exchange in the use of certain property between Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor, and the City of Austin, at and near the intersection of West Third Street and Baylor Street in the City of Austin in connection with and in contemplation of the construction and maintenance by the Railroad of a new passenger station on railroad property in the vicinity of Baylor Street and West Third Street; and suspending the rule of reading of an ordinance on three separate days"; and

WHEREAS the said ordinance provides that the same shall cease to have effect and shall be void unless it is accepted in writing by the undersigned Trustee within four (4) months after its passage and approval; and

WHEREAS the undersigned Trustee has been duly authorized by the Court by which he was appointed to accept the said ordinance;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, Guy A. Thompson, Trustee, International-Freat Northern Railroad Company, Debtor, (acting as such Trustee, but not individually), for and in consideration of the premises have accepted and do hereby accept the said ordinance and all of the terms and provisions thereof.

IN TESTIMONY WHEREOF I have hereunto set my hand on this 7th day of March, 1949, attaching hereto a certified copy of the order of the District Court of the United States, Eastern Division, Eastern Judicial District of Missouri, authorizing my execution of this acceptance.

(Sgd) Guy A. Thompson, Trustee, International-Great Northern Railroad Co, Debtor