

NOTICE OF CALL MEETING.

TO THE MEMBERS OF THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS, CITY MANAGER AND CITY SECRETARY:

I hereby call a meeting of the City Commission of the City of Lufkin Texas, to be held at the Municipal Office of said City on the 13th day of January, A.D. 1920 at 9 o'clock A.M. for the purpose of passing a resolution or ordinance accepting or rejecting a proposition made by the Lufkin Sanitary Sewer Corporation of Lufkin, Texas, dated September, 19th, 1919, which said proposition is as follows, in substance:-

"That for a consideration of \$36,500.00, cash paid, to this Company by the City of Lufkin, we each hereby specially agree for himself that we will sell and deliver to said City of Lufkin the entire assets of the Lufkin Sanitary Sewer Corporation, real, personal and mixed of every kind, nature and character which it now owns or may own at the time of making the same, provided, that, as a further part of said consideration, the said city of Lufkin, is to assume and pay off and discharge at their own expense and cost all outstanding liabilities and legal claims of every kind, nature and character outstanding, or existing against said Lufkin Sanitary Sewer Corporation up to the time of the delivery of the assets and books of said Sewer Company to the City of Lufkin, after which time said Sewer is to be no further responsible for same and said city of Lufkin is to protect and save said Lufkin Sanitary Sewer Corporation forever harmless from same. And the special mention of certain liabilities of the Lufkin Sanitary Sewer Corporation shall not exclude all other liabilities, but all of them, whether named or not, are to be assumed and discharged by said city of Lufkin, and the Lufkin Sanitary Sewer Corporation held forever harmless. The Lufkin Sanitary Sewer Corporation is to retain and assume all liability for the Hunter law suit now pending against it, except the amount now shown to be due him on the books of said Company, which is to be assumed and paid by the City of Lufkin, when demanded to do so by the President of the Lufkin Sanitary Sewer Corporation", and to and perform such other things and matters as may properly come before the body.

Given under my hand this the 12 day of January, A. D. 1920.

G. A. Kelley,
Mayor of the City of Lufkin, Texas.

RETURN OF CITY MARSHALL.

Came to hand the 12th day of January, A. D. 1920, and executed on the 13th day of January, A.D.1920, by reading the above notice to each of the following Commissioners of the city of Lufkin, Texas, to-wit: S.R.Parker, E. E. Woods, C.B.Edwards and W. B. Treadwell and L. Mitchell, City Manager and T. L. Dunn, City Secretary.

D. F. Costner,
City Marshall.

Pursuant to the above notice the City Commission met on this the 13th day of January, A.D.1920, at the Municipal office of said City, the following members being present:* G. A. Kelley, Mayor, S. R. Parker, E. E. Woods, C. B. Edwards and W. B. Treadwell, Commissioners and L. Mitchell, City Manager, and T. L. Dunn, City Secretary, when the following proceedings were had to-wit:

AN ORDINANCE ACCEPTING THE PROPOSITION OF THE STOCKHOLDERS OF THE LUFKIN SANITARY SEWER CORPORATION FOR THE SALE TO THE CITY OF LUFKIN OF

THE ENTIRE ASSETS AND PROPERTIES OF THE LUFKIN SANITARY SEWER CORPORATION AND THE ASSUMPTION BY THE SAID CITY OF ALL LIABILITES AND LEGAL CLAIMS OF SAID CORPORATION, SAVE AND EXCEPT THE HUNTER LAW SUIT IN AN AMOUNT IN EXCESS OF THAT SHOWN TO BE DUE ON THE BOOKS OF SAID CORPORATION TO THE SAID C. P. HUNTER.

WHEREAS, all the stockholders of the Lufkin Sanitary Sewer Corporation have submitted in writing to the City of Lufkin, the following proposition with reference to the sale of its entire assets and properties to said City, to-wit:

"That for a consideration of \$36,500.00, cash paid, to this Company by the City of Lufkin, we each hereby specially agree for himself that we will sell and deliver to said City of Lufkin the entire assests of the Lufkin Sanitary Sewer Corporation, real, personal and mixed of every kind, nature and character which it now owns or may own at the time of making the sale, provided, that, as a further part of said consideration, the said City of Lufkin is to assume and pay off and discharge at their own expense and cost all outstanding laiabilites and legal claims of every kind, nature and character outstanding, or existing against said Lufkin Sanitary Sewer Corporation up to the time of the delivery of the assets and books of said Sewer Company to the City of Lufkin, after which time said Sewer Company is to be no further responsible for same and said City of Lufkin is to protect and save said Lufkin Sanitary Sewer Corporation forever harmless from same. And the special mention of certain liabilities of the Lufkin Sanitary Sewer Corporation shall not exclude all other liabilities, but all of them, whether named or not, are to be assumed and discharged by said City of Lufkin, and the Lufkin Sanitary Sewer Corporation held forever harmless. The Lufkin Sanitary Sewer Corporation is to retain and assume all liabilities for the Hunter law suit now pending against it, except the amount now shown to be due him on the books of said Company, which is to be assumed and paid by the City of Lufkin, when demanded to do so by the President of the Lufkin Sanitary Sewer Corporation."

Whereas, the qualified voters of the City of Lufkin, by an election duly and legally held, voted to suue \$50,000.00 in bonds of said City to purchase said sewer system of the Lufkin Sanitary Sewer Corporation, and said bonds have been approved by the Attorney General of the State of Texas.

AND, WHEREAS, the City Commission of the City of Lufkin deems it advisable to accept the above and foregoing proposition made by all the stockholders of said Lufkin Sanitary Sewer Corporation.

THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LUFKIN, TEXAS:

FIRST.

That the above and foregoing proposition of all the stockholders of the Lufkin Sanitary Sewer Corporation to sell to said city all the assets and properties of said Lufkin Sanitary Sewer Corporation for the cash sum of \$36,500.00, the City of Lufkin to assume and pay off and discharge all outstanding liabilities and legal claims of every kind, nature and character against the said Lufkin Sanitary Sewer Corporation up to the time of the delivery of the assets and books of said Lufkin Sanitary Sewer Corporation to the City of Lufkin, including the amount now shown by the books of said Corporation to be due one C. P. Hunter, be accepted by the City Commission and the City of Lufkin, Texas, prvided, however, that the Lufkin Sanitary Sewer Corporation retain and assume all liability in and for the suit now pending in the District Court of Angelina County, Texas, wherein C. P. Hunter is plaintiff and Lufkin Sanitary Sewer Corporation is Defendant, and shall pay off and discharge any judgment that may be rendered against said Lufkin Sanitary Sewer Corporation over and above the amount now shown to be due said C. P. Hunter on the books of said Corporation, which shall be paid said Hunter by the City when called upon to do so by the President of said Corporation, and the Lufkin Sanitary Sewer Corporation is and shall save harmless the City of Lufkin and the properties and

assets of said Corporation of and from said suit as hereinabove set out and protect the said city in all things and respects connected with or growing out of said suit, as above mentioned and excepted, and shall defend said suit in its own name and at its own cost and expense.

SECOND.

That as soon as the proper and legal instruments of conveyance be executed and acknowledged in accordance with law by the Lufkin Sanitary Sewer Corporation and approved by the attorney for the City of Lufkin and delivered to said city, the sum of money determined to be due said Lufkin Sanitary Sewer Corporation by the said corporation and said city in accordance with said above mentioned proposition shall be paid to said Lufkin Sanitary Sewer Corporation, and the Mayor is hereby authorized to issue and execute a warrant for said sum, countersigned by the City Secretary and approved by the City Manager, payable to the Lufkin Sanitary Sewer Corporation.

Passed and approved on first reading this the 13th. day of January, A. D. 1920.

G. A. Kelley
Mayor, City of Lufkin, Texas.

Attest: J. L. Dunn
City Secretary, City of Lufkin, Texas.

The ordinance was placed upon its first reading to the Commissioners. Commissioner C. B. Edwards made a motion that the above and foregoing ordinance be passed and approved on its first reading which said motion was seconded by Commissioner, S. R. Parker, after which G. A. Kelley, Mayor put the motion as above mentioned and requested all of these members of the City Commission favoring the passage of the said ordinance to vote "Aye", and all those members of the City Commission opposed to the passage of the said ordinance to vote "No".

The following members of the City Commission voted "Aye", S. R. Parker, E. E. Woods, C. B. Edwards and W. B. Treadwell.

The following members of the City Commission voted "No" - None.

The Mayor declared the motion unanimously carried and the ordinance passed and approved on first reading.

There being no other business to come before the meeting, by move and second duly made and carried, adjournment was taken.

G. A. Kelley
Mayor, City of Lufkin, Texas.

Attest: J. L. Dunn
City Secretary, Lufkin, Texas.