

A. APPLICATION FOR HISTORIC ZONING

PROJECT INFORMATION:

DEPARTMENTAL USE ONLY	
APPLICATION DATE: _____	FILE NUMBER(S) _____
TENTATIVE HLC DATE: _____	
TENTATIVE PC or ZAP DATE: _____	
TENTATIVE CC DATE: _____	CITY INITIATED: ☒ YES / NO
CASE MANAGER _____	ROLLBACK: YES/NO
APPLICATION ACCEPTED BY: _____	

BASIC PROJECT DATA:

1. OWNER'S NAME: BETHANY CEMETERY (Sue Spears)	
2. PROJECT NAME: Bethany Cemetery	
3. PROJECT STREET ADDRESS (or Range): 1308 Springdale Rd.	
ZIP 78721	COUNTY: _____
IF PROJECT ADDRESS CANNOT BE DEFINED ABOVE:	
LOCATED _____ FRONTAGE FEET ALONG THE <u>N. S. E. W. (CIRCLE ONE)</u> SIDE OF	
_____ (ROAD NAME PROPERTY FRONTS ONTO), WHICH IS	
APPROXIMATELY _____	DISTANCE FROM ITS
INTERSECTION WITH _____	CROSS STREET.

AREA TO BE REZONED:

4. ACRES 6.25	(OR)	SQ.FT. _____			
5. ZONING AND LAND USE INFORMATION:					
EXISTING ZONING	EXISTING USE	TRACT# (IF MORE THAN 1)	ACRES / SQ. FT.	PROPOSED USE	PROPOSED ZONING
P-NP	Cemetery	_____	5.77	Same	P-H-NP
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RELATED CURRENT CASES:

6. ACTIVE ZONING CASE? (YES / NO)	FILE NUMBER: _____
7. RESTRICTIVE COVENANT? (YES / NO)	FILE NUMBER: _____
8. SUBDIVISION? (YES / NO)	FILE NUMBER: _____
9. SITE PLAN? (YES / NO)	FILE NUMBER: _____

City of Austin - Historic Preservation Office
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PROPERTY DESCRIPTION (SUBDIVISION REFERENCE OR METES AND BOUNDS):

10a. SUBDIVISION REFERENCE: Name: 6.25 AC OF OLT 18&1/2 DIVISION B

Block(s) _____ Lot(s) _____ Outlot(s) 18

Plat Book: _____ Page _____

Number: _____

10b. METES AND BOUNDS (Attach two copies of certified field notes if subdivision reference is not available or zoning includes **partial lots**)

DEED REFERENCE CONVEYING PROPERTY TO PRESENT OWNER AND TAX PARCEL I.D.:

11. VOLUME: 108 **PAGE:** 279 **TAX PARCEL I.D. NO.** 0210180514

Inst. 2003159164

OTHER PROVISIONS:

12. IS PROPERTY IN A ZONING COMBINING DISTRICT / OVERLAY ZONE? YES / NO

TYPE OF COMBINING DIST/OVERLAY ZONE (NCCD, NP, etc) MLK Neighborhood Plan

13. LOCATED IN A LOCAL OR NATIONAL REGISTER HISTORIC DISTRICT? YES / NO

14. IS A TIA REQUIRED? YES / NO (NOT REQUIRED IF BASE ZONING IS NOT CHANGING)

TRIPS PER DAY: _____

TRAFFIC SERIAL ZONE(S): _____

OWNERSHIP TYPE:

15. ^x SOLE COMMUNITY PROPERTY PARTNERSHIP CORPORATION TRUST

If ownership is other than sole or community property, list individuals/partners/principals below or attach separate sheet.

OWNER INFORMATION:

16. OWNER CONTACT INFORMATION

SIGNATURE: _____ NAME: Sue Spears

FIRM NAME: Bethany Cemetery Association TELEPHONE NUMBER: _____

STREET ADDRESS: 8308A COLONY LOOP DR AUSTIN TX 78724-3921

CITY: Austin STATE: TX ZIP CODE: 78724

EMAIL ADDRESS: [REDACTED]

AGENT INFORMATION (IF APPLICABLE):

17. AGENT CONTACT INFORMATION

SIGNATURE: _____ NAME: Emily Payne

FIRM NAME: HMM & Associates, Inc. TELEPHONE NUMBER: 512-478-8014

STREET ADDRESS: 4601 Sinclair Ave.

CITY: Austin STATE: TX ZIP CODE: 78756

CONTACT PERSON: Emily Payne TELEPHONE NUMBER: 512-478-8014

EMAIL ADDRESS: [REDACTED]

B: Tax Map

Map 1. Travis Central Appraisal District (TCAD) Map (1"=100' scale) showing the parcel boundaries of Bethany Cemetery in blue (Parcel ID 201127) and all adjacent parcels within 300'. Source: TCAD, accessed Sept. 5, 2025, <https://travis.prodiavcad.com/maps>.



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C: Tax Certificate

TAX CERTIFICATE
Bruce Elfant
Travis County Tax Assessor-Collector
P.O. Box 1748
Austin, Texas 78767
(512) 854-9473

ACCOUNT NUMBER: 02-1018-0514-0000

PROPERTY OWNER:

BETHANY CEMETERY
% SUE SPEARS
8308A COLONY LOOP DR
AUSTIN, TEXAS 78724-3921

PROPERTY DESCRIPTION:

6.25 AC OF OLT 18&1/2
DIVISION B

ACRES 6.25 MIN%

SITUS INFORMATION: 1308 SPRINGDALE RD 78721

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties, and interest are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2024	AUSTIN ISD	* EXEMPT *
	CITY OF AUSTIN(TRAV)	* EXEMPT *
	TRAVIS COUNTY	* EXEMPT *
	TRAVIS CENTRAL HEALTH	* EXEMPT *
	ACC (TRAVIS)	* EXEMPT *

TOTAL TAX:	* EXEMPT *
UNPAID FEES:	* EXEMPT *
PENALTY/INTEREST:	* EXEMPT *
COMMISSION:	* EXEMPT *
TOTAL DUE	* EXEMPT *

ALL TAXES ABOVE ARE EXEMPT FOR 2024

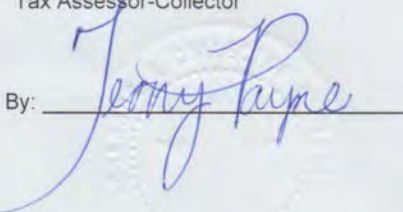
ALL TAXES PAID IN FULL/EXEMPT PRIOR TO AND INCLUDING THE 2024 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

The above-described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code). Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF **November 20, 2024**.

Fee Paid: \$10.00

Bruce Elfant
Tax Assessor-Collector

By: 

D. SUBMITTAL VERIFICATION AND INSPECTION AUTHORIZATION

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that proper City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the proper review of this application.

**PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.**

_____ Signature	09/05/2025 Date
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Emily Payne _____ Name (Typed or Printed)
--

HHM & Associates, Inc. _____ Firm (If applicable)
--

INSPECTION AUTHORIZATION

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

**PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.**

_____ Signature	_____ Date
---------------------------	----------------------

Sue Spears _____ Name (Typed or Printed)

Bethany Cemetery Association _____ Firm (If applicable)
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E. ACKNOWLEDGMENT FORM

concerning
Subdivision Plat Notes, Deed Restrictions,
Restrictive Covenants
and / or
Zoning Conditional Overlays

I, Emily Payne have checked for subdivision plat notes, deed restrictions,
(Print name of applicant)

restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at

1308 Springdale Rd.
(Address or Legal Description)

If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlay information which may apply to this property.

(Applicant's signature)

09/05/2025
(Date)

F. 1: Historical Documentation – Deed Chronology

DEED RESEARCH

List Deeds chronologically, beginning with earliest transaction first and proceeding through present ownership. The first transaction listed should date at least back to when the original builder of any historic structures on the site first acquired the property (i.e., should pre-date the construction of any buildings/structures on the site). Please use the format delineated below.

For each transaction please include: name of Grantor/Grantee, date of transaction, legal description involved, price, and volume/page number of deed records. If there is a mechanic's lien please copy the entire document.

Deed transactions are summarized in Table 1 herein. For additional details, refer to Attachment A-1 for “Bethany Cemetery: Chain of Title Narrative with Citations” by John E. Williams.

Table 1. Documentation of known ownership transactions for the property that today encompasses Bethany Cemetery.

	Transaction		
Grantor/Grantee:	The Comptroller of the State of Texas to John Hemphill		
Date:	1850		
Legal Description:	Outlots No. 18 ½ in Division B, No. 13 in Division C, and No. 12 in Division E		
Price:	\$609		
Deed Vol./Page:	Certificate No. 129, File No. 482, Archives & Records Division, Texas General Land Office		
Grantor/Grantee:	Estate of John Hemphill to Charles S. West [agent and attorney], <i>et al</i>		
Date:	Ca. 1871		
Legal Description:	Outlot No. 18 ½ in Division B, etc.		
Price:	Unknown		
Deed Vol./Page:	Vol. W, p. 61		
Grantor/Grantee:	Estate of John Hemphill [c/o Charles S. West, agent and attorney] to Henry B. Andrews		
Date:	1871		
Legal Description:	Outlot No. 18 ½ in Division B		
Price:	\$670		
Deed Vol./Page:	Vol. V, p. 105		
Grantor/Grantee:	Henry B. Andrews to George Fleming Moore		
Date:	1875		
Legal Description:	Outlot No. 18 ½ in Division B		
Price:	Unclear		
Deed Vol./Page:	Vol. 108, pg. 279		
Grantor/Grantee:	George Fleming Moore to William M. Walton [lender]		
Date:	1878-1879		
Legal Description:	2/3 interest in Outlot No. 18 ½ in Division B		
Price:	\$137.50		
Deed Vol./Page:	Travis County District Court Record No. 3702; Travis County Deed Vol. 44, p. 40		
Grantor/Grantee:	William M. Walton to John B. Rector	William M. Walton to J.R. Lawrence	George Fleming Moore to Susan Moore [widow]
Date:	September 27, 1879	May 24, 1883	August 30, 1880
Legal Description:	1/3 interest in Outlot No. 18 ½ in Division B	1/3 interest in Outlot No. 18 ½ in Division B	1/3 interest in Outlot No. 18 ½ in Division B
Price:	\$250	\$100	N/A
Deed Vol./Page:	Vol. 44, p. 284	Vol. 56 p. 182	Travis County Probate Record No. 927
Grantor/Grantee:	John B. Rector to J.J. and W.J. Wheless	J.R. Lawrence to J.J. and W.J. Wheless	Susan Moore to J.J. and W.J. Wheless
Date:	March 26, 1890	March 27, 1890	March 28, 1890
Legal Description:	1/3 interest in Outlot No. 18 ½ in Division B	1/3 interest in Outlot No. 18 ½ in Division B	1/3 interest in Outlot No. 18 ½ in Division B
Price:	\$200	\$200	\$200
Deed Vol./Page:	Vol. 93, p. 190, Vol. 104, p. 1	Vol. 93, p. 189	Vol. 93, p. 190, Vol. 104, p. 594

	Transaction
Grantor/Grantee:	J.J. Wheless and W.J. Wheless to Charles W. Jones
Date:	March 15, 1892
Legal Description:	Lot No. 2, Outlot No. 18 ½
Price:	\$432.60
Deed Vol./Page:	Vol. 113, pg. 235
Grantor/Grantee:	Charles W. Jones to John M. Holland, William M. Tears, Henderson Rollins, Charles W. Jones, and Allen Bradley [Bethany Cemetery Company]
Date:	July 10, 1893
Legal Description:	Lot Number 2, Outlot No. 18 ½
Price:	\$468.75
Deed Vol./Page:	Vol. 117, pg. 139
Grantor/Grantee:	Heirs of the Officers of the Bethany Cemetery Company to the Bethany Cemetery Association
Date:	April 27, 1976
Legal Description:	Lot Number 2, Outlot No. 18 ½
Price:	N/A
Deed Vol./Page:	Travis County District Court Records No. 244 & 500; Travis County Deeds Vol. 6558, p. 628

F. 2: Historical Documentation – Occupancy History

OCCUPANCY RESEARCH

Using City Directories available at the Austin History Center or other information available, please provide a chronology of all occupants of the property from its construction to the present. For commercial property, please provide residential information on business owner as well.

The cemetery has not operated as residential property. Known individuals interred in Bethany Cemetery are listed in Attachment A-4.

F. 3: Historical Documentation – Biographical Data

Biographical data on owners and occupants as available. Please copy all information available, including newspaper articles, family records, marriage certificates, etc. For cemeteries, a list of burial names and biographical data on associated personages required. (Contact the Austin History Center for biography files, obituary records, census data, marriage and death records, etc. Other sources include previous occupants/owners or their descendants, company/organization archives, etc.).

The individuals associated with Bethany Cemetery include the founders of the Bethany Cemetery Company, the founder of the Bethany Cemetery Association, the women who assumed leadership of the cemetery in the twentieth century, and the individuals interred in the cemetery—all discussed below. As the historical documentation below details, the individuals associated with Bethany Cemetery hold rich associations with many facets of Black social and community life in East Austin—from religious development to business to community outreach to political and military service. Bethany Cemetery is unique as a single physical place that unites these individual stories, bringing together a sweeping narrative about the struggles and strivings entailed in creating Austin's Black community.

FOUNDERS OF THE BETHANY CEMETERY COMPANY

In 1893, five men formed the Bethany Cemetery Company, which purchased the land for the cemetery, filed the plat for cemetery plots, and sold burial plots to families. These men included Charles W. Jones, John M. Holland, William M. Tears, Henderson Rollins, and Allen Bradley—all of whom are discussed below:

- **Charles W. Jones** was born in Cameron County, Texas, in 1868. Eventually, he moved to Austin, where he worked as a plumber.¹ He died in Austin in 1942.

¹ Edwards, "Bethany Cemetery," "[Texas, U.S., Death Certificates, 1903-1982](#) for Charles W Jones," from Ancestry, accessed May 28,

- **John M. Holland** was born around 1850 in Marshall, Texas.² By 1880, census records indicate that he was working as a farmer in rural Travis County. By 1900, John M. Holland and his family lived in Austin at 1409 San Bernard Street (house no longer extant), and he was working as a sexton at a church.³ Other sources indicate that John M. Holland also worked as a real estate agent.⁴ By 1920, John M. Holland and his family lived at present-day 1193 ½ San Bernard Street (then addressed as 1189 San Bernard Street).⁵
- **William H. Holland**—likely the brother of John M. Holland—was born around 1849 in Marshall, Texas.⁶ William H. Holland went on to become “the superintendent of the Deaf, Dumb and Blind Institute for Colored Youths of Texas.”⁷ By 1889, city directories indicate that he lived “about 2 ½ miles northwest” of downtown Austin, “north of Mt. Bonnell road.”⁸ Additional biographical detail regarding William Holland is quoted below:

In 1849, William H. Holland was born in bondage. As a slave, he received a college education in Oberlin College. After freedom, William Holland returned to Texas. He worked in Austin's post office, taught school and was elected as a Wharton County representative in the Texas House.(12) There, he wrote and presented the bill for the establishment of Prairie View University. Through his efforts, the bill was eventually passed and today, William M. Holland is recognized as "the Father of Prairie View."(13) Throughout his life, he supported education. During the time he served as president of the Bethany Cemetery Company, William H. Holland helped found the Deaf, Dumb, and Blind Institute for Colored Youth in Austin. For thirteen years, he served as its president. Later, he began the Friends in Need, an organization that supported African Americans.⁹

- **William M. Tears** was born around 1865 in San Antonio, Texas.¹⁰ Census records indicate that Tears worked as a police officer by 1900, living in East Austin at 1702 Chincapin Street (now Rosewood Avenue, house no longer extant).¹¹ Mr. Tears later became known as “Austin’s first Black mortician,” as described below:

Two years after founding the Bethany Cemetery Company, William M. Tears became one of Austin's first African American policemen. He served for six years. Then in 1901, he founded the Tears Mortuary, known as the oldest established business in Central Texas.”¹²

- **Henderson Rollins**’s early background is unclear.¹³ However, Mr. Rollins appears in Austin City Directories between 1887 and 1893 working as a porter or laborer at the State Comptroller’s Office at 206 W. 16th Street (building no longer extant).¹⁴ A newspaper advertisement from 1895 noted that

024, <https://www.ancestry.com/search/collections/2272/records/21766178>;

² “John M. Holland,” Texas Death Certificates collection, Ancestry, accessed Sept. 2, 2025,

<https://www.ancestry.com/search/collections/2272/records/40100459>.

³ U.S. Census, 1900, Austin Ward 7, Travis County, Texas, from Ancestry, accessed Sept. 2, 2025, <https://www.ancestry.com/search/collections/7602/records/44312262>.

⁴ Edwards, “Bethany Cemetery.”

⁵ U.S. Census, 1910, Austin Ward 5, Travis County, Texas, from Ancestry, accessed Sept. 2, 2025, <https://www.ancestry.com/search/collections/6061/records/93552200>. Note that the house at 1193 ½ San Bernard Street is a contributing resource within the San Bernard Historic District, which is eligible for listing in the National Register of Historic Places (nomination currently underway, listing anticipated in early 2026).

⁶ “William H. Holland,” US Find-a-Grave Index, Ancestry, accessed Sept. 2, 2025, <https://www.ancestry.com/search/collections/60525/records/43864203>.

⁷ A. Arro Smith, “Black Cemeteries,” <https://www.gentrysmith.org/Black%20mortuaries/Cemeteries.htm>, accessed Mar. 23, 2025, citing Simond, A. (1983). “Family Burial Site Holds Special Meaning for Blacks,” in “Looking Back” column, Austin American-Statesman, November 10, 1983.

⁸ “William H. Holland,” Austin, Texas City Directories, various dates from 1889-1892, from Ancestry.

⁹ Edwards, “Bethany Cemetery.”

¹⁰ “William Morgan Tears Sr.,” U.S. Find-a-Grave-Index, from Ancestry, <https://www.ancestry.com/search/collections/60525/records/6614432>.

¹¹ U.S. Census, 1900, Austin Ward 7, Travis County, Texas, from Ancestry, <https://www.ancestry.com/search/collections/7602/records/44311334>.

¹² Edwards, “Bethany Cemetery.”

¹³ Records on Ancestry document a white man named Asberry Henderson Rollins born in Hopkins County, Texas in 1846, but it is unclear whether this is the same individual as the Black man named Henderson Rollins documented living in Austin by the 1880s. See “Asberry Henderson Rollins,” Hudson Family Tree, Ancestry, <https://www.ancestry.com/family-tree/person/tree/2428093/person/-785537468/facts>; “Asberry Henderson Rollins,” U.S. Census, 1860, Beat 4, Hopkins County, Texas, from Ancestry, <https://www.ancestry.com/search/collections/7667/records/35073316>.

¹⁴ “Henderson Rollins,” Austin, Texas City Directories, various dates from 1887-1892, from Ancestry.

"HENDERSON ROLLINS will do house cleaning, putting down and making up carpets, changing ladies rooms, cleaning yards, etc."¹⁵ Mr. Rollins appears to have been involved in other organizations within Austin's Black community also, such as the Juneteenth celebration committee.¹⁶

- **Allen Bradley** appears in Austin City Directories from 1881 to 1893 living and operating a meat market at 1101 or 1108 E. 11th Street in 1881 (likely within the extant Haehnel Store Building, which is individually listed on the National Register and designated as an individual City of Austin landmark); by 1895 his residence appears to have moved to 1600 E. 7th Street (possibly extant).¹⁷ Mr. Bradley was also involved in Black community outreach in Austin, and newspapers record his work providing barbeque for Fourth of July celebrations.¹⁸ By 1897, a newspaper article notes that Mrs. Allen Bradley owned the restaurant and butcher shop on E. 11th Street, suggesting that Mr. Bradley may have passed away by that time. Tragically, the 1897 newspaper article documents back-to-back fires at both the Bradley home and the butcher shop, with the suggestion that the fires "would naturally lead to the belief that some one has been trying to burn her out" – documenting the violence and persecution that accompanied Black business ownership in the Jim Crow era, especially for a woman.¹⁹

EVOLVING LEADERSHIP OF THE BETHANY CEMETERY ASSOCIATION

Between the founding of Bethany Cemetery in 1893 and the early 1920s, the Bethany Cemetery Association paid for a caretaker to maintain the grounds.²⁰ By the late 1920s and 1930s, the original founders of the Bethany Cemetery Association had aged or passed away, and the responsibility for maintaining cemetery plots was assumed to fall upon the descendants of interred families. However, responsibility for maintaining and managing unsold plots and the cemetery infrastructure remained unclear. Around this time, Eva Taylor Ross stepped forward to assume responsibility for maintaining Bethany Cemetery. Eva was born to parents Ruthie and John Taylor around 1895, likely in Austin.²¹ By 1920, she married William Taylor. When her mother passed away in 1931, Eva wanted to bury her mother in Bethany Cemetery, alongside some of her siblings who did not survive to adulthood, but John Taylor questioned the reliability of maintenance at Bethany Cemetery, especially since Evergreen Cemetery had opened in 1928 and promised City-sponsored maintenance.²² As described by seminal Austin Black historian Ada Simond:

In 1931 when Ruthie Taylor, mother of Eva Taylor Ross died, Ross's father decided to bury his wife in Evergreen Cemetery [rather than Bethany Cemetery]...Eva Taylor Ross, touched with the agony of having her mother buried in a different location than some of her children, her family, her parents and close friends promised her father she would dedicate her life to maintaining Bethany as a respected burial ground and honored spot if he would bury her mother there.²³

Ms. Ross faithfully cared for the cemetery throughout her life. In 1971, the Bethany Cemetery Association filed official Articles of Incorporation as a non-profit with the State of Texas Secretary of State.²⁴ At that time, members of the Board of Directors included Eva Ross (address 1001 Chicon Street), Carl Wilson (address 1001 Chicon Street) and Burton D. Kennedy (address 1106 Olive Street). As late as the 1980s, Ms. Eva Ross was

¹⁵ "Henderson Rollins" [ad], *Austin American Statesman* [newspaper], Mar. 10, 1895, p. 6, from Newspapers.com, <https://www.newspapers.com/image/366599548>.

¹⁶ "Preparing to Celebrate," *Austin American Statesman* [newspaper], May 5, 1894, p. 4, from Newspapers.com, <https://www.newspapers.com/image/357503720>; "Emancipation Day Meeting," *Austin American Statesman* [newspaper], Jun. 15, 1894, p. 2, from Newspapers.com, <https://www.newspapers.com/image/366623621>.

¹⁷ Edwards, "Bethany Cemetery; "Allen Bradley," Austin, Texas City Directories, various dates from 1881-1895, from Ancestry. For information about 1101 E. 11th Street and 1600 E. 7th Street, see HHM & Associates, Inc., "East Austin Historic Resources Survey," prepared for the City of Austin, 2016, from the City of Austin, <https://www.austintexas.gov/page/historic-survey#strongEastAustin2016strong>.

¹⁸ "Fourth of July," *Austin American Statesman* [newspaper], Jun. 26, 1887, p. 4, from Newspapers.com; <https://www.newspapers.com/image/364673077/?match=1&terms=%22allen%20bradley%22>;

¹⁹ "Fire this Morning: restaurant and Butcher Shop Burned on Robertson Hill," *Austin American Statesman* [newspaper], Nov. 12, 1897, p. 2, from Newspapers.com, <https://www.newspapers.com/image/366644169>.

²⁰ Chris Peterson, "Old black cemetery falling into disrepair," *Austin American-Statesman* [newspaper], Mar. 5, 1980, pp. 16, 20, from Newspapers.com, <https://www.newspapers.com/image/358394077/>.

²¹ US Census, 1920, Austin Ward 5, Travis County, Texas, from Ancestry, <https://www.ancestry.com/search/collections/6061/records/93554754>.

²² Ada Simond, "Family burial site holds special meaning for blacks," *Austin American-Statesman* [newspaper], Nov. 10, 1983, p. 25, from Newspapers.com, <https://www.newspapers.com/image/362841035>.

²³ Simond, "Family burial site holds special meaning for blacks."

²⁴ State of Texas Office of the Secretary of State, "Certificate of Incorporation of Bethany Cemetery Association of Travis County, Inc.," July 20, 1971, from the City of Austin Historic Preservation Office.

actively working to bring attention and remembrance to Bethany Cemetery (see Figure 1 in Attachment A-2).²⁵ For a time, Ms. Ross was assisted by Ms. Idella Lewis, who was born in Austin in 1899 and grew up as the daughter of William Lewis, pastor of the Grant Chapel African Methodist Episcopal Church, where founding members of the Bethany Cemetery Company worshipped.²⁶ Idella Lewis passed away in 1984, again leaving Ms. Eva Ross on her own with responsibility for cemetery advocacy at nearly 90 years of age.²⁷ In 1992, Ms. Eva Ross passed away. Her funeral took place at the King-Tears Mortuary – the successor to the Tears Mortuary founded by William M. Tears. Yet she was buried in Capital Memorial Gardens in Pflugerville, away from her mother, signaling uncertainty about the future of maintenance of Bethany Cemetery after her death.²⁸

After the passing of Ms. Eva Ross, maintenance issues at Bethany Cemetery came to the attention of Sue Spears, who then co-chaired the East Austin Watershed Task Force with her brother, Emmitt Spears. As Sue Spears discovered Bethany Cemetery, she became passionate about preserving its history as well as its natural character.²⁹ As PTA president at nearby Sims Elementary, Ms. Spears brought students and parents to Bethany Cemetery to help clean up and learn about the history in their own neighborhood—including Austin’s oldest-known black grave.³⁰ For decades, Sue Spears worked tirelessly to organize volunteer efforts to maintain the cemetery through her Friends of Bethany Cemetery organization, to leverage help from other nonprofit organizations, to seek historic designation and protection, and hopefully to eventually gain public funding for maintenance in perpetuity.³¹

SIGNIFICANT INDIVIDUALS INTERRED AT BETHANY CEMETERY

Bethany Cemetery encompasses hundreds of known burials, dating from 1879—before the official founding of the cemetery—to 1985. A full list of known burials is included in Attachment A-4. The individuals interred in Bethany Cemetery represent the breadth of the African American experience in early Austin – including buffalo soldiers, enslaved plantation laborers, State of Texas governmental employees, religious leaders, domestic workers, entrepreneurs, and athletes. A sampling of names and biographies of significant individuals is included below in Table 2.

Table 2. List of a sampling of significant individuals interred at Bethany Cemetery. Sources: “The Stories of Bethany,” Bethany Cemetery Association, accessed May 28, 2025, <https://bethanycemeteryassociation.com/stories>; Austin American Statesman; Smith, “Weeding the Garden of Memories;” U.S. Census records and City Directories from Ancestry.com; HHM, “Historic Resources Survey of East Austin.”

Name	Lifespan	Background
William Ellick	1846-1897	Born in Rowan County, North Carolina; came to Texas as a Buffalo Soldier with the Republic of Texas 37th Regiment ³²
Robert Jones	1843-1932	Born in Georgia; came to Texas as a Buffalo Soldier with the 104th Regiment; ³³ recorded in the 1910 census as an “expressman” operating his own wagon and living at 2004 E. 18th Street (no longer extant)
Jack Dodson	1842-1923	Migrated from Lagrange, Texas, where she was an enslaved laborer on the Jim Dodson Cotton Plantation; purchased a 115-acre farm in the Manchaca area with his wife, Mary Dodson
Frances Jane Ridge-Densmore	1843-1925	Born in Arkansas to a Cherokee father and a free Black mother; kidnapped at a young age and sold into slavery; sold to the Louis Horst plantation in Austin County, Texas;

²⁵ Peterson, “Old black cemetery falling into disrepair,” Simond, “Family burial site holds special meaning for blacks.”

²⁶ Ada Simond, “Resident recalls rich history,” *African American-Statesman* [newspaper], Dec. 1, 1983, p. 31, from Newspapers.com, <https://www.newspapers.com/image/362859134>.

²⁷ “LEWIS, Idella” [obituary], *Austin American Statesman* [newspaper], Mar. 30, 1984, p. 32, <https://www.newspapers.com/image/362891462/>.

²⁸ “ROSS, Eva” [obituary], *Austin American Statesman* [newspaper], Feb. 28, 1992, p. 16, from Newspapers.com, <https://www.newspapers.com/image/364255601>.

²⁹ Rhonda Smith, “Weeding the Garden of Memories,” *Austin American-Statesman*, Apr. 17, 1994, p. 89, 100, from Newspapers.com, <https://www.newspapers.com/image/366490787/>.

³⁰ Starita Smith, “Austin’s oldest-known black grave is honored,” *Austin American-Statesman* [newspaper], Mar. 1, 1997, p. 23, from Newspapers.com, <https://www.newspapers.com/image/356959397/>.

³¹ Starita Smith, “Neglected cemetery for blacks begins to get some attention,” *Austin American-Statesman* [newspaper], Aug. 4, 1993, p. 33, from Newspapers.com, <https://www.newspapers.com/image/356824147/>; Farzad Mashood, “Program to help restore city’s first black cemetery,” *Austin American-Statesman* [newspaper], Feb. 14, 2013, p. B2, from Newspapers.com, <https://www.newspapers.com/image/435037246/>; Louise Tonneson Rodriguez, “Group preserves Austin’s black cultural district,” *Austin American-Statesman* [newspaper], Jan. 15, 2017, p. E1, from Newspapers.com, <https://www.newspapers.com/image/435115208/>.

³² Additional background about the role of Buffalo Soldiers in Texas is available from Mark Odintz, “Buffalo Soldiers,” *Handbook of Texas Online*, accessed May 28, 2025, <https://www.tshaonline.org/handbook/entries/buffalo-soldiers>.

³³ For additional background, see Odintz, “Buffalo Soldiers.”

Name	Lifespan	Background
		after emancipation, moved to Travis County and worked as a cook at the Stephen F. Austin Hotel in downtown Austin
Henry Blair³⁴	1847-1910	Born in Tennessee; moved to Austin around 1857, where he worked as a porter for the Texas State Legislature for 53 years
John Walton	1847-1938	Born in Robertson County, Texas, enslaved to planter Bill Walton, who moved his cotton plantation and enslaved laborers to Austin during the Civil War; listed in the 1920 census as a laborer with the Austin City Water Works
Mary Jane Dodson	1849-1940	Migrated from Lagrange, Texas, where she was an enslaved laborer on the Jim Dodson Cotton Plantation; purchased a 115-acre farm in the Manchaca area with her husband, Jack Dodson
Betty Robertson Coleman	1851-1952	Born in Arkansas and moved as an enslaved child to a cotton plantation south of Austin; moved to Decker area with husband Joe Coleman, where he worked as a preacher and she worked as a housekeeper
Fannie A. McCullough Driver	1857-1938	Born enslaved on the Gen McCullough Cotton Plantation in Guadalupe County; moved to Austin to live with her son Jim Driver at 1304 Coleto Street at an unknown date (house extant, constructed ca. 1930)
George Carpenter	1858-1903	Worked as a barber at the Harrison Barbershop and lived at 102 Hickory Street (house no longer extant) with his wife, Ellen Carpenter
Ernest Edward "Ed" Horst, Sr.³⁵	1867-1932	Born in Austin to a mother of mixed Cherokee and Black heritage and a white father whose family owned the plantation that formerly enslaved his mother
John Henry "Doc" Reeves	1870-1915	Born in West Harper, Tennessee to formerly enslaved parents; worked as an athletic trainer for the University of Texas from around 1895-1914
William Raymond Ross	1890-1953	Born in Austin and attended old Anderson High School; by 1936, opened his own cleaning plant, hattery, and tailoring business in downtown Austin in the 400 block of E. 6th Street (building possibly extant)
Dicey Walker	1899-1981	Walked all the way from Georgia to Bastrop after emancipation to find the children from whom she'd been separated during slavery; lies interred next to her daughter, Lydia, who was taken from her as a baby ³⁶
Calvin "Buck" Alexander	1920-1950	Born in Washington County, Texas, worked as a porter and played baseball in the "Negro League" from around 1918 to 1926 ³⁷
Verten Dodson, Sr.	1929-1957	Born in the Manchaca area of Travis County; murdered in Austin in 1957 ³⁸

³⁴ Additional detail about the life of Henry Blair is available from the Bethany Cemetery Association at <https://bethanycemeteryassociation.com/henry-blair>.

³⁵ Additional detail about the life of Ed Horst is available from the Bethany Cemetery Association at <https://bethanycemeteryassociation.com/ernest-edward-horst-sr>.

³⁶ Additional detail about the life of Dicey Walker is available from the Bethany Cemetery Association at <https://bethanycemeteryassociation.com/dicey-walker>.

³⁷ Additional detail about the life of Calvin "Buck" Alexander is available from the Bethany Cemetery Association at <https://bethanycemeteryassociation.com/stories>.

³⁸ Additional detail about the life of Verten Dodson, Senior is available from the Bethany Cemetery Association at <https://bethanycemeteryassociation.com/verten-dodson-sr>.

F. 4: Historical Documentation – Significant Events

Information on historically significant events which occurred at the location, if known (see 3. above for research information).

Refer to Section F.9 for discussion of significant historical trends associated with Bethany Cemetery.

F. 5: Historical Documentation – Color Digital Prints

Color digital prints showing full exterior views, including all elevations, setting, outbuildings, and details of structural and landscape features.

Refer to current photographs included in Attachment B at the conclusion of the application packet.

F. 6: Historical Documentation – Architect Information

Information on architect, builder, contractor and any craftsmen who worked on the buildings and structures on the site when available. (See 3. above for possible sources).

N/A

F. 7: Historical Documentation – Historical Photograph Reproductions

Reproductions (high quality photocopies acceptable) of historical photographs when available (Sources include Austin History Center, previous owners and occupants or their descendants, company/organization archives, etc.).

Refer to Attachment A-2 for historic photographs.

F. 8: Historical Documentation – Site Plan

A dimensioned site plan or survey showing the tract in question and the location/placement of all buildings/structures on the tract.

Refer to Attachment A-3 for a dimensioned site plan of the property.

F. 9: Historical Documentation – Historical Narrative

(See Attachment A for supplemental documentation related to the significance of the property.)

HISTORICAL ASSOCIATIONS

Bethany Cemetery is eligible for designation as a City of Austin historic landmark under criteria (ii) for Historical Associations with African American Ethnic Heritage. Bethany Cemetery is known as “Austin’s first black cemetery.”³⁹ Many of the individuals interred at Bethany Cemetery represent significant facets of the Black experience in Austin, as documented by Table 2 above in Section F.3. In addition, the Bethany Cemetery property holds significant community value as a gathering place and sacred site for Austin’s Black community.

Brief Historical Background of the Surrounding Area

The chronology of the cemetery’s founding and development is summarized within Figure 2 in Attachment A-4. As documented within Figure 2, the earliest known purchase of the land surrounding Bethany Cemetery occurred in 1850, when the land was purchased by John Hemphill and his partner Sabina. The land encompassing the future site of the cemetery was known as Lot 18 ½ of Division B of Austin. (See Figure 3 in Attachment A-2. for the location of Division B in relationship to the City of Austin. Also see the chronology of ownership transactions within Table 1 in Section F.1 above.) John Hemphill was a white man who served as Chief Justice of the Supreme Court of Texas, while Sabina was a formerly enslaved black woman.⁴⁰ However, it does not appear that the land encompassing Bethany Cemetery was settled at that time – John Hemphill’s primary residence was in Washington County, Texas, and Travis County tax rolls from 1859 documented that he held taxable assets at a property in town in Austin, but not at his property in Division B.⁴¹ After John Hemphill’s death, his estate sold the land to J.J. Wheless and W.J. Wheless. Little is known about the Wheless brothers, but in 1890, they subdivided their landholdings in Division B – creating the present-day parcel boundaries of Bethany Cemetery, defined as Lot 2 of Outlot 18 ½ of Division B (as shown above in Section B – Tax Map). Travis County tax records suggest that the parcel remained undeveloped through 1893, when it was purchased by the Bethany Cemetery Company for development of the cemetery, with the exception of the 1879 burial of an infant named Hellen Moore.⁴² Research to date has been unable to reveal Hellen’s parents’ names or their homestead location, but it is likely that they were tenant farmers or domestic workers nearby, since tax records do not show anyone with the surname Moore owning property in Division B.

After the cemetery was established in 1893, the surrounding area remained rural for over half a century. Some local anecdotes of the area’s history recollect that it was known as “Hungry Hill...because its soil was thin and unproductive” – contributing to the slow pace of development in the area.⁴³ (Springdale Road was known as Hungry Hill Road until the 1930s.) By 1928, city plans for Austin consolidated civic amenities for African Americans along E. 12th Street, encouraging Black spatial segregation in East Austin – although Austin’s development had not yet reached as far east as Bethany Cemetery.⁴⁴ In the 1930s, federal mortgage lending policies reinforced the segregation of East Austin by marking the area as “hazardous” for mortgage lending.⁴⁵

³⁹ JuanRaymon Rubio and Kevin Koch to Sam Fahnestock, Historic Preservation Office, “Request to consider initiation of historic zoning, Bethany Cemetery (1300 Springdale Rd)” [Letter], June 27, 2024, from the City of Austin Historic Preservation Office Historic Preservation Office. As stated in this letter, “Austin’s first public cemetery, Oakwood Cemetery, allowed a designated corner for ‘colored’ Austinites in 1856, and the nearby Plummers Cemetery was established around 1898 (another private African American rural cemetery later purchased by the City of Austin Historic Preservation Office). Evergreen Cemetery, established in 1926 to serve Austin’s African American Community contains the historic Highland Park Cemetery. Highland Park Cemetery was established in 1891 and reportedly served all races from 1891-1893. Oakwood Cemetery was established by the state in 1839 and later transferred to the City of Astin in 1856. Approximately 1,211 people were buried in the ‘colored’ section of Oakwood Cemetery between 1859-1880. Source: *Save Austin’s Cemeteries, Historic Cemeteries Master Plan*, 2015.”

⁴⁰ Thomas W. Cutrer, “Hemphill, John,” *Handbook of Texas Online*, accessed September 04, 2025, <https://www.tshaonline.org/handbook/entries/hemphill-john>; David A. Furlough, “A Fire Bell in the Night: Slavery in Texas,” *Journal of the Texas Supreme Court Historical Society*, vol. 5 no. 1 (Fall 2015), <https://www.texascourthistory.org/Content/Newsletters/TSCSHS%20Journal%20Fall%202015.pdf>; Texas Tax List, 1846, Washington, Texas, from Ancestry, <https://www.ancestry.com/search/collections/3575/records/31891733>.

⁴¹ Texas County Tax Rolls, 1859, Travis County, from Family Search, <https://www.familysearch.org/ark:/61903/3:1:939J-4RCK-L>.

⁴² Texas Historical Commission (THC), “Bethany Cemetery” [Historical Marker — Atlas Number 5453012240], 1997, from the Texas Historic Sites Atlas, <https://atlas.thc.state.tx.us/Details?atlasnumber=5453012240>.

⁴³ “Travis has its Quaint Assortment of ‘Oddest’ Names,” *Austin Statesman*, Mar. 6, 1935, p. 1, from Newspapers.com, <https://www.newspapers.com/image/364991758>.

⁴⁴ HHM, “Historic Resources Survey of East Austin.”

⁴⁵ Home Owners’ Loan Corporation (HOLC) Map of Austin, Texas, 1934, from “Mapping Inequality: Redlining in New Deal America,”

Analysis of historic maps and aerial photographs of Travis County shows rural land surrounding Bethany Cemetery until about 1950.⁴⁶ By 1952, aerial photos show new homes within the Cedar Valley subdivision just east of Bethany Cemetery across Springdale Road. The Cedar Valley Addition was marketed to Black homebuyers and, notably, allowed Black homebuyers to qualify for mortgages backed by the Federal Housing Authority (FHA).⁴⁷ Nearby, the site on the northeast corner of E. 12th Street and Springdale Road would become Sims Elementary School in 1956, named after beloved Black educator Mary Jane Sims.⁴⁸ By 1964, historic aerial photos show suburban residential development filling the surrounding land, spurred by the new elementary school and availability of affordable housing for purchase. As the area urbanized, new residents held little connection to Bethany Cemetery. Despite the efforts of volunteer caretakers like Eva Taylor Ross and Idella Lewis, the cemetery was largely forgotten, and aerial photos from the 1980s through the early 1990s show the cemetery overgrown and hidden from view.

African American Ethnic Heritage

Despite ongoing maintenance challenges and a changing demographic with little generational connection to Austin, community leaders like Sue Spears have been able to mobilize community support for Bethany Cemetery because of the pivotal role that cemeteries play in documenting and preserving Black history. Historically, Black genealogies and accomplishments were under-documented in official governmental records and newspapers – especially in nineteenth-century Texas. Black cemeteries often serve as the only written documentation of significant Black stories. As described by the National Trust for Historic Preservation:

*Cemeteries, along with churches and schools, were some of the first institutions founded by African Americans after the Civil War. Developed by various coalitions, masonic groups, or benevolent associations, they became cornerstones of newly freed communities. Today, they are often a virtual time capsule that provides insight into the social, anthropological, and archaeological history of a community. Headstones may carry the names of little-known yet influential figures whose voices have been left out of the historical record.*⁴⁹

In Austin, Bethany Cemetery is the oldest extant example of a Black Cemetery and includes individuals whose stories of enslavement and emancipation are critical to preserve. The stories embodied at Bethany Cemetery are unique because they illustrate Black communal effort and perseverance in the absence of public support. The other notable example of a Black cemetery in Austin—Evergreen Cemetery—tells a different story because it was founded in 1928 by the City of Austin and continuously maintained with City support. Preservation of *both* Bethany Cemetery and Evergreen Cemetery is essential in order to tell the full, accurate story of the Black experience in Austin—which often entailed forced self-sufficiency and lack of public support, even in death.

Preservation of Bethany Cemetery is also essential because of the unique physical features that hold significance within African American burial traditions. For example:

*The cemetery records depict the graves in a long, narrow arrangement. Individual burial plots border the cemetery on the north and south sides. Ten family-sized plots are separated by wide grassy pathways, referred to as alleys in the Bethany Cemetery Plat [Figure 3]. All the graves are oriented on an east-west axis, a Southern Christian tradition. This common practice was founded on the belief that during the Second Coming, all souls will rise out of their graves and face Christ on Judgement Day.*⁵⁰

Similarly, from around 1900 through the 1920s, concrete headstones became popular in Black cemeteries nationwide and are found throughout Bethany Cemetery. Often, concrete headstones include embossed

<https://dsl.richmond.edu/panorama/redlining/map/TX/Austin/context#loc=15/30.2362/-97.7405>.

⁴⁶ Various maps of Travis County, various dates, Texas State Archives Map Collection, Texas State Archives and Library (TSLAC), <https://www.tsl.texas.gov/apps/arc/maps/records?subject=Travis+County&sort=scanned&direction=desc>.

⁴⁷ "FOR COLORED...New Homes in Cedar Valley Addition" [ad], *The Austin American* [newspaper], Nov. 3, 1952, p. 27, from Newspapers.com, <https://www.newspapers.com/image/386411665>; "New FHA Homes for Colored: Cedar Valley Addition" [ad], *The Austin American* [newspaper], Oct. 22, 1955, p. 23, from Newspapers.com, <https://www.newspapers.com/image/386551887>.

⁴⁸ Sherilyn Brandenstein, "Sims, Mary Jane," *Handbook of Texas Online*, accessed September 04, 2025, <https://www.tshaonline.org/handbook/entries/sims-mary-jane>.

⁴⁹ Nadia K. Orton, "Recovering and Preserving African American Cemeteries," from the National Trust for Historic Preservation, published Jun. 2, 2016, <https://savingplaces.org/stories/recovering-and-preserving-african-american-cemeteries>.

⁵⁰ "Bethany Cemetery" [unpublished manuscript, n.d., author unknown], from the archives of JuanRaymon Rubio courtesy of Architetexas, citing Trry G. Jordan, *Texas Graveyards, A Cultural Legacy* (Austin: University of Texas Press, 1982), p. 30.

symbols like crosses or gates.⁵¹ Other headstones from this era are embossed with symbols from Black social and fraternal organizations, like the Knights of Pythias or the Odd Fellows. (See Current Photos in Attachment B.) Bethany Cemetery includes a unique collection of early examples of representative Black concrete headstones, including many examples that predate the founding of Evergreen Cemetery in 1928.

Community Value

In addition to its significance to African American Ethnic Heritage in Austin, Bethany Cemetery is also eligible for designation as a City of Austin historic landmark under Criterion (iv) for community value. The decades of community-driven volunteer leadership of Evelyn Taylor Ross, Idella Lewis, and Sue Spears epitomize the spirit of community value. Bethany Cemetery has also long served as a gathering place for the larger Black community in Austin. As described in one oral history:

Bethany Association members raised money through homecoming gatherings, and solicitation of donations. Although people continued to maintain their own family plots, they sought assistance with care from county and city officials. Through their efforts and support of local African American organizations, they fenced the property, built a limestone entranceway and placed on its top an arch with the words, Bethany Cemetery.⁵²

Similar community work was required to obtain an Official Texas Historical Marker, commemorating the cemetery, which was erected in 1997. Community efforts also resulted in the Texas Historical Commission's designation of Bethany Cemetery as a Historic Texas Cemetery on June 27, 2003.⁵³ In 2016, the Austin non-profit organization Six Square—which supports Austin's Black cultural districts—organized a gathering called "The Homecoming" to celebrate and advocate for Austin's Black cemeteries. That event helped bring attention to the need for maintenance and protection for Bethany Cemetery.⁵⁴ As a testament to the community's value for the cemetery, letters of support for this historic landmark application have been submitted by the Travis County Historical Commission, *El Camino Real de los Tejas* National Historic Trail Association, Historic Landmarks Commissioner Roxanne J. Evans, and Preservation Austin (compiled within Attachment A-4).

⁵¹ Bliss Boaz, "Grave Architecture: Bethany Cemetery" [unpublished manuscript, n.d].

⁵² Oral History Interview with Willene Ross Wilson, Monday, June 10, 1996, by the Travis County Historical Commission, cited in "Bethany Cemetery" [unpublished manuscript, n.d., author unknown], from the archives of JuanRaymon Rubio courtesy of Architexas.

⁵³ Texas Historical Commission, "Affidavit of Dedication for Cemetery Purposes for the Bethany Cemetery," June 27, 2003, from the City of Austin Historic Preservation Office.

⁵⁴ Kahron Spearman, "A Celebration of Austin's Black Cemeteries," *The Austin Chronicle* [newspaper], Nov. 4, 2016, <https://www.austinchronicle.com/news/2016-11-04/a-celebration-of-austins-black-cemeteries/>.

Attachment A

Attachment A: Historical Documentation to Supplement Section F

ATTACHMENT A-1: SUPPLEMENT FOR SECTION F.1 – DEED CHRONOLOGY

“BETHANY CEMETERY: Chain of Title Narrative with Citations” by John E. Williams

BETHANY CEMETERY

Chain of Title

Narrative with Citations¹

by John E. Williams

Bethany Cemetery, consisting of 6.18 acres in East Austin on Springdale Road, is legally described as Lot Number 2 in a Subdivision of Outlot Number 18½ in Subdivision “B” of the Government Tracts adjoining the City of Austin.² However, before it was legally surveyed in this way, the land on which the cemetery sits was part of what was known as Stephen F. Austin’s “little colony” grant from the Mexican government, and in 1834 it was embraced in an eight-league grant (more than 35,400 acres, or more than 55 square miles) made by the State of Coahuila y Texas to Thomas Jefferson Chambers for his services as superior judge of the superior judicial court of that state.³

On January 14, 1839, the Third Congress of the Republic of Texas passed “An act for the permanent location of the seat of government.”⁴ The act provided that a commission would select a site and would acquire “not less than one nor more than four leagues of land for said site.”⁵ The president was directed then to appoint an agent who would employ a surveyor to survey 640 acres of land on the site into town lots, which the agent would proceed to sell at public auction.⁶ The agent was to set aside lots for government and

¹Citations will follow the formats for legal citations found in *The Bluebook: A Uniform System of Citation* (Colum. L. Rev., Harv. L. Rev., U. Pa. L. Rev., & Yale L.J., eds., 15th ed. 1991). Legal citations will be made by sentence or by phrase, as required by *The Bluebook*, but historical citations will be made by paragraph.

²Reformed Judgment at *2, *Bethany Cemetery Ass’n of Travis County, Inc. v. Bethany Cemetery Co., et al.*, No. 244,500, Dist. Ct. Records, Travis County, Texas (1976); *Bethany Cemetery Co., et al., to Bethany Cemetery Ass’n of Travis County, Inc.* (reformed judgment), vol. 6558, p. 628, Deed Records, Travis County, Texas at 629 (1976).

³1 *Handbook of Texas* 85, 326 (Walter Prescott Webb, ed., 1952) [hereinafter *Handbook*].

⁴1 John Sayles & Henry Sayles, *Early Laws of Texas* 297 (2nd ed. 1891) [hereinafter Sayles] (Sayles’ Art. 577).

⁵*Id.*, § 3 at 298.

⁶*Id.*, § 9 at 299. This first surveyed area was modern downtown Austin. The surveyed town lots are sometimes referred to as “inlots.”

Bethany Cemetery - Chain of Title Narrative - Page 2

other public buildings,⁷ and the president was authorized to contract for the construction of those buildings.⁸ The name of this new seat of government would be the city of Austin.⁹

By May, construction was begun on government buildings; the first of the town lots were sold August 1, 1839; and in October, government officials arrived and state offices were established.¹⁰

Early the next year, on January 5, 1840, the Fourth Congress, meeting in Austin, passed a "Joint resolution for the survey and sale of the Austin town tract."¹¹ This resolution provided for "the secretary of the treasury to cause to be surveyed the remaining portion of the tract of land belonging to the government, and adjoining the city of Austin, in lots varying from five to forty acres each," as well as roads and alleyways,¹² and provided for the sale of these outlying lots at public auction, to the highest bidder.¹³

The survey was accomplished by William H. Sandusky.¹⁴ Sandusky divided the Government Tract into eight subdivisions, "A," "B," "C," "D," "E," "O," "X" and "Z." Subdivision "B" was bounded by East Avenue, or modern Interstate 35, on the west; by the east boundary of the Government Tract, modern Springdale Road, on the east; by an unnamed street corresponding to modern Manor Road on the north (the boundary line leaving the road and cutting eastward through modern Morris Williams Golf Course to the intersection of modern Martin Luther King, Junior, Boulevard and Springdale Road); and by unnamed streets on the south following the base of the slope down to the floodplain of the Colorado River, corresponding to modern East 7th Street from Interstate 35 to Webberville Road, then following Webberville Road to Oak Springs Drive, and following Oak Springs Drive to Springdale Road.

⁷ *Id.*, § 12 at 299.

⁸ *Id.*, § 14 at 300.

⁹ *Id.*, § 2 at 297.

¹⁰ 1 *Handbook, supra*, at 85.

¹¹ 1 Sayles, *supra*, at 413 (Sayles' Art. 787).

¹² *Id.*, § 1 at 413. The surveyed lots outside of the original townsite are the "outlots."

¹³ *Id.*, § 2 at 413.

¹⁴ William H. Sandusky, *A Topographical Map of the Government Tract Adjoining the City of Austin*, Archives & Records Division, Texas General Land Office (date uncertain, copied by Robert Reich, December, 1863; copied by Waller K. Boggs, November, 1931; traced by Henry S. Parkinson & Melvin K. Roberts, March 26, 1947). Inasmuch as John Hemphill's name appears as the patentee on this map, the map itself must date from later than 1850 or it must have been supplemented by one of its later copiers.

Bethany Cemetery - Chain of Title Narrative - Page 3

Outlot Number 18½, consisting of 31½ acres, was one of four outlots in a block shaped like a trapezoid bounded by streets corresponding to the modern Martin Luther King, Junior, Boulevard on the north, East 12th Street on the south, Deloney Street on the west, and Springdale Road on the east.

Outlot Number 18½ occupied the southeastern quarter of this block and was itself similarly shaped like a trapezoid, bounded on the south by East 12th Street, on the east by Springdale Road, on the north by a line where East 16th Street would be if extended (about midway between Leslie and Glomar), and on the west by a line near or slightly east of Cometa Street.¹⁵

Apparently, not all of the outlots were sold immediately following 1840. On September 3, 1850, the Third Legislature of the State of Texas approved "An Act to authorise the Sale of Austin City Lots and reserved Tract adjoining."¹⁶ The act authorized the Comptroller of Public Accounts to conduct the sale and set the terms for payment of the semi-annual installments,¹⁷ and directed that the Comptroller should initially issue a certificate to the purchaser as proof of ownership while the Commissioner of the General Land Office, upon certification from the Comptroller's Office of payment in full, should issue a patent to the owners of the property.¹⁸

On December 18, 1850, the Comptroller of Public Accounts, James B. Shaw, issued Certificate No. 129 to John Hemphill for three outlots, No. 18½ in Division "B," No. 13 in Division "C" and No. 12 in Division "E," for which Hemphill paid one-third down on \$203 total for all three lots, another one-third due in six months and the remainder due in twelve months.¹⁹ The certificate does not indicate what separate price was paid for each outlot. On December 18, 1851, the Comptroller's Office certified that Hemphill had paid the second and third installments on the sales price,²⁰ and on June 2, 1852, Governor P. Hansborough Bell and S. Crosby, Commissioner of the General Land Office, issued Patent No. 212, Volume 2, for Outlot

¹⁵ *Id.* See also *Street Map of Austin* (The H. M. Gousha Co., n.d., distributed by the American Automobile Association).

¹⁶ 3, pt. 3 *Laws of the Third Legislature of the State of Texas* 8 (printed by Wm. H. Chusney at the State Gazette Office, Austin, 1850) (the act entitled Chapter VII, spelling & capitalization as in original).

¹⁷ *Id.*, § 1 at 8.

¹⁸ *Id.*, § 3 at 8-9.

¹⁹ *Certificate No. 129, The Comptroller to John Hemphill*, File No. 482, Archives & Records Division, Texas General Land Office (1850).

²⁰ *Id.*, on *reverse (certified by George J. Durham, bookkeeper).

Bethany Cemetery - Chain of Title Narrative - Page 4

Number 18½ in Division "B" in the Government Tract adjoining the City of Austin, containing 31½ acres, to John Hemphill.²¹

John Hemphill was born December 18, 1803, in South Carolina.²² He graduated from Jefferson College, Pennsylvania, in 1825. After teaching school for four years, he began to read for the law and was quickly admitted to practice. He was a second lieutenant in the Second Seminole War in 1836.²³

He came to Texas in 1838, settling in Washington-on-the-Brazos where he practiced law. Early in 1840 he was elected judge of the Fourth Judicial District, which automatically made him an associate justice in the Texas Supreme Court. He was present at the Council House Fight with the Comanches in San Antonio in March of that year.²⁴

On December 5, 1840, John Hemphill became the fourth Chief Justice of the Supreme Court of the Republic.²⁵ He would serve in that capacity through the remainder of the period of the Republic, and as the first Chief Justice of the Supreme Court of the State until 1858.²⁶ He was the author of many court decisions affecting life in Texas even to this day; among his most significant were those resulting in the smooth incorporation of Spanish and Mexican civil law with English common law, the complete merger of law and equity in the courts of Texas, his emphatic defense of the family homestead from seizure for debt, and his distinction between the community and separate properties of a wife during marriage.²⁷

Near the end of his elected term as Chief Justice, the State Legislature chose John Hemphill to replace Sam Houston as United States Senator from Texas. Hemphill served in that capacity from March

²¹ *Patent No. 212 to John Hemphill*, Vol. 2 Patents, Archives & Records Division, Texas General Land Office (1852). See also *State to Hemphill* (patent), vol. M, p. 455, Deed Records, Travis County, Texas (filed 1858).

²² Rosalee Morris Curtis, *John Hemphill, First Chief Justice of the State of Texas* 1 (1971); 1 *Handbook*, *supra*, at 795; *Who Was Who in America, Historical Volume 1607-1896* 245 (1963) [hereinafter *Who Was Who*]; 4 *Dictionary of American Biography* 520 [hereinafter *DAB*].

²³ Curtis, *supra*, at 11-21.

²⁴ *Id.*, at 23-35.

²⁵ *Id.*, at 37; J. H. Davenport, *The History of the Supreme Court of the State of Texas* 15 (1917). Curtis erroneously designates Hemphill as the third Chief Justice. Davenport points out, *supra*, at 9-10, that after the death of James Collingsworth in 1838, John Birdsall served briefly as Chief Justice until Thomas Jefferson Rusk was elected the third Chief Justice by Congress later that same year. Part of the confusion seems to lie in the fact that the Supreme Court never convened until 1840 under the direction of Rusk.

²⁶ Curtis, *supra*, at 37-72.

²⁷ *Id.*; 4 *DAB*, *supra*, at 521; Davenport, *supra*, at 15-69.

Bethany Cemetery - Chain of Title Narrative - Page 6

was inventoried for the estate with an appraised value of \$200.³⁷ By the laws of Texas in 1862, Hemphill's illegitimate children by his slave were precluded from inheriting any part of their father's estate.³⁸ Hemphill's surviving siblings, nieces and nephews claimed the estate.³⁹ They were:

William Ramsey Hemphill of Abbeville County, South Carolina, brother of John Hemphill.⁴⁰

Margaret Moffatt (or Moffitt, or Moffat) of Chester County, South Carolina, sister of John Hemphill.⁴¹

Martha J. Moffatt (or Moffitt, or Moffat) of Belmont County, Ohio, wife of William S. Moffatt, niece of John Hemphill, daughter of Eliza Hemphill Wilson, deceased sister of John Hemphill.⁴²

William S. Moffatt (or Moffitt, or Moffat) of Belmont County, Ohio, husband of Martha, at least a nephew-in-law of John Hemphill.⁴³

Jane H. Peden of Fulton County, Arkansas, niece of John Hemphill, daughter of Janet Hemphill McCalla, deceased sister of John Hemphill.⁴⁴

John McCalla of Monroe County, Indiana, nephew of John Hemphill, son of Janet Hemphill McCalla, deceased sister of John Hemphill.⁴⁵

³⁷ Appraiser's Inventory at *1, Estate of John Hemphill, No. 295.

³⁸ Petition at *3, *Hemphill v. West, et al.*

³⁹ Petition of James Hemphill at *1, *Hemphill, et al., v. Chandler, Adm'r, Estate of John Hemphill*, No. 295.

⁴⁰ *William R. Hemphill to West* (power of attorney), vol. U., p. 552, Deed Records, Travis County, Texas (1870).

⁴¹ *Margaret Moffatt, et al., to West* (power of attorney), vol. U, p. 559, Deed Records, Travis County, Texas (1870).

⁴² *William S. Moffatt, et ux., to West* (power of attorney), vol. U, p. 551, Deed Records, Travis County, Texas (1870).

⁴³ *Id.* With his wife surviving, there is no legal reason why William should be mentioned as an heir of John Hemphill, unless he was also a nephew of John Hemphill, perhaps the son of Margaret Moffatt, in which case he married his first cousin. The power of attorney is silent on this matter. However, even if the latter is true, and with his mother surviving, there is still no legal reason why William should be mentioned since his only means of inheritance in that instance would be through his mother.

⁴⁴ *Peden to West* (power of attorney), vol. U, p. 553, Deed Records, Travis County, Texas (1870).

⁴⁵ *John McCalla to West* (power of attorney), vol. U, p. 557, Deed Records, Travis County, Texas (1870).

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4, 1859, until expelled by that body on March 5, 1861. Six days later he was in Montgomery, Alabama, to sign the Confederate Constitution. The following November, he was elected a deputy (representative) from Texas to the Confederate Congress in Richmond, Virginia. He died of a fever in a Richmond hotel on January 4, 1862, at age 59, in the company of a nephew from South Carolina.²⁸ He died intestate and he was never married.²⁹

Hemphill did, however, have two children, Henrietta and Theodora, by his slave, Sabina, with whom he lived as husband and wife.³⁰ Hemphill acquired Sabina in Washington-on-the-Brazos for \$500 in 1844 when she was about 28 years old.³¹ She was rumored to be the daughter of Sam Houston.³² She died around 1859, or at least before Hemphill left Texas for Washington.³³

In the fall of 1859, Hemphill enrolled Henrietta and Theodora in Wilberforce University, a Methodist Episcopal school for the children of southern slave owners and their slaves in Xenia, Ohio, under the care of that institution's director, the Rev. Richard S. Rust.³⁴ The two girls were living there when their father died in 1862.³⁵

Hemphill's estate was probated in Travis County and attorney F. W. Chandler, an associate in the firm of Hancock and West, was appointed administrator of the estate in July, 1862.³⁶ Outlot Number 18½

²⁸ Curtis, *supra*, at 73-94.

²⁹ *Id.*, at 38; 1 *Handbook, supra*, at 795.

³⁰ Petition at *1, *Rust v. Chandler, Adm'r*, No. 2954, District Court Records, Travis County, Texas (1870); Petition at *3, Deposition of R. S. Rust for Plaintiff at *3-6, *Hemphill v. West, et al.*, No. 3074, District Court Records, Travis County, Texas (1871); M. Jourdan Atkinson & Eugene V. Giles, *Kingdom Come! Kingdom Go!* 30 (1980).

³¹ *Harrison, et ux., to Hemphill* (deed), vol. I, p. 374, Deed Records, Travis County, Texas (1855). But see Petition at *3; *Hemphill v. West, et al.* (date given as 1845 and age about 20). See also Atkinson & Giles, *supra*, at 30.

³² Atkinson & Giles, *supra*, at 46.

³³ Petition at *3, *Hemphill v. West, et al.*

³⁴ Petition at *1, *Rust v. Chandler, Adm'r*; Deposition of R. S. Rust for Plaintiff at *3-6, *Hemphill v. West, et al.*; 7 *DAB, supra*, 253-54.

³⁵ Deposition of R. S. Rust for Plaintiff at *3-6, *Hemphill v. West, et al.*

³⁶ Petition of James Hemphill at *1, *Hemphill, et al., v. Chandler, Adm'r*, Estate of John Hemphill, No. 295, Probate Records, Travis County, Texas (Jan. 31, 1871). Nothing else is known of Chandler except what is on his tombstone in Oakwood Cemetery in Austin: Frederick Walton Chandler, born Sept. 28, 1813, at Fall River, Mass., died Oct. 28, 1885, at Austin, Texas, aged 72 years.

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Albert McCalla of Cooke County, Illinois, grandnephew of John Hemphill, son of Thomas McCalla, deceased nephew of John Hemphill, who was the son of Janet Hemphill McCalla, deceased sister of John Hemphill.⁴⁶

Mary Ella McCalla of Cooke County, Illinois, grandniece of John Hemphill, daughter of Thomas McCalla, deceased nephew of John Hemphill, who was the son of Janet Hemphill McCalla, deceased sister of John Hemphill.⁴⁷

James Hemphill of Chester County, South Carolina, half brother of John Hemphill.⁴⁸

Robert Nixon Hemphill of Chester County, South Carolina, half brother of John Hemphill.⁴⁹

Sallie H. Hemphill of Chester County, South Carolina, half sister-in-law of John Hemphill, widow of John Nixon Hemphill, deceased half brother of John Hemphill.⁵⁰

Jane W. Hemphill of Fairfield County, South Carolina, half sister-in-law of John Hemphill, widow of David Hemphill, deceased half brother of John Hemphill.⁵¹

Margaret H. Gaston of Chester County, South Carolina, half niece of John Hemphill, daughter of David Hemphill, deceased half brother of John Hemphill.⁵²

⁴⁶ *Albert McCalla, et al., to West (power of attorney)*, vol. U, p. 554, 554-55, Deed Records, Travis County, Texas (1870).

⁴⁷ *Id.*

⁴⁸ *Margaret Moffatt, et al., to West (power of attorney)*, *supra* at 559.

⁴⁹ *Id.*

⁵⁰ *Id.* Sallie's relationship is presumed. The power of attorney is not as specific about her relationship to John Hemphill as it is about the others; it describes her as "attorney in fact of A. L. Crawford, administrator with the will annexed of John N. Hemphill, decd., late of Bradley County, State of Arkansas (said Sallie now residing in said County of Chester), ..." She could also have been the daughter of John N. Hemphill and, hence, the half niece of John Hemphill.

⁵¹ *Jane W. Hemphill to West (power of attorney)*, vol. U, p. 556, Deed Records, Travis County, Texas (1870).

⁵² *Margaret Moffatt, et al., to West (power of attorney)*, *supra* at 559. Margaret Gaston's mother, Jane W. Hemphill, is also listed as a surviving heir. It is therefore unclear why Margaret Gaston is listed as an heir at all unless there was some provision in her father's will, not mentioned in the current documents, distributing to his daughter a portion of the share of John Hemphill's estate due to him. However, it should be noted that the power of attorney mentions that Margaret Gaston had a surviving brother, John N. Hemphill (not to be confused with his deceased uncle of the same name), who appears not to have shared in the inheritance of John Hemphill. The power of attorney also discusses Margaret Gaston and her mother's relationship to Margaret's deceased brother, Robert Hemphill (not to be confused with his surviving uncle, Robert N. Hemphill, administrator of his namesake nephew's estate) who died intestate and unmarried.

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These thirteen will henceforth be styled the Heirs of John Hemphill.

For some reason, not indicated in any documents, the probate of Hemphill's estate dragged on until early in 1871.⁵³ In the interim period (1) Hemphill's daughter, Henrietta, died in Ohio,⁵⁴ (2) the Reconstruction government of Texas in 1869 adopted a new state Constitution in which the children of former slave owners and their slaves were declared to be legitimate offspring (and, by inference, capable of inheriting their white parent's estate),⁵⁵ (3) Rev. R. S. Rust sued Hemphill's estate for tuition, room and board costs for Hemphill's daughters at Wilberforce University,⁵⁶ (4) the estate settled out of court with Rev. Rust,⁵⁷ and (5) Theodora Hemphill became an adult.⁵⁸

The probate of Hemphill's estate was finalized on or shortly after March 6, 1871.⁵⁹ The Heirs of John Hemphill dismissed F. W. Chandler as administrator of the estate and appointed attorney Charles S. West as their agent and attorney in fact to sell off the remaining real estate and distribute the proceeds of the

⁵³Petition at *1, Defendant's Amended Answer at *1, *Hemphill, et al., v. Chandler, Adm'r, Estate of John Hemphill*, No. 295.

⁵⁴Deposition of R. S. Rust for Plaintiff at *3, *Hemphill v. West, et al.*

⁵⁵Tex. Const. of 1869, art. XII, § 27.

⁵⁶Petition at *1, *Rust v. Chandler, Adm'r*. Rust asked Moses B. Walker, brother of a fellow Methodist Episcopal minister, to represent him, but as Walker was a sitting associate justice of the Texas Supreme Court at the time, William Alexander did the litigating for him. See Deposition of R. S. Rust for Plaintiff at *5, *Hemphill v. West, et al.*

⁵⁷Defendant's Amended Answer at *2-3, *Hemphill, et al., v. Chandler, Adm'r, Estate of John Hemphill*, No. 295; Agreement at *1, *Rust v. Chandler, Adm'r* (February 16, 1871). Rust showed \$354.17 due for room, board and tuition for Henrietta and Theodora Hemphill for the year 1862, and claimed he had been damaged in the sum of \$800.00; see Petition at *1-2, *Rust v. Chandler, Adm'r*. (He made no claim for subsequent years because the Methodist Episcopal Church sold Wilberforce University to the African Methodist Episcopal Church and Rust went on to direct another institution; see 8 *DAR, supra*, at 254.)

Chandler responded claiming, among other things, the affirmative defense that Rust's claim was barred by the two-year statute of limitations; see Defendant's Answer at *2, *Rust v. Chandler, Adm'r*. Considering that Rust waited for seven years after his cause of action arose and eight years after Hemphill's death, it would seem that a statute of limitations defense would be more than sufficient. Yet Chandler settled for \$534.37; see Defendant's Amended Answer at *2-3, *Hemphill, et al., v. Chandler, Adm'r, Estate of John Hemphill*, No. 295; also Agreement at *1, *Rust v. Chandler, Adm'r*. There are no other documents in the District Court Records, and the judicial historian can only wonder at the state of settlement negotiations and the common law in Texas in the era of carpetbaggers and reconstruction government.

⁵⁸Deposition of R. S. Rust for Plaintiff at *3, *5, *Hemphill v. West, et al.*

⁵⁹Defendant's Amended Answer at *cover, *Hemphill, et al., v. Chandler, Adm'r, Estate of John Hemphill*, No. 295.

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sale.⁶⁰ West advertised in the newspaper to sell Hemphill's numerous properties "at public outcry" on Tuesday, May 2, 1871.⁶¹

But on Monday, May 1, 1871, the firm of Bowers and Walker filed suit in Travis County on behalf of their client, Theodora Hemphill of Ohio, against the Heirs of John Hemphill and their agent, West, claiming title to all the remaining property in the estate, all proceeds from the sale of any properties by the estate, and all rents received by the estate since her father's death.⁶² Since Theodora Hemphill was "poor and destitute of means," she was unable to post any bond as security for the court to issue an injunction halting sale of the properties the next day.⁶³ The sale took place, but Theodora's lawsuit cast a cloud on title to all the properties until she settled out of court on February 1, 1872, for \$1,700 in gold, conveying all her interest in her father's estate to West as agent for the Heirs of John Hemphill.⁶⁴

The Heirs of John Hemphill sold Outlot Number 18½ to Henry B. Andrews of Galveston County on May 2, 1871, for \$670 specie.⁶⁵ Andrews was born Henry Barclay, of English parents, on St. Thomas, West Indies, in 1828. His widowed mother, with the infant Henry, moved to Texas and married a judge named Andrews. Henry read for the law and became an attorney in Galveston, serving briefly in the Confederate State Legislature. After the war, he entered the railroad business and speculated in property.⁶⁶

⁶⁰ Petition at *2-3, *Hemphill, et al., v. Chandler, Adm'r, Estate of John Hemphill*, No. 295. West would later become an Associate Justice of the Texas Supreme Court from 1882 to 1885. See 2 *Handbook, supra* 880; Davenport, *supra*, at 153. See also *William R. Hemphill to West* (power of attorney); *Albert McCalla, et al., to West* (power of attorney) at 555; *John McCalla to West* (power of attorney) at 557-58; *William S. Moffatt, et ux., to West* (power of attorney); *Margaret Moffatt, et al., to West* (power of attorney) at 559-60; *Peden to West* (power of attorney) at 553-54; and *Jane W. Hemphill to West* (power of attorney).

⁶¹ Petition at *3-4, attachment to *3, *Hemphill v. West, et al.*

⁶² Petition at *3-6, *Hemphill v. West, et al.* The documents do not indicate whether Bowers or Walker litigated for Ms. Hemphill. However, the Walker in this case is not the same Walker whom Rev. Rust first asked to represent him just the year before, nor are they related. This Walker was Alexander S. Walker, who would also later become an Associate Justice of the Texas Supreme Court from 1888 to 1889. See 1 *Handbook, supra*, 853.

⁶³ Petition at *4, *Hemphill v. West, et al.*

⁶⁴ Agreement at *1, *Hemphill v. West, et al.*; see also *Hemphill to West, et al.* (deed), vol. W, p. 61, Deed Records, Travis County, Texas (1872). Atkinson & Giles, *supra*, at 96 indicate that the settlement was for \$1900 in gold; the difference may account for Ms. Hemphill's attorney fees and court costs, also claimed in the settlement.

⁶⁵ *Hemphill, et al., to Andrews* (deed), vol. V, p. 105, Deed Records, Travis County, Texas (1871). "Specie" means in coin, and in the context of post-Civil War Texas, it would undoubtedly mean gold coin.

⁶⁶ 1 *Handbook, supra*, at 47.

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This was apparently the only land he ever owned in Travis County. Andrews sold the property to George F. Moore of Austin on July 12, 1875, for \$4,250.⁶⁷

George Fleming Moore was born in 1822 in Alabama and was educated there and in Virginia. He read for the bar and began practicing law in Alabama in 1844. In 1846 he moved to Texas, settling first in Crockett, then in Austin, and later in Nacogdoches. In 1857, he joined his practice with that of Richard S. Walker, and together they were made official reporters for the State Supreme Court for the years 1860 to 1861.⁶⁸ In 1862, Moore became an associate justice of the State Supreme Court, and in 1866 he was elected chief justice. But in 1867, upon the adoption of the Congressional plan for reconstruction, Moore, like hundreds of other state officials, was removed from office as an "impediment to reconstruction." By 1874, with the end of reconstruction government in Texas, Moore once again became an associate justice of the State Supreme Court, and in 1878 its chief justice once again until his resignation in 1881.⁶⁹

In order to purchase Outlot Number 18½, Moore borrowed 2/3rds of the purchase price from one L. E. Edwards.⁷⁰ This was apparently a private loan; no vendor's lien was imposed nor was any other encumbrance upon the property recorded in the county deed records. The loan would not even have been historically discoverable were it not that, at the time of the loan, Edwards had pending against him a judgment in a civil lawsuit filed in June of 1873 by William M. Walton of Austin complaining of Edwards' failure to pay off a loan from Walton for the sum of \$400 in gold coin and \$700 in currency.⁷¹ Walton somehow discovered that Edwards had loaned Moore some \$2,800, and he dragged the sitting Supreme Court justice into court as garnishee in July of 1876.⁷² Moore testified that their agreement was that

⁶⁷ *Andrews to Moore*, vol. 29, p. 565, Deed Records, Travis County, Texas (1875). It may appear that Andrews realized a profit of 534% in only four years, but it has been suggested that the huge discrepancy in Andrews' buying and selling prices may reflect the difference between payments in gold and payments in currency.

⁶⁸ This Walker is unrelated both to the Walker of the Rust case and the Walker of Theodora Hemphill's case.

⁶⁹ 2 *Handbook*, *supra*, at 229; *Who Was Who*, *supra*, at 363; 7 *DAB*, *supra*, at 123-24; Davenport, *supra*, at 82, 87, 111-46.

⁷⁰ Garnishee's Answer at *1, *Walton v. Edwards*, No. 3702, Dist. Ct. Records, Travis County, Texas (July 7, 1876). Edwards is not in the *Handbook of Texas*, *supra*; therefore nothing is known of him for this report.

⁷¹ Petition at *1-2, *Walton v. Edwards* (July Term, 1873). Walton claimed total damages of \$9,500. The records are silent as to the amount actually awarded by the court; however, when Edwards' interest in Moore's property was auctioned off, \$800 remained unpaid; see 1st & 2nd Executions of Judgment, *Walton v. Edwards*.

⁷² Garnishment Impleading at *1-3, *Walton v. Edwards*. The record shows Moore appeared in person.

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whenever Moore would sell the property, Edwards would get 2/3rds of the proceeds.⁷³ The Court therefore garnished a 2/3rds undivided interest in Outlot Number 18½ and ordered the County Sheriff to sell this interest at public auction and apply the proceeds toward the judgment against Edwards in favor of Walton.⁷⁴

This was accomplished by Dennis Corwin, Travis County Sheriff, on November 6, 1877.⁷⁵ The highest bid was \$137.50 tendered by W. M. Walton, the plaintiff against Edwards.⁷⁶

William M. Walton was born in Mississippi in 1832 and went to school in Virginia. He read for the law and was licensed in 1852. In 1853 he moved to Austin where he practiced law until his death in 1915. He rose from private to colonel in the Confederate Army, and served briefly as Texas Attorney General from 1866 until removed as an impediment to reconstruction in 1867. Because of his disenfranchisement as a Confederate soldier, he practiced law in Austin under the name of W. P. De Normandie until 1870.⁷⁷

Walton sold half his interest, or 1/3rd undivided interest in the total property, to John B. Rector of Travis County for \$250 on September 27, 1879.⁷⁸ Rector was born in Alabama in 1837 and came to Texas with his family in 1847. He graduated from Yale, studied law under Royal T. Wheeler, and started his practice in 1860. He served briefly as Travis County district attorney from 1866 until removed as an impediment to reconstruction in 1867, was later a Travis County district judge, and ran unsuccessfully for Congress from the 10th District (Austin) in 1884. He was appointed United States District Judge for the Northern District of Texas in 1892 and served until his death in 1896.⁷⁹

⁷³ Garnishee's Answer at *1-2, *Walton v. Edwards*.

⁷⁴ 1st Execution of Judgment, *Walton v. Edwards* (Jan. 13, 1877) (seizing the property from Moore); 2nd Execution of Judgment, *Walton v. Edwards* (Sept. 25, 1877) (seizing the property from Edwards).

⁷⁵ *Edwards to Walton* (sheriff's deed), vol. 44, p. 40, Deed Records, Travis County, Texas (1879).

⁷⁶ *Edwards to Walton* (sheriff's deed) at 41.

⁷⁷ 2 *Handbook, supra*, at 860.

⁷⁸ *Walton to Rector* (deed), vol. 44, p. 284, Deed Records, Travis County, Texas (1879).

⁷⁹ 2 *Handbook, supra*, at 447.

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Walton proceeded to sell his remaining 1/3rd interest in the property to J. R. Lawrence of Travis County for \$100 on May 24, 1883.⁸⁰ Lawrence then sold his 1/3rd undivided interest in the property to Kate J. Edwards, wife of L. E. Edwards, as her personal and separate property for \$100 on November 10, 1883.⁸¹

After the *Walton v. Edwards* lawsuit, George F. Moore was left with only a 1/3rd undivided interest in Outlot Number 18½. When Moore died on August 30, 1883, in Washington, D.C., where he was living at the time, his wife, Susan, inherited this interest, valued at \$300.⁸²

In 1890, J. J. Wheless and W. J. Wheless of Travis County purchased all three 1/3rd undivided interests in Outlot Number 18½, from John B. Rector on March 26,⁸³ from Kate J. Edwards on March 27,⁸⁴ and from Susan Moore, who by this time was living in Waco, on March 28.⁸⁵ The Wheless brothers paid each person \$200 for their interest.

The Wheless brothers proceeded to subdivide Outlot Number 18½. Bethany Cemetery constitutes all of Lot Number 2 of this subdivision of Outlot Number 18½, amounting to 6.18 acres. Lot Number 2 was bought by Charles W. Jones for \$432.60 on March 15, 1892.⁸⁶

Jones and his wife, Emma, sold a 4/5ths undivided interest in Lot Number 2 of Outlot Number 18½ to John M. Holland, William M. Tears, Henderson Rollins and Allen Bradley for \$468.75 on July 10, 1893 (date of the correction deed).⁸⁷ These four men, as well as Jones himself, formed the Bethany Cemetery

⁸⁰ *Walton to Lawrence* (deed), vol. 56, p. 182, Deed Records, Travis County, Texas (1883). Lawrence is not in the *Handbook of Texas, supra*; therefore nothing is known of him for this report.

⁸¹ *Lawrence to Edwards* (deed), vol. 57, p. 623, Deed Records, Travis County, Texas (1883).

⁸² Probate Petition at *1, Will at *1-2, Inventory and Appraisement at *1, Estate of George F. Moore, No. 927, Probate Records, Travis County, Texas (1883).

⁸³ *Rector to Wheless, et al.* (deed), vol. 93, p. 190, Deed Records, Travis County, Texas (1890); see also *Rector to Wheless, et al.* (release), vol. 104, p. 1, Deed Records, Travis County, Texas (1892).

⁸⁴ *Edwards to Wheless, et al.* (deed), vol. 93, p. 189, Deed Records, Travis County, Texas (1890).

⁸⁵ *Moore to Wheless, et al.* (deed), vol. 93, p. 191, Deed Records, Travis County, Texas (1890); see also *Moore to Wheless, et al.* (release), vol. 104, p. 594, Deed Records, Travis County, Texas (1892).

⁸⁶ *Wheless, et al., to Jones* (deed), vol. 113, p. 235, Deed Records, Travis County, Texas (1892).

⁸⁷ In a rather complicated set of transactions, see (1) *Jones to Holland, et al.* (deed), vol. 117, p. 139, Deed Records, Travis County, Texas (executed & acknowledged, June 5, 1893; filed & recorded June 14, 1893) (in which C. W. Jones conveyed full interest to Holland, Tears, Rollins, *Jones himself*, and Bradley for \$468.75);

(2) *Jones to Holland, et al.* (deed), vol. 118, p. 309, Deed Records, Travis County, Texas (executed June 25, 1893, acknowledged June 28, 1893, filed June 30, 1893, recorded July 5, 1893) (in which Emma Jones conveyed full interest to Holland, Tears, Rollins, *Jones her husband*, and Bradley for \$468.75); and

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Company and had Lot Number 2 subdivided into burial plots to be sold off.⁸⁸ In the original deed from Jones, Holland was indicated as President, Tears as Secretary, Rollins as Treasurer, Bradley as Assistant Secretary, and Jones as Superintendent, but the name of the Bethany Cemetery Company does not appear in any deed. Legally, each of the five personally and privately owned a 1/5th undivided interest in Lot Number 2, which was subsequently dedicated as a cemetery.

By the end of 1893, the Plat of the subdivided cemetery was recorded in the County Clerk's office, and Tears was granted power of attorney by the other four officers to conduct all sales of the burial plots.⁸⁹

By 1933, the Bethany Cemetery Company ceased to function.⁹⁰

On February 24, 1976, Eva Ross, Carl Wilson and Willie R. Conley, as representatives and executive officers of the Bethany Cemetery Association of Travis County, Inc., filed suit in Travis County on behalf of their Association against the Bethany Cemetery Company, John Doe and Richard Roe.⁹¹ John Doe and Richard Roe represented the unknown, unnamed heirs and assigns of Holland, Tears, Rollins, Bradley and Jones, as well as the unknown, unnamed successors to the Bethany Cemetery Company.⁹²

The Association's complaint pleaded adverse possession of the Bethany Cemetery, claiming that Ross, Wilson and Conley, in their private capacity, had seized the property on February 23, 1965, to take care

(3) *Jones, et ux., to Holland, et al.* (correction deed), vol. 118, p. 515, Deed Records, Travis County, Texas (executed July 10, 1893, acknowledged Dec. 11, 1893, filed Dec. 18, 1893, recorded Dec. 20, 1893) (in which C. W. & Emma Jones conveyed 4/5ths undivided interest to Holland, Tears, Rollins, and Bradley for \$468.75, referring to the previous two deeds "as they were not made out correctly, and as made out conveyed no interest in and to the above described property herein, and we do by this deed give notice to the world [and] by it correct the same and deed it to the above named parties in this instrument ...").

⁸⁸ *Bethany Cemetery*, vol. 1, p. 96, Plat Records, Travis County, Texas (executed & acknowledged Nov. 24, 1893, filed Dec. 13, 1893, recorded Dec. 19, 1893). Six names appear on the execution and acknowledgment, the sixth being indicated as W. M. Holland on the execution and as W. H. Holland in the acknowledgment.

William H. Holland was born a slave in Marshall, Texas, in 1849. Just before the Civil War, Bird Holland bought William and two of his brothers and had them educated at Oberlin College. Returning to Texas, William H. Holland taught in various schools, represented Wharton County in the state legislature in 1876, introduced the bill establishing Prairie View University, helped establish and from 1887 to 1897 was president of the Blind Institute for Colored Youth in Austin, and died in 1907. See 1 *Handbook*, *supra*, at 826.

⁸⁹ *Id.* See also *Holland, et al., to Tears* (power of attorney), vol. 108, p. 279, Deed Records, Travis County, Texas (executed & acknowledged Nov. 24, 1893, filed Dec. 18, 1893, recorded Dec. 26, 1893).

⁹⁰ Alternative Pleading at *1, *Bethany Cemetery Ass'n of Travis County, Inc. v. Bethany Cemetery Co., et al.*, No. 244,500, Dist. Ct. Records, Travis County, Texas (1976).

⁹¹ Plaintiff's Original Petition, *Bethany Cemetery Ass'n*.

⁹² Alternative Pleading at *1, *Bethany Cemetery Ass'n*.

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of the Cemetery in the absence of care by the Company or its successors, or by the heirs or assigns of the Company's officers.⁹³

The defendants were served notice by publication.⁹⁴ Bill Buckner represented the plaintiff.⁹⁵ The Court appointed Phillip Crawford attorney to represent the unknown, absent defendants.⁹⁶ Trial was held on April 27, 1976, and judgment was rendered in favor of the plaintiff.⁹⁷ Title to the Cemetery currently vests in the Bethany Cemetery Association of Travis County, Inc.⁹⁸

⁹³ *Id.*

⁹⁴ Citation by Publication, *Bethany Cemetery Ass'n* (published in the Citizen on March 16, 23, 30 and April 6, 1976).

⁹⁵ Alternative Pleading at *2, *Bethany Cemetery Ass'n*.

⁹⁶ Reformed Judgment at *1, *Bethany Cemetery Ass'n*.

⁹⁷ Reformed Judgment at *2, *Bethany Cemetery Ass'n*.

⁹⁸ *Bethany Cemetery Co., et al., to Bethany Cemetery Ass'n of Travis County, Inc.* (reformed judgment), vol. 6558, p. 628, Deed Records, Travis County, Texas (1976).

BETHANY CEMETERY
Basic Chain of Title

1. *Certificate No. 129, The Comptroller to John Hemphill*, File No. 482, Archives & Records Division, Texas General Land Office (1850).
See also *Patent No. 212 to John Hemphill*, Vol. 2 Patents, Archives & Records Division, Texas General Land Office (1852).
See also *State to Hemphill* (patent), vol. M, p. 455, Deed Records, Travis County, Texas (1852).
2. Estate of John Hemphill, No. 295, Probate Records, Travis County, Texas (1862-71).
See also Agreement, *Hemphill v. West, et al.*, No. 3074, District Court Records, Travis County, Texas (1871-72).
See also *Hemphill to West, et al.* (settlement deed), vol. W, p. 61, Deed Records, Travis County, Texas (1872).
3. *Hemphill, et al., to Andrews* (deed), vol. V, p. 105, Deed Records, Travis County, Texas (1871).
4. *Andrews to Moore*, vol. 29, p. 565, Deed Records, Travis County, Texas (1875).
5. 1st Execution of Judgment, *Walton v. Edwards*, No. 3702, Dist. Ct. Records, Travis County, Texas (Jan. 13, 1877) (seizing a 2/3rds undivided interest in the property from Moore); 2nd Execution of Judgment, *Walton v. Edwards* (Sept. 25, 1877) (seizing the same property from Edwards).
6. *Edwards to Walton* (sheriff's deed), vol. 44, p. 40, Deed Records, Travis County, Texas (1878).
7. *Walton to Rector* (deed), vol. 44, p. 284, Deed Records, Travis County, Texas (1879).
8. *Walton to Lawrence* (deed), vol. 56, p. 182, Deed Records, Travis County, Texas (1883).
9. *Lawrence to Edwards* (deed), vol. 57, p. 623, Deed Records, Travis County, Texas (1883).
10. Estate of George F. Moore, No. 927, Probate Records, Travis County, Texas (1883).
11. *Rector to Wheless, et al.* (deed), vol. 93, p. 190, Deed Records, Travis County, Texas (1890).
See also *Rector to Wheless, et al.* (release), vol. 104, p. 1, Deed Records, Travis County, Texas (1892).
12. *Edwards to Wheless, et al.* (deed), vol. 93, p. 189, Deed Records, Travis County, Texas (1890).
13. *Moore to Wheless, et al.* (deed), vol. 93, p. 191, Deed Records, Travis County, Texas (1890).
See also *Moore to Wheless, et al.* (release), vol. 104, p. 594, Deed Records, Travis County, Texas (1892).
14. *Wheless, et al., to Jones* (deed), vol. 113, p. 235, Deed Records, Travis County, Texas (1892).
15. *Jones to Holland, et al.* (deed), vol. 117, p. 139, Deed Records, Travis County, Texas (1893).
See also *Jones to Holland, et al.* (deed), vol. 118, p. 309, Deed Records, Travis County, Texas (1893).
See also *Jones, et ux., to Holland, et al.* (correction deed), vol. 118, p. 515, Deed Records, Travis County, Texas (1893).
16. *Bethany Cemetery*, vol. 1, p. 96, Plat Records, Travis County, Texas (1893).
17. *Holland, et al., to Tears* (power of attorney), vol. 108, p. 279, Deed Records, Travis County, Texas (1893).
18. Reformed Judgment, *Bethany Cemetery Ass'n of Travis County, Inc. v. Bethany Cemetery Co., et al.*, No. 244,500, Dist. Ct. Records, Travis County, Texas (1976).
See also *Bethany Cemetery Co., et al., to Bethany Cemetery Ass'n of Travis County, Inc.* (reformed judgment), vol. 6558, p. 628, Deed Records, Travis County, Texas (1976).

ATTACHMENT A-2: HISTORIC FIGURES

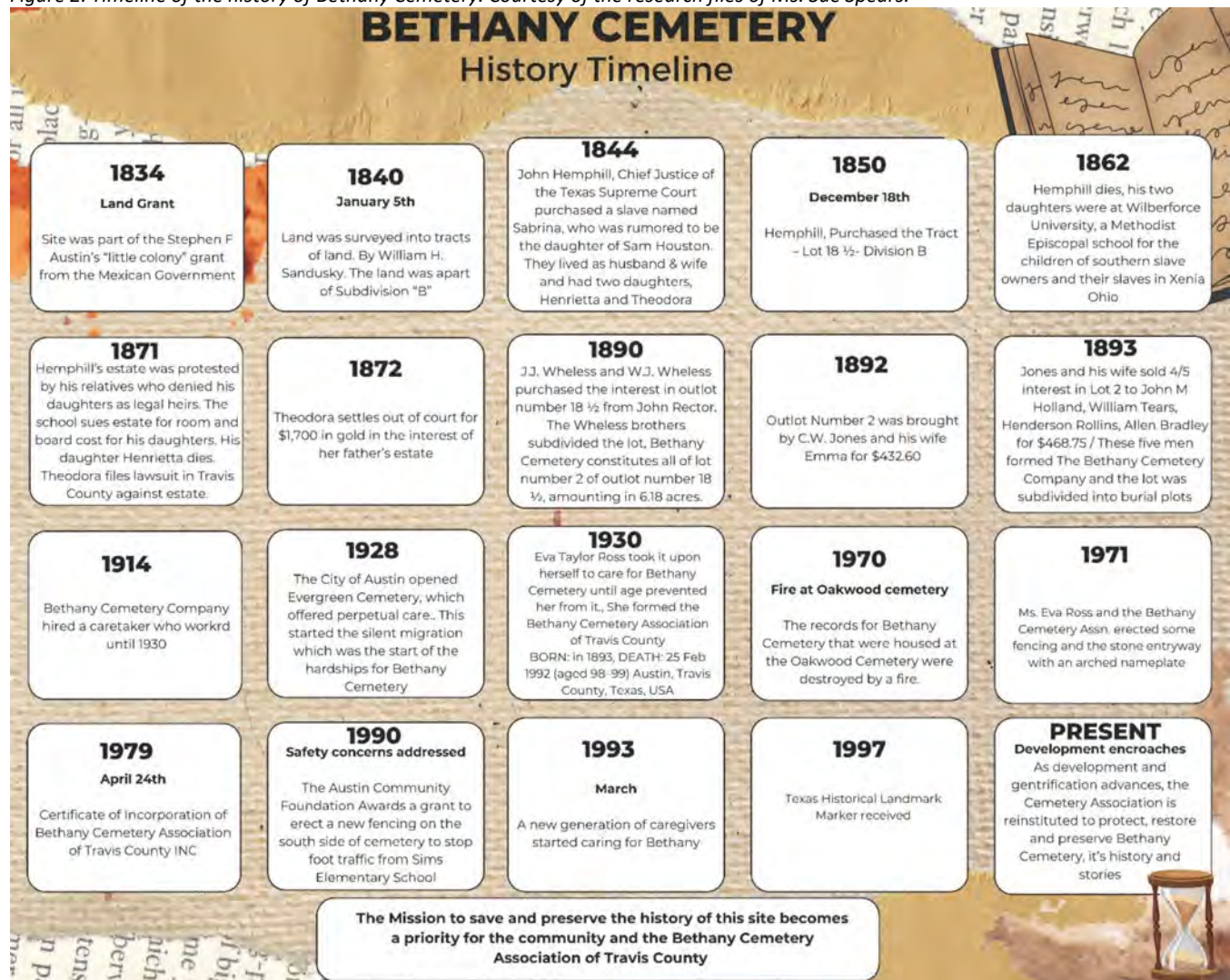


Figure 1. Photograph of Ms. Eva Ross (left) and Ms. Idella Lewis (right). Source: Austin American Statesman, Mar. 6, 1980, p. 6.

Staff Photos by Chris Petrisson

va Ross (left), Idella Lewis look at photographs of Bethany Cemetery

Figure 2. Timeline of the history of Bethany Cemetery. Courtesy of the research files of Ms. Sue Spears.



96. Vol. 1 Page 56
 21st December 13th 1892
 21st December 17th 1893
 Thos. Brown, Clerk
 Thos. Brown, Jr. Deputy Clerk

The above is part of Lot 1st 10th Eightheen to one half in Division B. of the Government out lots adjoining the City of Austin in Travis County State of Texas, lying East of the City of Austin about two miles from the Court House and better known as Lot 1st 10th 18th 19th in the subdivision of Lot 1st 10th Division B. Travis County Texas and containing 640 Acres of land out of Lot 1st 10th 18th 19th Division B. said tract of land is owned by us, and is now divided into twenty lots, etc. as shown in the foregoing sketch this 21st day of December A. D. 1892.

J. M. Holland
 Andrew Bell
 W. H. Gray
 Allen Bradley
 C. J. Jones
 W. H. Holland

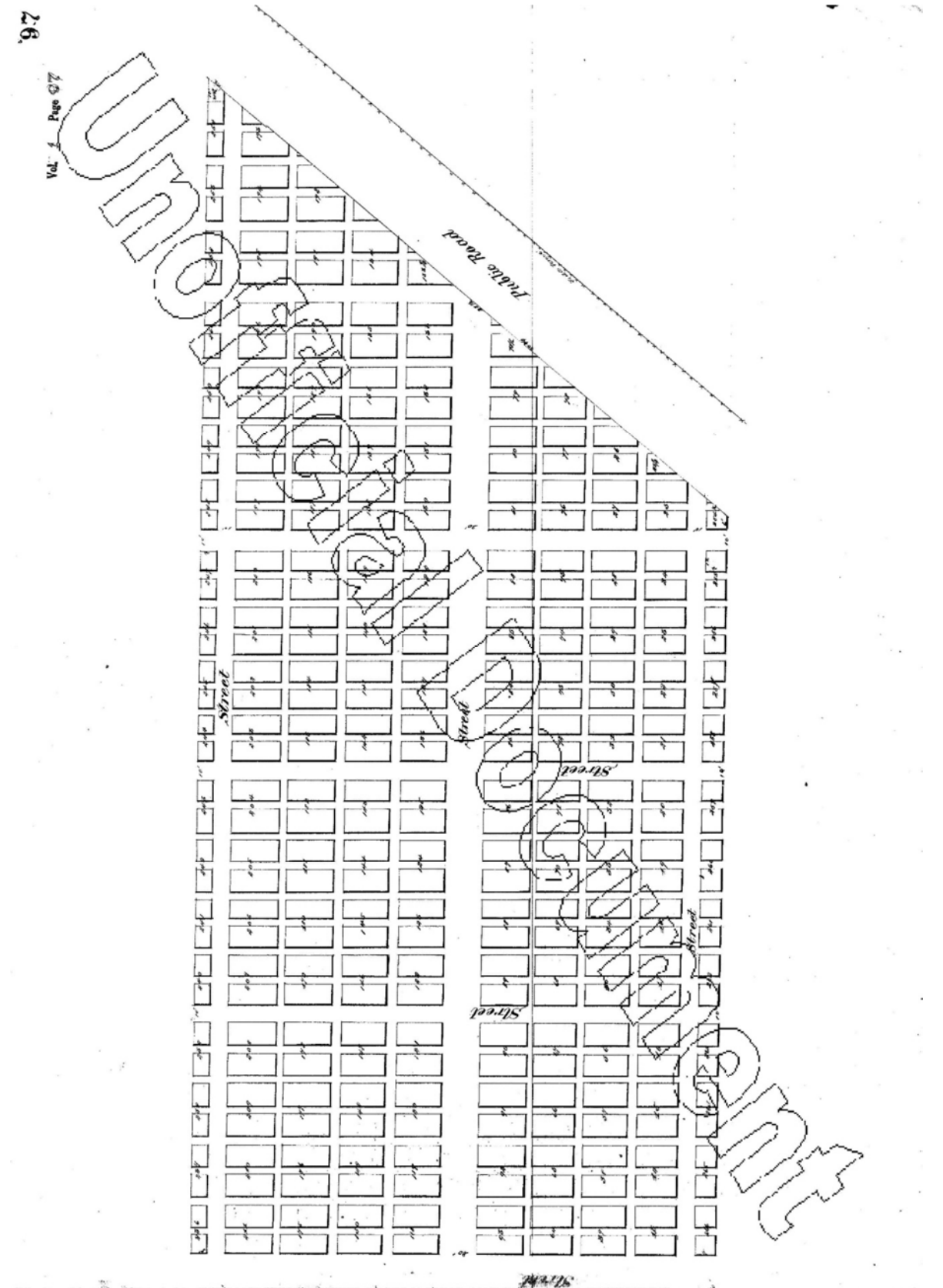
The State of Texas,
 County of Travis, Do hereby give the undersigned authority this day, personally appeared J. M. Holland, Andrew Bell, Allen Bradley, W. H. Gray, C. J. Jones, and W. H. Holland all of the above named persons known to me to be the persons whose names are subscribed to the foregoing sketch and instrument and they acknowledged to me that they signed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office at Austin, Texas, this 21st day of December A. D. 1892.

William W. Wood
 Notary Public in and for Travis County Texas

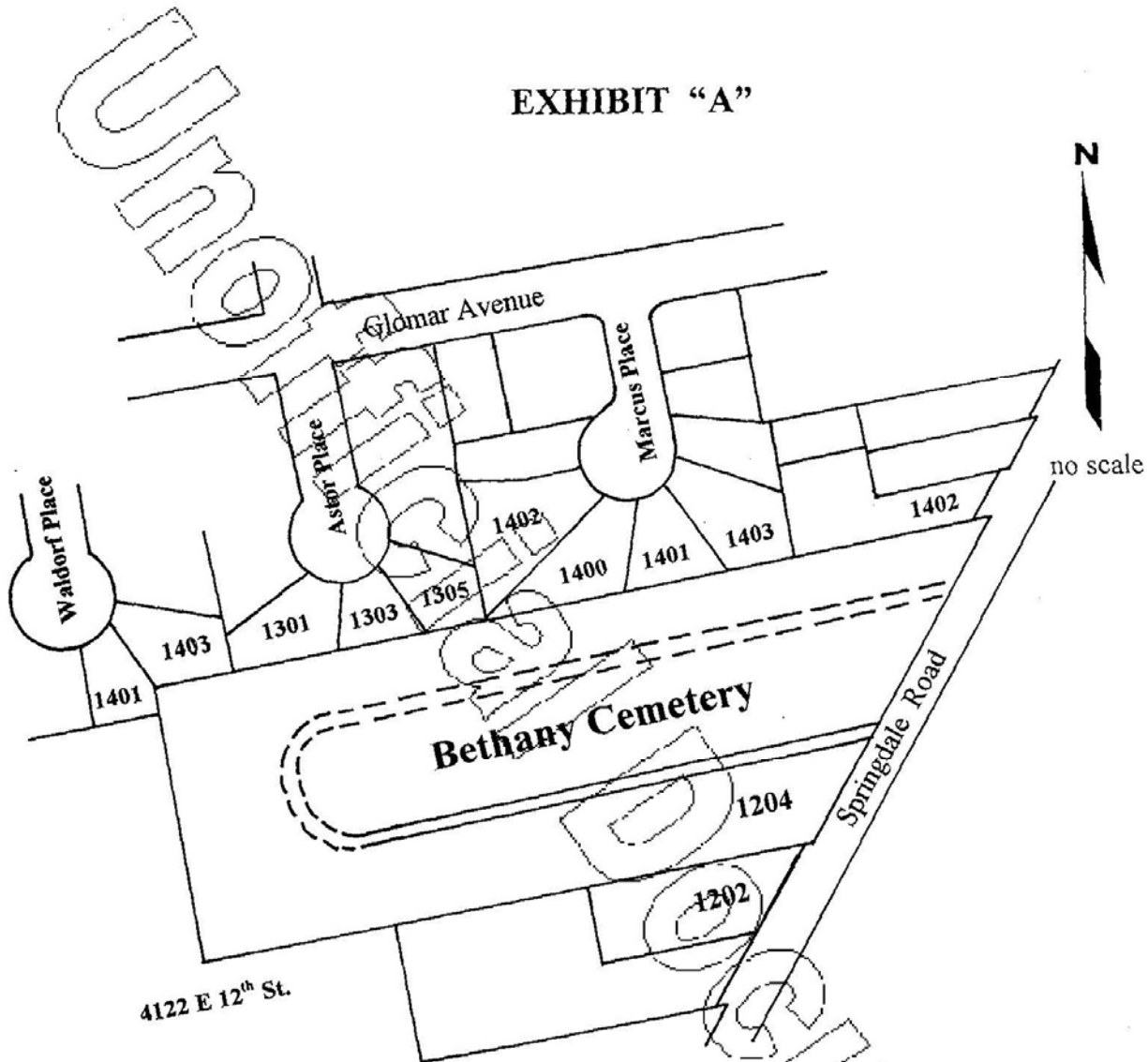
Each Block is divided for an alley into 100 blocks of 100 feet each block is 100 feet wide, the other blocks are two feet wide, the same is part of Lot 1st 10th 18th 19th in Division B. in Travis County, Texas.

Chas. Whittier Co.
 Austin, Texas 1893



ATTACHMENT A-3: DIMENSIONED SITE PLAN

Figure 4. Dimensioned site plan of the Bethany Cemetery property. Source: Texas Historical Commission, "Affidavit of Dedication for Cemetery Purposes for the Bethany Cemetery," June 27, 2003, from the City of Austin.



Map adopted from data provided by the applicant, Travis County Appraisal District and Claude F. Bush Jr., R.P.L.S., # 202, January 20, 1969, Austin, Texas.

See Deed Records of Travis County, Vol. 108, Pg. 279; Vol. 113, Pg. 235; Vol. 117, Pg. 139; Vol. 118, Pg. 515; Vol. 6558, Pg. 628; Plot Records, Vol. 1, Page 96; No. 244,500

Dist. Ct. Records, Travis County, Texas.

6.25 acres out of Outlot no. 18 ½, Division B, City of Austin, Texas.

UTM: Zone: 14 Easting: 626268.4 Northing: 3350575.3

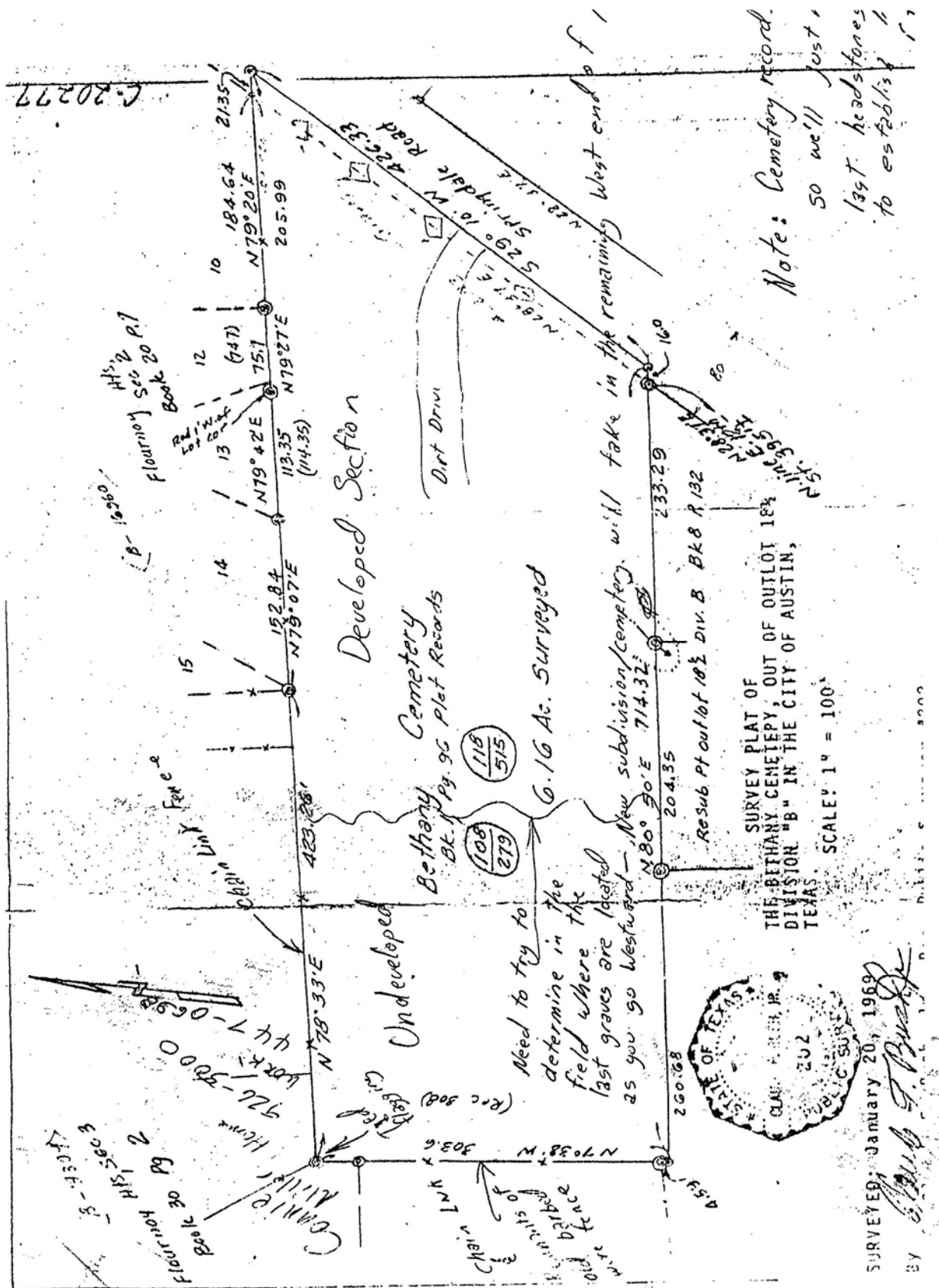
Latitude: 30° 16' 49.12" N Longitude: 97° 41' 13.78" W

BETHANY CEMETERY

Cemetery No. TV-C062

Travis County

Figure 5. Site survey showing the layout of Bethany Cemetery, 1969. Courtesy of the research files of Ms. Sue Spears.



ATTACHMENT A-4: ADDITIONAL SUPPORTING DOCUMENTATION

Letters of Support



Travis County Historical Commission

June 17, 2024

Subject: Bethany Cemetery Historic Designation
To: Austin Historic Landmark Commission

It has come to our attention that the Bethany Cemetery Association is applying for a city historic designation. Bethany Cemetery is an historic African American Cemetery purchased and developed by John Holland and William Tears in 1893. It contains the burials of many notable persons and has, for the past years, been overlooked and neglected. There is currently concern that development next door to the cemetery may bring unwanted use and potential damage to the site.

The Travis County Historical Commission commends Sue Spears and the members of the Bethany Cemetery Association (BCA) in their efforts to protect and document the deep history of the cemetery and help educate the public about the lives of the important people buried there. We believe that a city historic designation will help provide a layer of recognition and protection to this valuable resource.

African American historical research and tourism is quickly gathering importance as the community actively seeks information about lost relatives and the lives of people buried in traditional African American cemeteries. For too many years, much of the needed information has been lacking, and it is only recently that these histories have been available to the general public. There has been a strong uptick in interest from the public and preservation organizations (such as our commission) are now regularly contacted about such data. We feel that a City of Austin Historic Designation for Bethany will serve the community and foster African American Heritage Tourism in Austin.

We ask that the City of Austin Historic Landmark Commission carefully review and accept the application of the Bethany Cemetery Association for a city designation in its efforts to protect, document and educate the public about this important historical and cultural site. If we can provide any further assistance, please let us know.

Respectfully,

A handwritten signature in black ink, which appears to read "James Robert Ward".

James Robert "Bob" Ward
Chair
Travis County Historical Commission



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Meghan King, Policy and Outreach Planner
Rosa Fry, Programs Manager
Sarah Anderson, Development Coordinator

July 2, 2024

RE: Bethany Cemetery Historic Landmark

Dear Chair Heimsath, Vice Chair Featherston, and Members of the Historic Landmark Commission,

[Preservation Austin](#) exists to empower Austinites to shape a more inclusive, resilient, and meaningful community culture through preservation. We write today in support of designating Betheny Cemetery as a City of Austin Landmark for its Historic Associations, Community Value, Archeology, and Landscape Features. We commend Sue Spears and the Betheny Cemetery Association for their tenacious advocacy in preserving and celebrating this incredibly significant site of Austin's Black heritage.

Betheny Cemetery was formally established in 1893, though burials at the site date to as early as 1879. The first Black cemetery in Austin, Betheny opened after Oakwood Cemetery ran out of room for Black graves in its small, segregated section. The Betheny Cemetery Company, formed in 1893 by William Holland, Henderson Rollins, Allen Bradley, and William M. Tears, maintained the site until 1933. Betheny Cemetery is the final resting place for hundreds of Black Austinites, including graves of formerly enslaved individuals. Betheny Cemetery tells the story of Austin's Black community, from slavery and Jim Crow to the present-day advocacy and education efforts of the Betheny Cemetery Association.

In alignment with our Underrepresented Heritage [Advocacy Priority](#), we commend the Historic Landmark Commission for taking the initiative to protect one of Austin's most significant sites of Black heritage. We wholeheartedly support the designation of Betheny Cemetery as a City of Austin Landmark. Thank you for your consideration and your service to our city.

Sincerely,

Melissa Barry, President

July 1, 2024

City of Austin Historic Preservation Office and
Historic Landmark Commission Members:

It is with great enthusiasm that I join Commissioner Rubio in an initiative to grant historic zoning designation to the Bethany Cemetery in East Austin.

I have, off and on over the past few years, had the occasion to support the Bethany Cemetery Association. The fact that the association has been a good steward of this land as well as working hard to preserve its impressive history, allows us to have this conversation today.

I look forward to a full discussion on the preservation of this cemetery and its history and look forward to hearing how I can be a part of making this initiative a success.

Sincerely,

Roxanne J. Evans

Commissioner Roxanne J. Evans



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Executive Director

Steven Gonzales

Contact

P.O. Box 41286
Austin, Texas
78704
P: 512-850-9073
F: 512-451-3110

June 25, 2024

Subject: Bethany Cemetery Historic Designation

To the Austin Historic Landmark Commission,

The Bethany Cemetery is one of the oldest African American Cemeteries in Austin. Established by John Holland, William Tears, Henderson Rollins and Allen Bradley in 1893, the cemetery has served the community since that time as the resting place for members of the Austin African American population. Before the creation of the cemetery, a section of the El Camino Real ran through the grounds and traces are still visible on the landscape.

The El Camino Real de los Tejas National Historic Trail Association supports the efforts of the Bethany Cemetery Association in obtaining a local landmark designation for the tract. We feel that the presence of the trail serves to remind us of the historical interconnectedness that links us all together. Recognition from the City of Austin and your commission will help further the narrative of both the cemetery and the trail.

Please let us know how we can further this effort and if we can be of additional service, please do not hesitate to contact us.

Thank you,

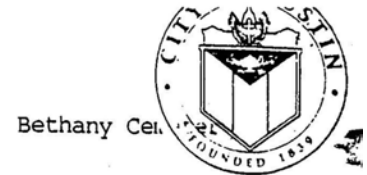
Bob Ward
Public Relations Committee

www.elcaminotrail.org

Lists of Burials in Bethany Cemetery

List of burials from the Travis County 19th Century Pioneers, Date Unknown

262



Densmore Francis	Sept. 12 1843-Sept. 5 1925
Dodson Jack	-Oct. 6 1919
Dodson Fannie	-Dec. 23 1932
Driver Fannie A.	Jan. 10 1857-Feb. 12 1938
Dodson Henry L.	Feb. 11 1875-Nov. 30 1909
Dodson Willis	July 18 1876-Dec. 8 1913
Dodson Horace	Feb. 21 1886-Jan. 4 1974
Dodson Jack	1842-Mar. 23 1923
Dodson Mary Jane	May 5 1849-Feb. 11 1940
Epps R. E.	Sept. 15 1877-Jan. 30 1916
Eppright Ben	
Eppright Ann	
Eppright Cleve	
Eppright Ben	Apr. 16 1874-Nov. 14 1925
Edmonds Agnes	1866-1943
Edmonds Ewin G.	1862-1914
Franklin Martha	Jan. 12 1866-Nov. 8 1905
Fucles Annette	1852(?) -Nov. 22 1917
Fowler Ulysses S.	1886-1968
Fowler Hddie W.	1888-1948
Fairchild Luis	1879(?) -Nov. 10 1902
Fairchild Howard	1842(?) -Apr. 5 1907
Foster Henry	1835-1904
Fisher Sherman Daniel	-Apr. 9 1933
Green Dinis (Mrs.)	1898(?) -Feb. 20 1918
Grant Lucy A.	1866(?) -Feb. 7 1922
Graham Bennie	Jan. 31 1881-Jan. 2 1933
Gregg H. A.	Mar. 16 1873-Apr. 12 1924
Green Gladys Mae	Apr. 18 1809-Jan. 12 1910
Gregg Shearlie	1875-1966
Gregg L. A. (Mrs.)	Feb. 12 1881-Nov. 27 1925
Harris Alice	1871-1911
Harris James	1871-19(?)
Hawkins C. H.	1854(?) -Dec. 18 1916
Hamilton Eric	1898(?) -June 16 1917
Hinton John W.	1865-1920
Hill Lottie	1884-1974
Horse Walter	May 18 1877-June 20 1900
Hales Henry	
Henry Lucy A.	1867(?) -Aug. 23 1911
Hudlin David Lee	-June 87 1917
Horst Sarah	1868-1957
Horst Edward	1865-1932
Hill A. E.	June 12 1872-Apr. 17 1914
Hill Ella	1863-1937
Hill George	1861-1914
Hodges A. H.	1881-Sept. 8 1920
Hamilton Nancy	June 1 1853-July 22 1928
Hamilton Eurio	Feb. 19 1896-June 25 1917

TRAVIS COUNTY 19TH CENTURY PIONEERS

Bethany Cemetery



BETHANY CEMETERY

Franklin James	Dec. 25 1839-May 2 1923
Anclin Willy	1856(?) -Mar. 24 1923
Adams Henry	-June 191 900
Adams Lidian	-Mar. 6 1928
Atchison Dora	May 28 1886-Mar. 9 1963
Bethany Annie	1881(?) -June 19 1919
Bethany C. Vance	-Mar. 1 1922
Blockers	
Burse Lizzie	-Nov. 17 1922
Brown Henry	1859(?) -Sept. 17 1922
Blocker Lucy	Aug. 19 1869-Apr. 8 1924
Blocker Jack	1861-1927
Betts Henry	-Nov. 22 1932
Black Augusta	1839(?) -1902
Bryant Leona	1839(?) -Jan. 25 1941
Brockman Annie	Apr. 15 1867-Aug. 16 1945
Brown Lizzie	-July 7 1941
Bryant Jessie	1881(?) -July 18 1929
Barreffield Ollie Franklin	Aug. 22 1881-June 2 1918
Braggs Ellen (Mrs. Richard Braggs)	Feb. 1 1857-Oct. 26 1893
Black James William	-Dec. 26 1936
Carpenter G. S.	Sept. 8 1858-Aug. 30 1903
Carpenter Ellen	May 5 1863-June 11 1918
Coleman Eliza	1872(?) -Feb. 16 1916
Coleman Brother R.	Aug. 15 1857-Feb. 4 1920
Carroll Will	May 1878-May 14 1918
Cook Nicie	Aug. 2 1883-June 21 1928
Cannon George	1823-Dec. 23 1929
Crayton Willie	Nov. 28 1874-May 17 1910
Crayton Lily Beë	-Nov. 15 1920
Cossie Ida	Apr. 8 1860-Mar. 26 1924
Clasco Lela E.	1875(?) -Spet. 8 1922
Clark Edward	-Sept. 8 1918
Chambers Ira	Dec. 9 1895-May 25 1958
Crawford Noble	1862(?) -Dec. 8 1909
Combs Fannie	Nov. 12 1889-Aug. 22 1984
Clements James E.	-Jan. 22 1913
Craft Eliza	Aug. 5 1816-Nov. 12 1904(?)
Crawford Chauncey G.	Nov. 12 1877-May 16 1901
Coleman Betty	Feb. 25 1851-Aug. 9 1952
Cook Mattie L.	Nov. 20 1883-Aug. 30 1893
Davis Walter	Dec. 18 1876-Aug. 28 1923
Deckard Richard	
Durst Willie	
Dudley Mary	-Sept. 28 1907

TRAVIS COUNTY 19th CENTURY PIONEERS



Bethany Cemetery

Hayden Nancy McCartha	1858(?)–June 17 1923
Hancock Rose Etta	July 7 1883–July 4 1925
Hereford Millie (Mrs. Peter Hereford)	1821(?)–Feb. 4 1894
Hewett Thomas	1848(?)–Mar. 8 1909
Hall Mary	Oct. 3 1873–Mar. 27 1900
Harrison Henry	–Feb. 11 1928
Harris Lizzie	1866(?)–Nov. 27 1896
House Benjamin	Aug. 7 1890–Sept. 21 1980
House Rosie	Aug. 6 1884–Oct. 8 1972
House Brown	Sept. 1 1849–Sept. 18 1931
House Hattie	Oct. 3 1867–June 13 1955
House Benjamin	1890–1980
Jackson Alice R.	1883–1928
Johnson Arthur	–Dec. 1933
Jones Rhoda	Feb. 9 1871–Feb. 27 1948
Jones Bryant	
Jones Will M.	
Johnson Edgar	Mar. 1 1891–Apr. 15 1951
Jennings Walter	
Jones Lee	
Jackson Chas.	
Jackson Willie	
Jackson Ruth	
Jennings Essie	
Johnson James W.	Mar. 14 1889–Oct. 11 1898
Jackson John	
James Mary Carroll	–Aug. 19 1926
Johnson M.	–1912
Johnson Emma	1873(?)–Jan. 30 1917
Johnson Pashens	1810(?)–June 17 1900
Johns Isreal	Oct. 14 1852–Feb. 22 1917(?)
Johnson Hector	1845(?)–Oct. 21 1917
Knox Eliza	Jan. 25 1880–Dec. 22 1932
Lott Francis Harrison	1883–1911
Lott Fannie	1880–1935
Lewis Josephine	
Lomax Lydia	1850(?)–Jan. 27 1909
Limbs N. C.	Aug. 20 1845–Jan. 23 1903
Lee Margaret C.	June 8 1899–Oct. 12 1965
Lott Sarah	–Oct. 21 1918
Lott Butler L.	1866–1930
Lewis Family	
Lewis S. M.	Feb. 10 1849–May 1 1931
Louis Mississippi	Jan. 10 1852–Sept. 3 1928
Louis Harriet	1826–1911
Love C. W.	1860–1920
McCutcheon Willie	Dec. 18 1886–Jan. 1904
Moore Margrett	1831(?)–June 5 1924
Moore Sarah	1807(?)–Mar. 17 1907

TRAVIS COUNTY 19TH CENTURY PIONEERS

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Bethany Ce



Moore Clorie	1857(?)–May 7 1907
Moore Sylvia	1851(?)–June 12 1909
Medearis Luceal	Aug. 16 1873–May 1 1916
Manning E. D.	
Murray Rue	1854(?)–July 13 1921
Mitchell Ella	–Jan. 8 1918
Moore Willy	1851–1923
Moore Mariah	1853–1908
Mann Enola	–Apr. 15 1920
Moore Willie	–Jan. 13 1901
Moore Rydonia	–July 6 1904
Martin C. S.	1850(?)–Aug. 6 1916
Morris Malinda	1877(?)–Aug. 7 1922
Ockletree Hiram	–Dec. 28 1921
Overton Nannie	1854–Dec. 9 1922
Phillips A. B.	May 5 1859–May 28 1919
Phillips Mary Ellen	Aug. 5 1886–Feb. 27 1909
Phillips Henry A.	Aug. 24 1890–June 15 1906
Peoples A. W.	Feb. 1 1862–Mar 1897
Prinley Reggie (or Reese) Mae	
Patterson Claude	July 3 1889–1925
Pender Amanda	Nov. 15 1888–Aug. 3 1962
Perry Thomas	1874(?)–May 30 1919
Powell Ulysses G.	–June 191925
Passon Dempts	1838(?)–Feb. 22 1914
Passon Patsy	1840(?)–Mar. 6 1913
Patterson Cleopatra	Feb. 14 1821–July 14 1906
Preston Albert	1884(?)–Nov. 12 1913
Penn Lucinda	Sept. 1 1827–May 15 1907
Robertson Adlene	
Russell Marry L.	July 8 1874–Dec. 28 1958
Russell Lillie	July 8 1874–Dec. 28 1958
Rass Wm. R.	Sept. 16 1890–Sept. 14 1953
Robinson Eugene	Jan. 8 1893–Oct. 14 1956
Royster Pattié Jewel	–1941
Rhambo J. M. (Mrs.)	May 16b 1878–Mar. 19 1913
Rusel L. A. (Mrs.) (or Mrs. Larusel)	–Apr. 13 1920
Reeves John Henry	Apr. 12 1870–Feb. 19 1916
Rice Roy	–1966
Simes Anne	1826(?)–July 17 1895
Simpson Stephen	
Smith Cal	1853–1926
Swanson F. J. (Mrs.)	May 1 1879–Aug. 24 1927
Smith Dee	1849(?)–Nov. 27 1929
Spann L.	
Scroggins Annie E.	Feb. 7 1867–Jan. 11 1915
Scroggins H. C.	
Stamps Alex	Aug. 1 1862–Oct. 10 1912
Stamps Jessie M.	1889(?)–Oct. 21 1918

TRAVIS COUNTY 19TH CENTURY PIONEERS



Bethany Cemetery

Shanks E. L.	Jan. 6 1880-Nov. 15 1918
Shanks Amy	1855(?) - July 19 1922
Swisher Willie A.	1891(?) - Dec. 23 1921
Shelton	1883-1916
Swisher Kate	1858(?) - Apr. 8 1913
Sterling Frankie	Dec. 25 1879-1951
Smith Mary	
Spencer Jake	1846-June 25 1898
Shackles Jessie (Rev.)	1825(?) - Dec. 4 1907
Shackles Amelia	1826(?) - Jan. 1 1922
Thompson Fannie	1885(?) - Apr. 15 1913
Thomas M. J.	1889-1928
Teals Alice	1859-1913
Thompson Mary	1854-1940
Touchett Camilius	1878(?) - Jan. 20 1912
Taylor James	
Turner Sarah	1876-1911
Taylor Millie	Aug. 9 1883-1963
Taylor Ruthie C.	1868-1931
Taylor John P.	1862-1932
Taylor Warner	-Apr. 10 1912
Taylor Ira	-Oct. 23 1925
Thaxton Lee	
Thaxton Nancy	1826(?) - Oct. 25 1903
Taylor Dewey	Aug. 4 1825-July 25 1899
Taylor Solomon	Aug. 17 1895-Oct. 15 1926
Taylor Solomon	-Apr. 27 1928
Walton Annie	-Feb. 19 1906
Wauls Jamella	1893-1977
Warmley George S. Jr.	Sept. 15 1890-Mar. 11 1955
Wilkins Lovey	
Walker Richard	1832(?) - Mar. 26 1908
Walker Nancy	1836(?) - Nov. 28 1902
Williamson Savannah	1890(?) - Dec. 16 1917
Washington Paralee	1847(?) - Aug. 14 1917
Williams James M.	Sept. 22 1889-Dec. 13 1967
White Rosalee	1892(?) - Mar. 18 1918
White Thelma	
White Teresa B.	
White Irma	
Winfield Mary D.	Sept. 30 1879-May 9 1974
Wilson Albert	-Dec. 25 1958
Wilson Queen	-July 7 1880
Wilson M.	-June 20 1904
Watts Lillie	Nov. 4 1878-Oct. 17 1946
Williams James M.	Sept. 22 1889-Dec. 13 1967
Wilson Philip	1817(?) - June 4 1897
Walton John	Aug. 10 1849-July 2 1938
Whitfield Myrtle	1857(?) - May 23 1918
Young Jacob	1868(?) - Aug. 3 1908

TRAVIS COUNTY 19TH CENTURY PIONEERS

Table and Key Map of Burials, Source Unknown, Date Unknown

Keyed to site map

Bethany Cemetery
Born on 1940 census

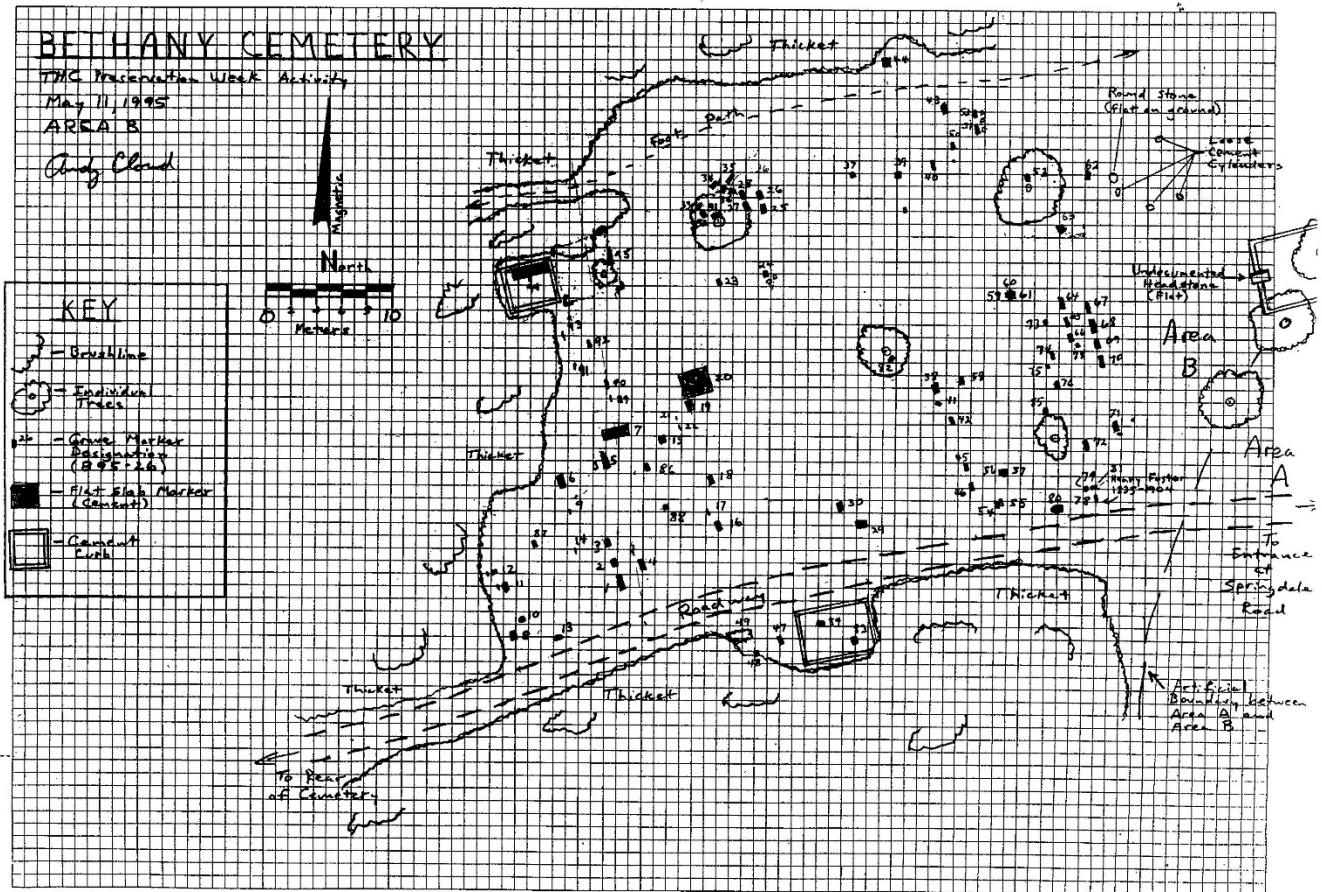
Burial #	Name	Birth	Death	Other Comments
80	Pashens Johnson	1818	6/7/08	My beloved mother ✓
81	?			
82	Emory Barnes	1881	1981	
83	Jimie Smith	6/13/13	6/13/13	At rest
84	?			
85	?			
86	Lizza Harris	1866	11/27/1896	✓
87	?			
88	?			
89	?			
90	John Walton	8/10/1849	7/2/38	✓
91	?			
92	?			
93	?			
94	Thomas H. Wilmer	2/24/1871	4/18/26	
95	W. M. Willis			
1	Benjamin F. House	8/7/1890	9/21/80	✓
1	Rosie House	8/16/1884	10/8/72	✓
2	Brown House	9/1/1849	9/18/31	✓
2	Hattie House	10/3/1867	6/13/55	
3	Myrtle Whitfield	1887?	5/23/18	Gone but not forgotten ✓
4	Rosie House	8/16/1884	10/8/72	✓
5	Malinda Barrefield	1902	1905	✓
5	Willie Barrefield	1901	1905	
6	James Franklin	12/25/1839	5/2/23	How desolate our home bereft of thee ✓
7	?			
8	Chas C. Ennis	1861	11/21/03	At rest ✓
9	R. Roy Rice		1966	
10	Alice Maud Miller	4/7/1886	12/12/1886	
11	Henry Blair	1847	1910	At rest
13	Hellen Moore	1879	4/22/1879	She has gone before us ✓
14	?			
15	Malindy Morris	1880	8/7/22	Age 45, At rest ✓
16	James William Black		12/23/36	Texas D.V. T., 165 Depot Brig.
17	?			
18	Mattie L. Cooke	11/20/1883	8/30/1893	Darling we miss thee ✓
19	Ellen Braggs	2/1/1857	10/26/1893	Dear as the spot where Christians sleep ✓ and sweet the strains that angels pour O why should we in anguish weep. They are not lost, but one before Rest
20	Agnes Edmonds	1866	1943	✓
20	Ewing Edmonds	1862	1914	Friends to Mankind ✓
21	?			
22	?			
23	Lucinda Penn	9/1827	5/15/07	Her happy soul has winged its way to one ✓ (rest unreadable)
24	Henry Harrison		2/11/28	Blessed are the ded [sic] that sleep in the lord ✓
25	Chauncey C. Crawford	12/12/1877	5/16/1901	Sweet Beaula Land ✓
26	Sherman Daniel Fisher		4/9/33	Texas Pvt. 63 Pioneer Inf. ✓
27	Infant son of Samuel Posey	3/1901	5/1/1901	
28	?			
29	Philip Wilson	1817	6/4/1897	✓
30	L. E. McCollum	1854	1/19/06	An. he. is. rest from his labor
31	Betty Coleman	2/25/1851	8/8/52	
32	?			
33	Infant son of Samuel Posey	3/1901	5/1/1901	Twin of # 27
34	?			
35	?			
36	?			
37	Georgia Johnson	3/7/09	1/2/23	At rest
38	Rydonia Moore		7/6/04	
39	Jake Spencer	1846	6/25/1898	
40	Isreal Johns	10/14/1852	2/22/13	Can I forget him?

				Never. Nost one	
				No. To his grave his	
				tears are given ever	
				to flow. He's the star	
				that gain the heaven	
				a long time ago.	
41	Willie Moore		1/13/1901	✓	
42	Jessie Bryant	1881	7/18/29	✓	
43	Rev. Jessie Shields	1825	12/4/07	✓	
43	Amelia Shackles	1826	1/1/22	At rest ✓	
43	Carrie Shields	1875	2/19/17		
43	Archie Shackles				
43	John Shackles				
44	Ella S. Scott	1861	6/3/1903	She was a kind and affectionate wife	
				A kind mother and friend to all	
45	Mary Smith			✓	
46	Clarence Taylor	9/15/06	1/29/27	In memory of ourbeloved son and brother	
47	George W. Williams	1/14/1889	8/7/52	WWI 163 Depot Brigade	
48	Charlie Simkins	1824	2/10/12		
48	Adelaide Simpkins		11/28/1896		
49	?				
50	?				
51	Willie McCutcheon	12/18/1886	4/4/04	✓	
52	E. L. Shields	5/24/06	5/2/07	✓	
53	Lizzie Brown		7/17/41	At rest ✓	
54	Solomon Taylor		4/27/28	Gone but not forgotten ✓	
55	Solomon Taylor	8/17/1895	10/15/26	In memory of our beloved father and husband	
				In memory of our beloved son and brother,	
				Gone but not forgotten ✓	
56	?				
57	Dewey Taylor	8/4/1885	7/25/1899		
58	?				
59	?				

60	Cleopatra Patterson	9/14/1882	7/14/05	Rest in peace ✓	
61	?				
62	James E. Klements		1/22/18	Texas Mess Attendant 5 CL, US Navy	
				(military headstone)	
63	Nancy Thaxton	1826	10/25/1903	Was a member of the Methodist Ch for 40 years ✓	
63	Lee Thaxton				
64	Ira Taylor		10/23/25	✓	
65	Warner Taylor		4/10/12	✓	
66	Caroline Taylor		10/25/08		
67	Fannie Conbs	11/12/1899	8/22/84	✓	
68	Ruthie Taylor	1868	1931	✓	
68	John P. Taylor	1862	1932	✓	
69	Frankie Sterling	12/25/1879	1951		
70	Millie Taylor	8/9/1883	1963	✓	
71	Charlotte Alexander	1/1/1839	7/21/21	At rest	
72	Jacob Young	1868	8/3/08	At rest	
72	Emma Johnson	1873	1/30/17	At rest ✓	
73	?				
74	Mrs. T.A. Russel		4/18/20	our mother shall ✓	
75	?				
76	Lillie Watts			✓	
77	?				
78	Henry Foster	1833	1904		
79	M. Wilson		6/20/04	✓	

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46 0700



List of Burials Compiled by Historian Cynthia Mull, Date Unknown

BETHANY CEMETERY

Name of person(s)	Date of Birth/Death *(age at the time of death)
	1911-1982 and 1917-1982
Adams Henry	6-19-1900
Adams Lidian	3-6-1928
Alexander Fred	1-6-1904 / 4-8-1931
Anclin Willy	3-24-1923 (67)
Atchison Dora	1868/1957
Barefield or Banefield Malinda	1902 / 1905 ✓
Barrefield Ollie Franklin	8-22-1881 / 6-2-1918
Batler Leon Eugene	4-15-1928 / 1-8-1973
Batts Frances May	1915/1935
Bethany Annie	6-19-1919 (38)
Bethany Vance C	3-1-1922
Betts Henry	11-22-1932
Block Augusta	1902 (63)
Block Edward V	7-16-1907 / 1-10-1909
Block James Wm	12-26-1936
Blocker Jack	1861-1927
Blocker Lucy	8-29-1869 / 4-8-24
Blockers	
Boyd Oscar	1-16-1916 / 1-20-1984
Braggs Ellen (Mrs Richard Braggs)	2-1-1857 / 10-26-1893 ✓
Brockman Annie	4-15-1867 / 8-16-1945
Brown Henry	9-17-1922 (63)
Brown Lizzie	7-7-1941 ✓
Bryant Jessie	7-18-1929 (48) ✓
Bryant Leona	1-25-1941 (69)
Burse Gentry W	3-6-1923 (20)
Burse Lizzie	11-17-1922
Cannon George	1823 / 12-23-29
Cannon Sarah	5-18-1952 / 9-28-1938
Carpenter Ellen	5-5-1863 / 6-11-1918
Carpenter G.S.	9-8-1858 / 8-30-1903
Carroll Will	5-1878 / 5-14-1918
Chambers Ira	12-9-1895 / 5-25-1958
Clark Edward	9-8-1918
Clasco Lola E	9-8-1922 (47)
Clements James E	1-22-1912
Coleman Betty	2-25-1851 / 8-9-1952
Coleman Bro R	8-15-1857 / 2-4-1920
Coleman Eliza	2-16-1916 (44)
Combs Fannie	11-12-1889 / 8-22-1984 ✓
Cook Mattie L	11-20-1883 / 8-30-1883 ✓
Cook Nicie	8-2-1883 / 6-21-1928
Cossie Ida	4-8-1860 / 3-26-1924
Craft Eliza	8-5-1816 / 11-12-1904
Crawford Charney G	11-12-1877 / 5-16-1901 ✓
Crawford Myrtle	1910-1977
Crawford Noble	12-8-1909 (47)

Crayton George	12-7-1915 / 10-18-1921	
Crayton Lily Bee	11-15-1920	
Crayton Willie	11-28-1874 / 5-17-1910	
Davis Walter	12-18-1876 / 8-28-1923	
Deckard Richard		
Densmore Francis	9-12-1843 / 9-5-1925	
* Dobson Mary Jane	5-5-1849 / 2-11-40	
Dobson Willis	1-18-1876 / 12-8-1913	
Dodson Fannie	12-23-1932	
Dodson Henry L	2-11-1875 / 11-30-1909	
Dodson Horace	2-21-1886 / 1-4-1974	
Dodson Jack	10-6-1919	
Dodson Jack	1842 / 3-23-1923	
Driver Fannie A	1-10-1857 / 2-12-1938	
Dudley Mary		
Durst Willie	9-28-1907	
Edmonds Agnes	1866/1943	
Edmonds Ewin	1862/1914	
Eppright Ann		
Eppright Ben		
Eppright Ben	4-16-1874 / 11-14-1925	
Eppright Cleve		
Epps R.E.	9-15-1877 / 1-30-1916	
Fairchild Howard	4-5-1907 / (65)	
Fairchild Luis	11-10-1902 (23)	
Fisher Sherman Daniel	4-9-1933	
Foster Henry	1835-1904	
Fowler Hidir W	1888/1948	Housewife - Contact: Jake Fowler
* Fowler Ulysses S	1886 1968	Insurance Agent - Contact: Jake Fowler
Franklin B James	12-25-1839 / 5-2-1923	✓
Franklin Martha	1-12-1866 / 11-8-1905	
Freeman Lucinda	12-5-1913 / 4-21-1932	
Fricles Annette	11-22-1917 (65)	
Graham Bennie	1-31-1881 / 1-2-1933	
Grant Baby	4-15-1906	
Grant Lucy A	2-7-1922 (56)	
Green Gladly Mae	4-18-1809 / 1-12-1910	
Greendinis Mrs	2-20-1918 (20)	
Gregg Fearlie	11-11-1901 / 4-24-1926	
Gregg H.A.	3-16-1873 / 4-12-1924	
Gregg Inez I (Mrs)	9-28-1902 / 12-11-1985	
Gregg L.A. (Mrs)	2-12-1881 / 11-27-1925	
Gregg Shearlie Sr	1875-1966	Contact: Deloris Duffy
Hales Henry		
Hall Mary	10-3-1873 / 3-27-1900	
Hamilton Eric	6-16-1917 (19)	
Hamilton Eurio	2-19-1896 / 6-25-1917	
Hamilton Nancy	6-1-1853 / 7-22-1928	
Hancock Harvey E	9-29-1917 / 7-17-1942	
Hancock Rose Etta	7-7-1883 / 7-4-1925	
Harris Alice	1871-1911	
Harris James	1871-19	
Harris Lizzie	11-27-1896 (30)	✓
Harrison Henry	2-11-1928	✓

Hawkins C.H.	12-18-1916 (62)
Hayden Nancy McCartha	6-17-1923 (65)
Henry Lucy a	8-23-1911 (44)
Hereford Millie (Mrs Peter Hereford)	2-4-1894 (73)
Hervett Thomas	3-8-1909 (63)
Hill A.E	6-12-1872 / 4-27-1914
Hill Ella	1863/1937
Hill George	1861/1914
Hill Lottie	1884-1974
Hinton John W	1865-1920
Hodges A.H.	1881/9-8-1920
Horst Edward	1865/1932
Horst Sarah	1901 / 1905
Horst Walter	5-18-1877 / 6-20-1900
House Benjamin	1890/1980
House Benjamin	8-7-1890 / 9-21-1980 ✓
House Brown	9-1-1849 / 9-18-1931 ✓
House Hattie	10-3-1867 / 6-13-1955 ✓
House Rosie	8-6-1884 / 10-8-1972 ✓
Howard Fred Douglas	7-25-1932 / 9-1-1948
Hudlin David Lee	6-7-1917
Jackson Alice R	1883-1928
Jackson Chas	
Jackson John	
Jackson Ruth	
Jackson Willie	
James Mary Carroll	8-19-1926
Jennings Essie	
Jennings Walter	
Johns Isreal	10-14-1852 / 2-22-1917
Johnson Arthur	12-1933
Johnson Edgar	3-1-1891 / 4-15-1951 ✓
Johnson Emma	1-30-1917 (44) ✓
Johnson Hector	10-21-1917 (72)
Johnson James W	3-14-1889 / 10-11-1898
Johnson John	10-31-1920 / 1-15-1957
Johnson M	1912
Johnson Pashens	6-17-1900 (90) ✓
Johnson Wm A	10-17-1913 / 7-4-1966
Jones Bryant	
Jones Lee	
Jones Rhoda	2-9-1871 / 2-27-1948
Jones Will M	
Keyes Leonard	6-24- 1916 / 12-7-1946
Keyes Willard	3-13-1915 / 8-29-57
Knox Eliza	1-25-1880 / 12-22-1932
Knox Major I or Malori	12-9-1927 / 5-12-1928
Lee Margaret C	6-8-1899 / 10-12-1965
Lewis Family	
Lewis Josephine	
Lewis Milton E	6-12-1906/ 4-21-1923
Limbs N.C.	8-20-1845 / 1-23-1903
Lomax Lydia	1-27-1909 (59)
Lott Butler L	1866-1930

Lott Fannie	1880/1935
Lott Francis Harrison	1883/1911
Lott Lucius T	10-28-1915 (14Months)
Lott Samuel	*two stones with conflicting dates 1911/1982 & 1917/1982
Lott Sarah	10-21-1918
Louis Harriet	1826/1911
Louis Mississippi	1-10-1852 / 9-3-1928
Love C.W.	1860/1920
Mann Enola	4-15-1920
Manning Ed or E.D.	
McCutcheon Willie	12-18-1886 / 1-1904 (18) ✓
Medearis Luceal	8-16-1873 / 5-1-1916
Mitchell Ella	1-8-1918
Moore Clorie	5-7-1907 (50)
Moore Margrett	6-5-1924 (93)
Moore Mariah	1853/1908
Moore Rydonia	7-6-1904
Moore Sarah	3-17-1907 (100)
Moore Sylvia	6-12-1909 (58)
Moore Willie	1-13-1901 ✓
Moore Willy	1851/1923
Morris Malinda	8-7-1922 (45) ✓
Murray Rue	7-13-1921 (67)
Nartin C.S.	8-6-1916 (66)
Ockletree Hiram	12-28-1921
Overton Nannie	12-9-1922 (68)
Passon Demps	2-22-1914 (76)
Passon Patsy	3-6-1913 (73)
Patterson Claude	7-3-1889 / 1925
Patterson Cleopatra	2-14-1832 / 7-14-1906 ✓
Patterson Maggie	1900/11-22-1925
Pender Amanda	11-15-1888 / 8-3-1962
Penn Lucinda	1827 / 5-15-1907 ✓
Peoples A.W	2-1-1862 / 3-1897
Perry Thomas	5-30-1919 (45)
Phillips A.B	5-5-1859 / 5-28-1919
Phillips Eddie Jr	3-22-1925 / 7-8-1925
Phillips George M	7-22-1902 / 2-25-1903
Phillips Henry A	8-24-1890 / 6-15-1906
Phillips Mary Ellen	8-5-1886 / 2-27-1909
Posey (Infants of Mr & Mrs Samuel Posey	5-4-1901 age 2 mo)
Powell Ulysses G	6-19-1925
Preston Albert	11-12-1913 / (29)
Prinley Reggie or Reese Mae	
Reeves John Henry	4-12-1870 / 2-19-1916
Rhambo J.M. Mrs	5-16-1878 / 3-19-1913
Rice Roy	1966
Robert Marie	11-5-1920 (11)
Robertson Adlene	
Robinson Dorris	(8month)
Robinson Eugene	1-8-1893 / 10-14-1956
Ross W.R.	9-16-1890 / 9-14-1953
Royster Pattie Jewel	1941

Posey Societ

Ruffin Hellen	1-1-1916 / 3-3-1934	
Rusel L.A. Mrs (Mrs Lorusel) ?	4-13-1920	✓
Russell Lillie	7-8-1874 / 12-28-1958	
Russell Marry L	7-8-1874 / 12-28-1958	
Scroggins Annie E	2-7-1867 / 1-11-1915	
Scroggins H.C		
Shackles Amelia	1-1-1922 (96)	✓
Shackles Jessie Rev	12-4-1907 (82)	✓
Shanks Amy	7-19-1922 (67)	
Shanks E.R.	1-6-1880 / 11-15-1918	
Shelton	1883/1916	
Shelton Lee	1-1924 (5)	
Shields E.L.	5-2-1906/1907 (10months)	✓
Simes Ann	1-17-1895 (69)	
Simpson Stephen		
Smith Cal	1853-1926	
Smith Dee	11-27-1929 (80)	
Smith Margaret A	8-2-1914 (12)	
Smith Mary		✓
Spann L.		
Spencer Juke	1846/ 6-25-1898	
Stamps Alex	8-1-1862 / 10-10-1912	
Stamps Jessie M	10-21-1918 (29)	
Sterling Frankie	12-25-1879 / 1951	
Swanson F.J Mrs	5-1-1879 / 8-24-1927	
Swisher Kate	4-8-1913 (55)	
Swisher Marcie Mae	1-17-1919 (7)	
Swisher Willie A	12-23-1921 (30)	
Taylor Clarence	9-15-1906 / 1-9-1927	
Taylor Dewey	8-4-1825 / 7-25-1899	
Taylor Ira	10-23-1925	
Taylor James		
Taylor John P	1862/1932	✓
Taylor Millie	8-9-1883 / 1963	✓
Taylor Ruthie C	1868/1931	✓
Taylor Solomon	4-27-1928	✓
Taylor Solomon	8-17-1895 / 10-15-1926	✓
Taylor Warner	4-10-1912	
Teals Alice	1859-1913	
Thaxton Lee		
Thaxton Nancy	10-25- 1903 (77)	
Thomas M.J.	1889/1928	
Thompson Fannie	4-15-1913 (28)	
Thompson Mary	1854/1940	
Touchett Camilins	1-20-1912 (34)	
Turner Sarah	1876/1911	
Walker Nancy	11-28-1902 (66)	
Walker Richard	3-26-1908 (76)	
Walsh Wm E	9-26-1920 / 3-19-1968	
Walton Annie	2-19-1906	
Walton John	8-10-1849 / 7-2-1938	✓
Warils Jamella	1893-1977	
Washington Paralee	8-14-1917 (70)	
Watts Lillie	11-4-1878 / 10-17-1946	✓

White Irma	(4)
White Rosalee	3-18-1918 (26)
White Teresa B	(7 months)
White Thelma	(7months)
Whitfield Myrtle	5-23-1918 (61) ✓
Wilkins Lovey	
Williams James M	9-22-1889 / 12-13-1967
Williams James M	9-22-1889 / 12-13-1967
Williams Willie	11-22-1902 / 6-21-1971
Williamson Savannah	12-16-1917 (27)
Wilson Albert	12-25-58
Wilson M	6-20-1904
Wilson Philip	6-4-1897 (80) ✓
Wilson Queen	7-7-1880
Winfield Mary D	9-30-1979 / 5-9-1974
Wormley Edward W	10-13-1902 / 4-4-1971
Wormley Geo S Jr	9-15-1890 / 3-11-1955

This List was compiled by: Historian Cynthia Mull

Attachment B

Attachment B: Current Photographs

Photo 1. Bethany Cemetery entrance gate, facing southwest from Springdale Road. Photo by Emily Payne, 2025.



Photo 2. Southeast quadrant of Bethany Cemetery, facing south toward Springdale Road. Photo by Emily Payne, 2025.



Photo 3. Northern half of Bethany Cemetery, facing north. Photo by Emily Payne, 2025.



Photo 4. Swale in the southern half of Bethany Cemetery marking the historic alignment of El Camino Real through the property. Photo by HHM, 2025.



Photo 5. Southwest quadrant of Bethany Cemetery, facing southwest. Photo by HHM, 2025.



Photo 6. Representative headstones at Bethany Cemetery, facing southeast with Sims Elementary School in the background. Photo by HHM, 2025.



Photo 7. Headstones of World War II veterans, southern half of Bethany Cemetery, facing northwest. Photo by HHM, 2025.





Dyana Limon-Mercado

Dyana Limon-Mercado, County Clerk
Travis County, Texas

Dec 04, 2023 03:10 PM Fee: \$70.00

2023135381

Electronically Recorded

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

This Declaration of Covenants, Conditions and Restrictions (this "Declaration") is entered into by and between **1200 SPRINGDALE PARTNERS LP**, a Texas limited partnership ("Springdale Partners"), **4120 E 12TH PARTNERS LP**, a Texas limited partnership ("E 12th Partners") (Springdale Partners and E 12th Partners, collectively referred to herein as "Owners") and the **BETHANY CEMETERY ASSOCIATION OF TRAVIS COUNTY, INC.**, a Texas nonprofit corporation (the "Association"), as of the 30 day of Nov., 2023.

RECITALS

WHEREAS, Springdale Partners owns the tract of land generally described as 1200 Springdale Road, Austin, Texas 78721 (the "Mixed Use Tract"), and E 12th Partners owns the tract of land generally described as 4120 East 12th Street, Austin, Texas 78721 (the "Mixed Residential Tract"), both tracts of land more particularly described as is set forth in **Exhibit "A"**, which is attached hereto and incorporated herein by this reference (the Mixed Use Tract and the Mixed Residential Tract collectively referred to herein as, the "Property");

WHEREAS, the Association was formed to provide an organization for the association of cemetery lot owners in the Bethany Cemetery, a community cemetery located in Travis County, Texas, for the purposes of maintaining and caring for the grounds of said cemetery, providing burial space on a non-profit basis;

WHEREAS, pursuant to that certain judgement rendered on April 27, 1976, by a Travis County court, recorded in Volume 6558, Page 628 of the Deed Records of Travis County, Texas, the Association owns vested title to the Bethany Cemetery property, which tract of land is generally described as 1308 Springdale Road, Austin, Texas 78721, as more particularly described as set forth in **Exhibit "B"**, which is attached hereto and incorporated herein by reference (the "Cemetery Tract").

WHEREAS, Owners intend to redevelop the Property as a mixed-use and mixed-income residential project, consisting of two phases, including the Mixed Use Tract redevelopment as "Phase I" and the Mixed Residential Tract redevelopment as "Phase II" (Phase I and Phase II, collectively referred to herein as, the "Project"). Owners have made corresponding applications to the City of Austin (the "City") under (i) the City's Affordability Unlocked Bonus Program ("Affordability Unlocked Application") and (ii) zoning application no. C14-2023-0038.8H (the "Zoning Case");

WHEREAS, Owners have agreed that if the Zoning Case is finally approved ("Land Use Approval"), the Property shall be restricted by these covenants, and that these conditions shall be filed of record with the Official Public Records of Travis County, Texas, and shall henceforth

bind the Owner and its successors and assigns, and restrict the use of the Property as described herein, and such restrictions shall be made enforceable by the Association through this Declaration, except where specifically stated otherwise;

WHEREAS, upon the effective date of the final Land Use Approval, and subject to all of the terms and conditions of this Declaration, Owners have voluntarily agreed to henceforth restrict the Property with certain restrictive covenants, which are described herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and subject to all of the terms and conditions of this Declaration, the undersigned Owners shall hold, sell and convey the Property subject to the following covenants, conditions and restrictions, which are impressed upon the Property by this Declaration.

I. DECLARATIONS AND AGREEMENTS

- 1.1 Utilization of Zoning Entitlements. Owners may only utilize the additional entitlements made applicable to the Property by the Land Use Approvals if the Project contains the conditions expressed in this covenant.
- 1.2 Covenants, Conditions and Restrictions upon Property. Owners declare that the Property is subject to the following covenants, conditions and restrictions, which shall run with the Property and bind all parties having right, title, or interest in or to the Property or any part, their respective heirs, successors, and assigns; provided, however, such covenants, conditions, and restrictions are specifically subject to termination pursuant to Section 3.10 herein. Each deed or conveyance of any kind conveying all or a portion of the Property will conclusively be held to have been executed, delivered, and accepted subject to these covenants, conditions and restrictions, regardless of whether or not they are set out in full or by reference in the deed or conveyance; provided, however, such covenants, conditions, and restrictions are specifically subject to termination pursuant to Section 3.10 herein.
 - 1.2.1 Fence and Landscaping Improvements. The Project must include improved fencing and landscaping between the Property and the Cemetery Tract.
 - 1.2.2 Archeological Scraping. Owners will require that a qualified archeologist conduct a survey with scraping of the area within twenty-five (25) feet of the boundary line between the Property and the Cemetery Tract (the "Scraping Survey") before development of the Project commences. Notice of the Scraping Survey shall be provided to the Association not less than forty-eight (48) hours prior to commencement thereof.
 - 1.2.3 On-Site Meeting. Before the Scraping Survey is conducted, qualified archeologist

will participate in an on-site meeting with Association representatives and other interested stakeholders such that the archeologist may be shown areas where the Association and stakeholders have concerns about graves outside of the cemetery.

1.2.4 Excavation Observation. The archeologist will be on the Property to observe and monitor any excavation within twenty-five (25) feet from the boundary line between the Property and the Cemetery Tract.

1.2.5 Heritage Trail. Owners will provide an easement to the City located on the Mixed Residential Tract, the location and configuration of such easement to be mutually agreed upon by Owners and the City, such that the Heritage Trail may be installed to connect from the north boundary line of the Mixed Residential Tract to the north boundary line of East 12th Street, across from Givens Park.

1.2.6 Setback. The Project will include an average 25-foot building setback located along the east boundary line of the Mixed Residential Tract abutting the Cemetery Tract, in order to provide a buffer along said east boundary line.

1.2.7 Signage. Owners must post "No Dogs" signs near the Cemetery Tract line.

1.2.8 No Gates. Owners shall not install a gate between the Property and the Cemetery Tract.

1.2.9 Dog Area. Owners must provide on-site dog play and relief area on the Property as part of the Project.

1.2.10 Contribution. Owners shall make a total contribution to the Association of fifty-thousand dollars (\$50,000), to be paid in two separate installments as follows: (i) twenty-five thousand (\$25,000) at the time the Certificate of Occupancy is issued for Phase I, and (ii) twenty-five thousand (\$25,000) at the time the Certificate of Occupancy is issued for Phase II. Said contribution shall be used by the Association in accordance with the Association's Articles of Incorporation.

Each of these Covenants, Conditions, and Restrictions are expressly conditioned and are subject to Owners' compliance with state, federal, and local law. To the extent any provision violates any such law, Owners need not comply.

1.3 Terms of Support. The items listed in Section 1.2 above are enforceable by the Association only under the condition that the Association withdraws any protests of the Affordability Unlocked Application or Zoning Case and publicly supports the Project, including by testifying publicly or providing a signed letter in support of the Zoning Case. To the extent that any action is taken or statement is made contrary to this paragraph by the Association or an authorized representative of the Association prior to the City granting the Land Use Approvals, this Declaration shall be deemed null and void.

I. DEFAULT AND REMEDIES

- 2.1 Remedies. Following the occurrence of a breach of (i) Owners' obligations under Section 1.2 of this Declaration or (ii) the Association's obligations under Section 1.3 of this Declaration, only Owners, including its successors and assigns, and the Association shall be entitled to institute proceedings for full and adequate relief from the consequences of said breach or threatened breach. If Owners or the Association shall fail to comply with any term, provision or covenant of this Declaration (a "Defaulting Party"), the Non-Defaulting Party shall have the option of pursuing any remedy it may have at law or in equity.

II. GENERAL PROVISIONS

- 3.1 No Third-Party Beneficiary. The provisions of this Declaration are for the exclusive benefit of the parties hereto, and their successors and assigns. Except for the Association, the Declaration is not for the benefit of any third person, including without limitation, the City of Austin.
- 3.2 No Dedication. No provision of this Declaration shall ever be construed to grant or create any rights whatsoever in or to any portion of the Property other than the covenants, conditions and restrictions specifically set forth herein. Nothing in this Declaration shall ever constitute or be construed as a dedication of any interest herein described to the public or give any member of the public any right whatsoever.
- 3.3 Notice. All notices required or permitted to be given hereunder, or given in regard to this Declaration, shall be in writing and the same shall be given and be deemed to have been served, given and received (a) one (1) business day after being placed in a prepaid package with a national, reputable overnight courier addressed to the other party at the address hereinafter specified; or (b) if mailed, three (3) business days following the date placed in the United States mail, postage prepaid, by certified mail, return receipt requested, addressed to the party at the address hereinafter specified. Owner may change their respective addresses for notices by giving five (5) business days' advance written notice to the other in the manner provided for herein. Until changed in the manner provided herein, Owner and Neighbor's addresses for notice is as follows:

Owners:

1200 Springdale Partners LP and 4120 E 12th Partners LP

2130 Goodrich Avenue
Austin, TX 78704
Attn: Drew Fineberg

With a copy to:

Drennet Group, P.C.
2705 Bee Caves Rd, Suite 100
Austin, Texas 78746
Attn: Leah Bojo

The Association:

7318 Colony Park Drive
Austin, Texas 78724
Attn: Sue Spears

- 3.4 Attorneys' Fees. The unsuccessful party in any non-appealable and final action brought to enforce this Declaration shall pay to the prevailing party a reasonable sum for costs actually incurred by the prevailing party in enforcing this Declaration, including reasonable attorneys' fees and court costs.
- 3.5 Entire Declaration. This Declaration constitutes the entire agreement between the parties hereto regarding the matters set forth herein. The parties do not rely upon any statement, promise or representation with respect to the matters set forth herein that is not herein expressed, and, except in accordance with Section 3.10 below, this Declaration once executed and delivered shall not be modified or altered in any respect except by a writing executed and delivered in the same manner as required by this document.
- 3.6 Severability. If any provision of this Declaration shall be declared invalid, illegal or unenforceable in any respect under any applicable law by a court of competent jurisdiction, the validity, legality and enforceability of the remaining provisions shall not be affected or impaired thereby. It is the further intention of the parties that in lieu of each covenant, provision or agreement of this Declaration that is held invalid, illegal or unenforceable, that be added as a part hereof a clause or provision as similar in terms to such illegal, invalid or unenforceable clause or provision as may possible and be legal, valid and enforceable.
- 3.7 Rights of Successors; Interpretation of Terms. The restrictions, benefits and obligations hereunder shall create benefits and servitudes running with the land. Subject to the other provisions hereto, this Declaration shall bind and inure to the benefit and burden of the parties and their respective successors and assigns. Reference to "Owners" includes the

future owners of their respective portions of the Property, including any portions of the Property that may in the future be created as separate tracts pursuant to a resubdivision of any portion of the Property. Reference to the Association includes any successor entity so long as no material changes are made to the Association's purpose. The singular number includes the plural and the masculine gender includes the feminine and neuter.

- 3.8 Estoppe! Certificates. Owners (or any mortgagee holding a first lien security interest in any portion of the Property) may, at any time and from time to time, in connection with the leasing, sale or transfer of its tract, or in connection with the financing or refinancing of its tract by any bona fide mortgage, deed of trust or sale-leaseback made in good faith and for value, deliver a written notice to the other party requesting that such party execute a certificate, in a form reasonably acceptable to such party, certifying that, to such party's then current actual (not constructive) knowledge, (a) the other party is not in default in the performance of its obligations to or affecting such party under this Declaration, or, if in default, describing the nature and amount or degree of such default, and (b) such other information regarding the status of the obligations under this Declaration as may be reasonably requested. A party shall execute and return such certificate within twenty (20) days following its receipt of a request therefor.
- 3.9 Counterparts; Multiple Originals. This Declaration may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.
- 3.10 Land Use Approvals. Notwithstanding any other provision of this Declaration to the contrary, the agreements of Owners reflected herein are conditioned upon the Land Use Approvals, in a form and on terms and conditions acceptable to Owners in their sole discretion. If both Land Use Approvals are not granted in a form acceptable to Owners, the covenants, conditions and restrictions contained within this Declaration shall not be applicable and shall be terminated. To the extent that (i) this Declaration is not deemed applicable and terminated pursuant to the immediately preceding sentence, (ii) the Association fails to give its support in accordance with Section 1.3 hereof, (iii) upon Owners' election to redevelop the Mixed Use Tract and/or the Mixed Residential Tract using entitlements other than those received as part of the Land Use Approvals, or (iv) Owners and the Association, or the then owners of the Property and the Association, agree to terminate the Declaration, this Declaration shall be deemed of no further force and effect and shall terminate and an affidavit executed by Owners and recorded in the Official Public Records of Travis County, Texas, certifying the facts supporting and evidencing the termination of this Declaration (a "Termination Affidavit") shall be deemed sufficient to release this Declaration from the Official Public Records of Travis County, Texas, such that this Declaration shall no longer encumber the Property. Third parties shall have the right to rely on such Termination Affidavit, provided, however, at

Owners' request and expense, the Association shall execute and acknowledge a counterpart to such Termination Affidavit.

- 3.11 Effective Date. This Declaration shall become effective upon the final effective date of the last remaining Land Use Approval. If the Affordability Unlocked Application or Zoning Case is not approved in a form acceptable to Owners, then, consistent with Section 3.10 above, this Declaration shall be void and of no effect.

[The Remainder of This Page Is Intentionally Left Blank. Signature Pages Follow.]

THE ASSOCIATION:

**BETHANY CEMETERY ASSOCIATION OF
TRAVIS COUNTY, INC.,**

a Texas nonprofit corporation

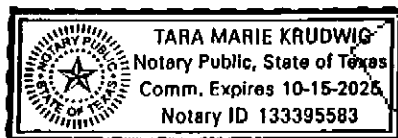
By: Sue Spears
Sue Spears/Director and Treasurer

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me this 30 day of November, 2023, by Sue Spears, the Director and Treasurer of BETHANY CEMETERY ASSOCIATION OF TRAVIS COUNTY, INC., a Texas nonprofit corporation, known to me personally to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes and consideration therein expressed.

Tara Marie Krudwig
Notary Public, State of Texas



EXECUTED, effective as of the Effective Date as provided herein above.

OWNERS:

1200 SPRINGDALE PARTNERS LP, a Texas
limited partnership

By: Christopher Affinito
Name: Christopher Affinito
Title: Manager

STATE OF TX

COUNTY OF Travis

This instrument was acknowledged before me on this 29 day of NOV, 2023, by Christopher Affinito, the Manager of **1200 SPRINGDALE PARTNERS LP**, a Texas limited partnership, known to me personally to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes and consideration therein expressed.



Christopher Affinito
Notary Public, State of TX

4120 E 12TH PARTNERS LP,
a Texas limited partnership

By: *Christopher Affinito*
Name: Christopher Affinito
Title: Manager

STATE OF TX

COUNTY OF TARRANT

This instrument was acknowledged before me on this 29 day of NOV. 2023, by *Christopher Affinito*, the manager of 4120 E 12TH PARTNERS LP, a Texas limited partnership, known to me personally to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes and consideration therein expressed.



[Signature]
Notary Public, State of TX

EXHIBIT A**LEGAL DESCRIPTION OF PROPERTY****Tract 1:**

Lots 1 and 2, RESUBDIVISION OF A PORTION OF OUTLOT 18 1/2 DIVISION "B",
according to the map or plat thereof, recorded in Volume 8, Page 132A, Plat Records, Travis
County, Texas.

Tract 2:

Lot 2, RESUBDIVISION OF A PORTION OF OUTLOT 18 1/2 DIVISION "B", SEC. 2,
according to the map or plat thereof, recorded in Volume 11, Page 84, Plat Records, Travis
County, Texas.

Tract 3:

Being 3.4376 acres of land (149,741 square feet), more or less, out of a portion of OUTLOT
NO. 18 1/2, DIVISION B, IN THE ORIGINAL CITY OF AUSTIN, Travis County, Texas,
according to the map or plat thereof filed in the General Land Office of the State of Texas, being
the same property conveyed in Warranty Deed to JJ & B Investments, LLC, recorded in
Document No. 2045029748, Official Public Records, Travis County, Texas

EXHIBIT B**Tract 1:**

Lots 1 and 2, RESUBDIVISION OF A PORTION OF OUTLOT 18 1/2 DIVISION "B",
according to the map or plat thereof, recorded in Volume 8, Page 132A, Plat Records, Travis
County, Texas.

Tract 2:

Lot 2, RESUBDIVISION OF A PORTION OF OUTLOT 18 1/2 DIVISION "B", SEC. 2,
according to the map or plat thereof, recorded in Volume 11, Page 84, Plat Records, Travis
County, Texas.

Permitting and Development Center | 6310 Wilhelmina Delco Drive, Austin, TX 78752 | (512) 978-4000

General Information

Location: **1308 SPRINGDALE RD**
Parcel ID: **0210180514**
Grid: **MM23**

Planning & Zoning

*Right click [hyperlinks](#) to open in a new window.

Future Land Use (FLUM): **Single Family, Mixed Residential, Mixed Use, Civic**

Regulating Plan: **No Regulating Plan**

Zoning: **P-NP**

Zoning Cases: [C14-2020-0003](#)
[C14-2020-0014](#)
[C14-2020-0089](#)
[C14-2023-0038.SH](#)
[C14H-2024-0103](#)

Zoning Ordinances: **021107-Z-12C**
[19990225-070b](#)
[20210826-097](#)
[20231130-110](#)

Zoning Overlays: **Wildland Urban Interface 2024**
Selected Sign Ordinances
Residential Design Standards: LDC/25-2-Subchapter F
ADU Approx Area Reduced Parking
Airport Overlay: CONTROLLED COMPATIBLE LAND USE AREA

Neighborhood Plan: [MLK](#)

Infill Options: **Small Lot Amnesty Infill Option, Residential Infill Option, Mixed Use Building Infill Option**

Neighborhood Restricted Parking Areas: **Martin Luther King Jr. Neighborhood Assn.**

Mobile Food Vendors: **Martin Luther King Jr. NA**

Historic Landmark: **--**

Urban Roadways: **Yes**

Zoning Guide

The [Guide to Zoning](#) provides a quick explanation of the above Zoning codes, however, the [Land Use Assistance](#) provides general zoning assistance and can advise you on the type of development allowed on a property. Visit [Zoning](#) for the description of each Base Zoning District. For official verification of the zoning of a property, please request a [Zoning Verification Letter](#). General information on the [Neighborhood Planning Areas](#) is available from Neighborhood Planning.

Environmental

Fully Developed Floodplain: **No**
FEMA Floodplain: **No**
Austin Watershed Regulation Areas: **URBAN**
Watershed Boundaries: **Fort Branch, Tannehill Branch**
Creek Buffers: **No**
Edwards Aquifer Recharge Zone: **No**
Edwards Aquifer Recharge Verification Zone: **No**
Erosion Hazard Zone Review Buffer: **No**

Political Boundaries

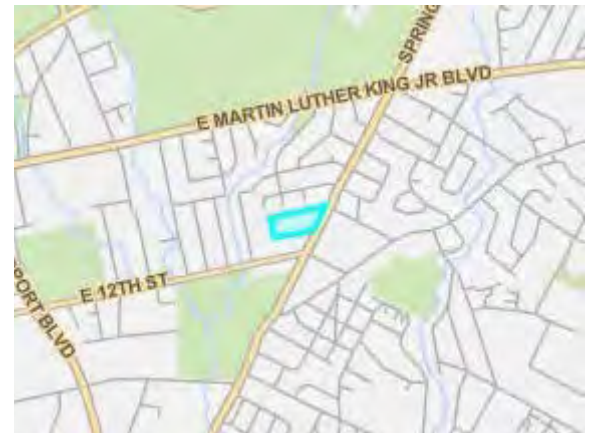
Jurisdiction: **AUSTIN FULL PURPOSE**
Council District: **1**
County: **TRAVIS**
School District: **Austin ISD**
Community Registry: **Austin Independent School District, Austin Neighborhoods Council, Del Valle Community Coalition, East Austin Conservancy, East MLK Combined Neighborhood Plan Contact Team, Friends of Austin Neighborhoods, Friends of Northeast Austin, Homeless Neighborhood Association, Martin Luther King Neighborhood Association, Overton Family Committee, Preservation Austin, Residents of E 12th St**



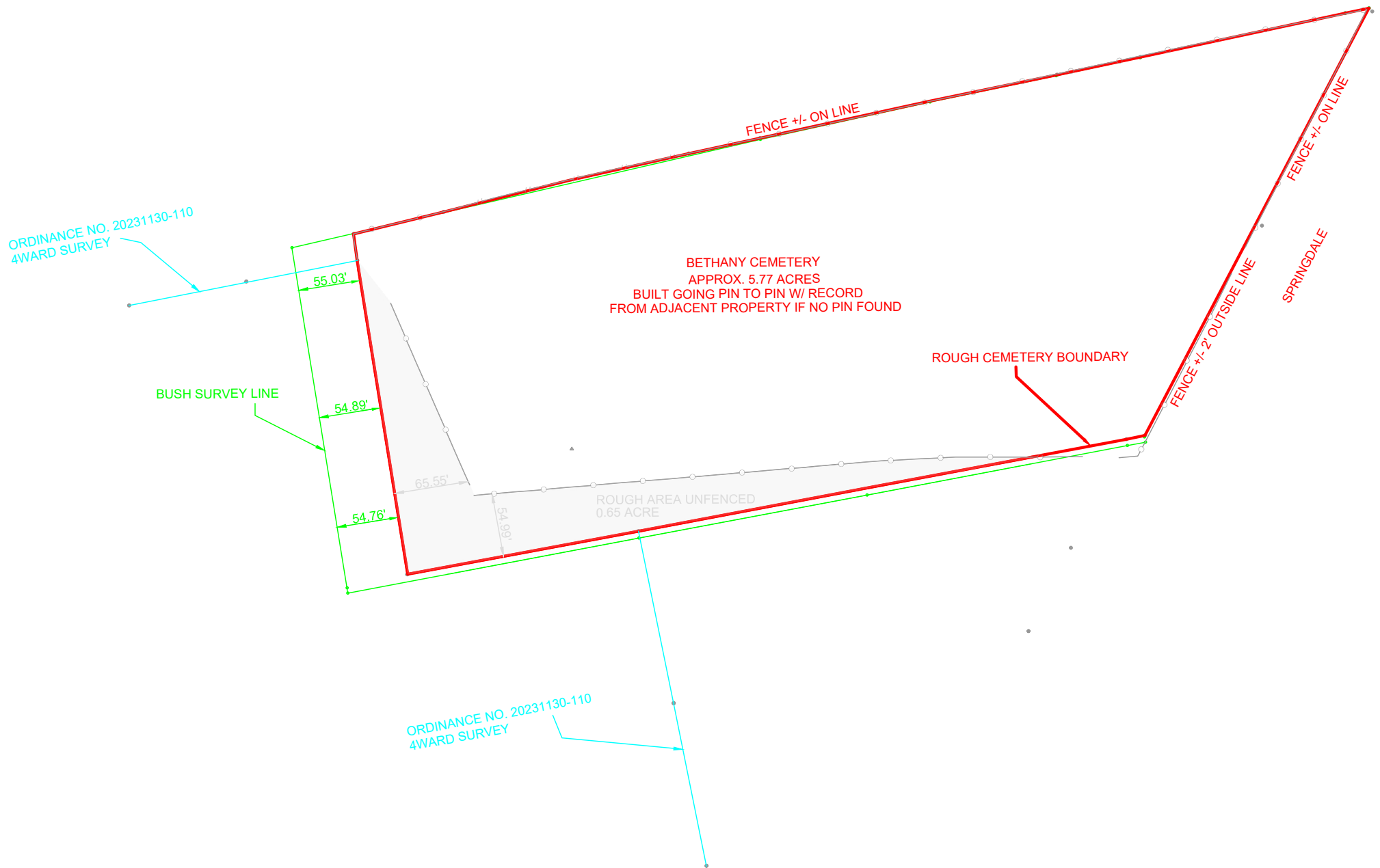
Zoning Map

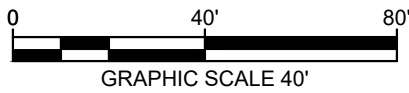
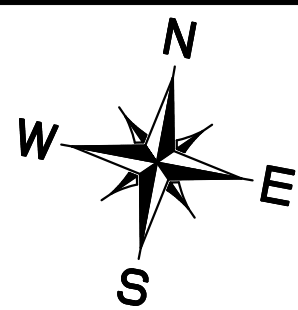
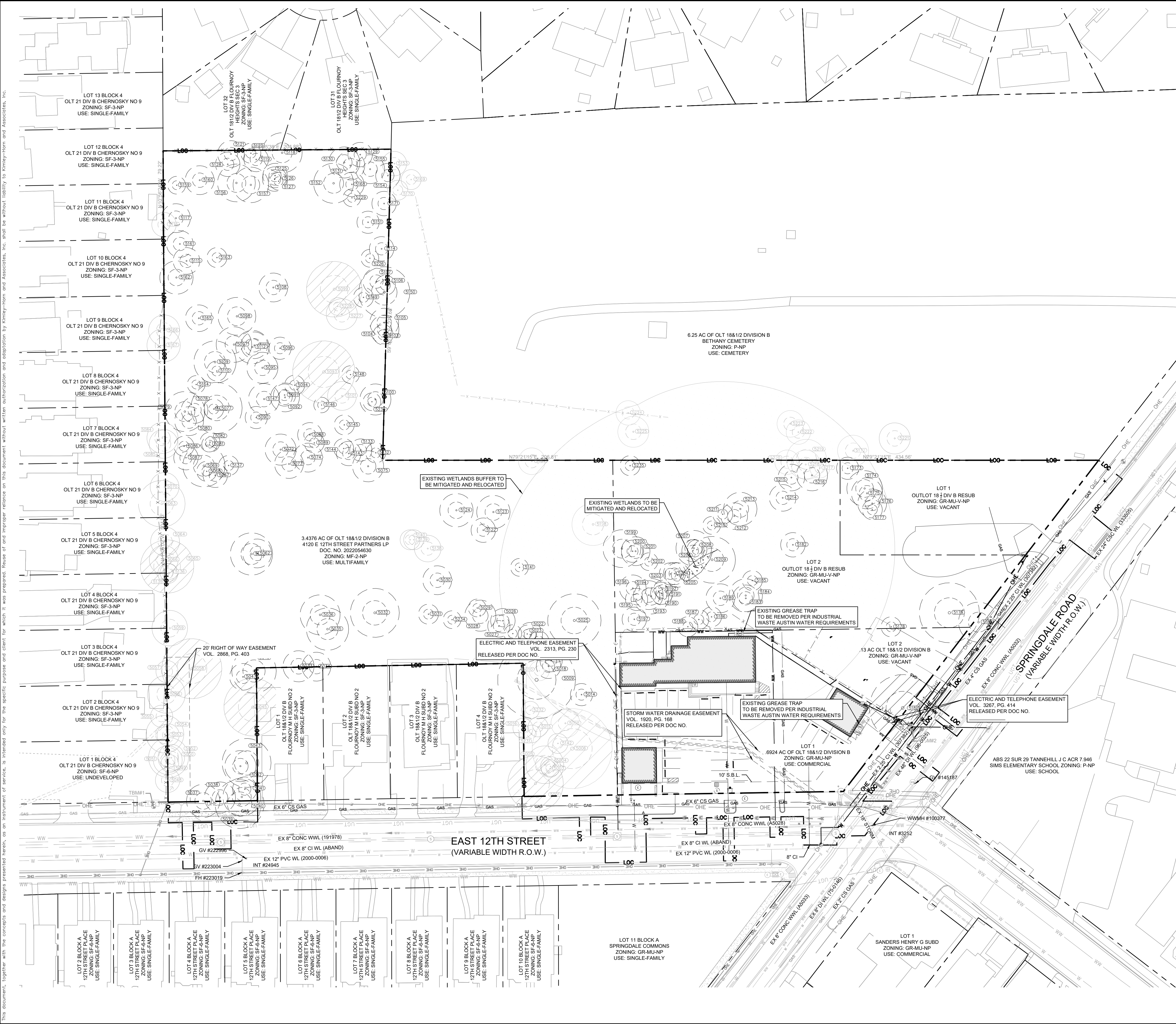


Imagery Map



Vicinity Map





LEGEND

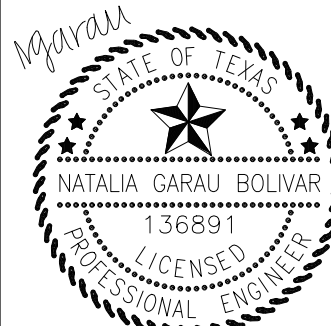
	PROPERTY LINE
	ADJACENT PROPERTY LINE
	EASEMENT LINE
	WATER LINE
	WASTEWATER LINE
	STORM SEWER LINE
	GAS
	GUARD RAIL
	OVERHEAD ELECTRIC
	BENCHMARK
	FIRE HYDRANT
	WATER METER
	WATER MANHOLE
	WATER VAULT
	WATER VALVE
	IRRIGATION VALVE
	WASTEWATER CLEANOUT
	WASTEWATER MANHOLE
	STORM SEWER GRATE INLET
	STORM SEWER MANHOLE
	GAS METER
	GAS SIGN
	GAS VALVE
	TELEPHONE BOX
	TELEPHONE MANHOLE
	ELECTRIC BOX
	ELECTRIC METER
	ELECTRIC MANHOLE
	UTILITY POLE
	GUY ANCHOR
	TRAFFIC SIGNAL
	SIGN
	LIMITS OF CONSTRUCTION AREA
	EXISTING TREES TO REMAIN
	EXISTING TREES TO BE REMOVED

NOTES:

- TREES AND TOPOGRAPHY SHOWN UPON SURVEY BY AWARD LAND SURVEYING ON NOVEMBER 29, 2022. TPBELS #01714300. NO WARRANTY IS EXPRESSED OR IMPLIED AS TO THE ACCURACY OF THE SURVEY.
- THE CONTRACTOR SHALL FIELD VERIFY ALL ELEVATIONS PRIOR TO CONSTRUCTION. A PRECONSTRUCTION MEETING WITH THE ENVIRONMENTAL INSPECTOR IS REQUIRED PRIOR TO ANY SITE DISTURBANCE.
- REFERENCE THE EROSION CONTROL PLAN SHEET FOR EROSION CONTROLS TO BE PLACED PRIOR TO THE PRECONSTRUCTION MEETING.
- EROSION CONTROLS MUST BE MAINTAINED DURING ANY SITE DISTURBANCE OR CONSTRUCTION ACTIVITIES.
- LOCATIONS OF PUBLIC AND FRANCHISE UTILITIES SHOWN ARE APPROXIMATE AND MAY NOT BE COMPLETE. CONTRACTOR SHALL CALL THE ONE CALL CENTER (472-2822) AT LEAST 48 HOURS PRIOR TO COMMENCING DEMOLITION OR CONSTRUCTION ACTIVITIES. CONTRACTOR SHALL CONDUCT A UTILITY LOCATE. COMPANIES WHO DO NOT SUBSCRIBE TO THE ONE CALL PROGRAM FOR LINE MARKINGS, THE CONTRACTOR BEARS SOLE RESPONSIBILITY FOR VERIFYING LOCATIONS OF EXISTING UTILITIES, SHOWS OR NOT SHOWS, OR ANY OTHER INFORMATION. CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OR RELOCATION OF EXISTING PUBLIC AND PRIVATE FRANCHISE UTILITIES (WATER, ELECTRIC, AND GAS ETC.) WITHIN THE LIMITS OF THE SITE DEMOLITION SHALL BE COORDINATED WITH THE APPLICABLE UTILITY AGENCIES.
- NO CONSTRUCTION OR STREET RIGHT-OF-WAY TO REMAIN IN PLACE UNLESS NOT OTHERWISE.
- THE CONTRACTOR IS RESPONSIBLE FOR THE DEMOLITION, REMOVAL, AND DISPOSAL OF UTILITIES, INCLUDING BUT NOT LIMITED TO, STRUCTURE, FOUNDATION, AND UTILITIES WITHIN THE SITE. CONTRACTOR TO DISPOSE ALL DEMOLITION SPOOLS OFF-SITE IN A LEGAL MANNER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR DAMAGE TO EXISTING UTILITIES, IRRIGATION LINES, PAVEMENT, ETC., TO REMAIN RESULTING FROM DEMOLITION ACTIVITIES AND REPAIR AT THEIR OWN EXPENSE.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS REQUIRED FOR DEMOLITION AND DISPOSAL.
- ALL ITEMS TO BE REMOVED SHALL BE DISPOSED OFF-SITE IN A MANNER ACCEPTABLE TO ALL APPLICABLE REGULATIONS.
- CONCRETE 3/4 INP THICKNESS OR MORE, CONCRETE CURB & GUTTER AND FIRE LANE STRIPING PROPOSED TO REMAIN THAT IS DAMAGED DURING CONSTRUCTION.
- REFERENCE TREE LIST ON SHEET 13 - TREE LIST.
- REFERENCE LANDSCAPE SHEETS FOR TREE REMOVAL AND MITIGATION CALCULATIONS.
- REFERENCE EROSION CONTROL REPORT COMPLETED BY BARTLETT TREE EXPERTS, DATED OCTOBER 2, 2023.
- REFERENCE ENVIRONMENTAL RESOURCE INVENTORY (ERI) COMPLETED BY ECA SOLUTIONS, DATED SEPTEMBER 2023.
- TREE PROTECTION FENCING IS REQUIRED FOR ALL TREES WITHIN THE LIMITS OF DEMOLITION ON SITE BEFORE DEMOLITION OCCURS, WHERE FENCING CANNOT BE PLACED TO PROTECT THE TREE, CONTRACTOR SHALL PROVIDE A 6' TALL COVER, PROVIDE A 1" LAYER OF ORGANIC HARDWOOD MULCH OUTSIDE OF THE FENCING.
- STRAPPING 2X4 OR THICKER LUMBER (TO MATCH HEIGHT OF BUILDING) SECURELY AROUND TREE TRUNK, BUTTRESS ROOTS, AND ROOT FLARE, IS REQUIRED IF FENCING CANNOT BE PLACED AROUND THE TREE.
- IF PRUNING IS NECESSARY DURING DEMOLITION, IT SHOULD TAKE PLACE PRIOR TO THE START OF THE DEMOLITION PROCESS. IT MUST BE PERFORMED BY A QUALIFIED PERSON WHO IS NOT MORE THAN 10 FEET AWAY FROM THE TREE.
- ALL ACTIVITIES WITHIN THE CRITICAL ENVIRONMENTAL FEATURES (CEFS) AND ASSOCIATED SETBACKS MUST COMPLY WITH THE CITY OF AUSTIN LAND DEVELOPMENT CODE. THE NATURAL VEGETATIVE COVER MUST BE RETAINED TO THE MAXIMUM EXTENT PRACTICABLE FOR CONSTRUCTION. PROHIBITED EXCEPT AS DEFINED IN THIS SITE PLAN, AND WASTEWATER DISPOSAL OR IRRIGATION IS PROHIBITED.
- CONTRACTOR TO INSURE THAT AN ARCHEOLOGIST WILL BE ON PROPERTY TO OBSERVE AND RECORD ANY EXCAVATION WITHIN 25' OF CEMETERY TRACT PER RESTRICTIVE COVENANT #02313581.

Kimley»»Horn

Kimley-Horn & Associates, Inc.
800 BURLISON ROAD, BUILDING 312, SUITE 150
AUSTIN, TX 78744
PHONE: 512-618-9942 FAX: 512-418-1791
WWW.KIMLEY-HORN.COM
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8/14/2025

KHA PROJECT 069408701	DATE AUGUST 2025
SCALE: AS SHOWN	DESIGNED BY: NG
	DRAWN BY: PP
	CHECKED BY: GP

OVERALL EXISTING CONDITIONS

12TH AND SPRINGDALE
4120 & 4130 E 12 STREET
CITY OF AUSTIN
TRAVIS COUNTY, TEXAS

SHEET NUMBER

7 OF 76

From: [Leah Bojo](#)
To: [Contreras, Kalan](#)
Cc: [Temaria Davis](#); [Katie Gengler](#); [McKnight, Kim](#)
Subject: Re: Cemetery qs?
Date: Monday, February 9, 2026 8:01:02 AM
Attachments: [image001.png](#)
[2025-08-14 - 12th & Springdale - Plan Set 7.pdf](#)
[2026_01_07_Regular Meeting Backup, Historic Landmark Commission 36.pdf](#)

External Email - Exercise Caution

Hi Kalan,

Thanks for sending this - attached is the survey in backup and a copy of our most recent survey. Along the rear boundary we show 641.37 feet and the historic survey is 714.32 feet. At some point the rear part of the cemetery was sold off and is now part of our client's property so we need to make sure that we don't rezone that part that's not cemetery anymore.

I'm looping in Kim, too. Hoping you can use our survey to reduce that back portion? I know it's just going to PC on Tuesday, so we have time to reduce before getting to CC.

Leah M. Bojo, AICP, Director of Land Use & Entitlements

2705 Bee Caves Road, Suite 100, Austin, TX 78746

Drenner Group, PC | [REDACTED] cell | [REDACTED] | www.drennergrouppc.com

From: Contreras, Kalan <Kalan.Contreras@austintexas.gov>

Date: Monday, January 26, 2026 at 8:46 AM

To: Leah Bojo [REDACTED]

Cc: Temaria Davis [REDACTED], Katie Gengler
[REDACTED]

Subject: RE: Cemetery qs?

We are using the tax map (.pdf p. 3) and site plan (.pdf p. 35) from the application (<https://services.austintexas.gov/edims/document.cfm?id=464992>), since neither Commission-initiated historic zonings nor simple single-parcel historic zonings require a survey.



Kalan Contreras
Principal Planner
Historic Preservation Office
Austin Planning
512-974-2727

kalan.contreras@austintexas.gov

Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online.

La correspondencia y la información enviada a la Ciudad de Austin está sujeta a la Ley de Información Pública de Texas (Capítulo 552) y puede ser publicada en línea.

From: Leah Bojo <[REDACTED]>
Sent: Saturday, January 24, 2026 2:12 PM
To: Contreras, Kalan <Kalan.Contreras@austintexas.gov>
Cc: Temaria Davis <[REDACTED]> Katie Gengler <[REDACTED]>
Subject: Re: Cemetery qs?

External Email - Exercise Caution

Hi Kalan,

Thank you for reaching out! My client owns the property adjacent to the Bethany Cemetery on the west and south. I know that over the years there have been several different boundaries for the cemetery and so I want to make sure that my client's property isn't inadvertently zoned history based on an incorrect survey. Could you send me the survey that you will be using for this rezoning?

Thanks so much and hope you're staying warm!

Leah M. Bojo, AICP, Director of Land Use & Entitlements

2705 Bee Caves Road, Suite 100, Austin, TX 78746

Drenner Group, PC | [REDACTED] cell | [REDACTED] | www.drennergroupp.com

From: [Peek, Chris](#)
To: [Contreras, Kalan](#); [Hawkins, Mary](#)
Cc: [McKnight, Kim](#)
Subject: Re: Bethany Cemetery Rough Survey Sketch
Date: Wednesday, June 24, 2026 12:32:32 PM
Attachments: [image001.png](#)
[image002.png](#)
[ORDINANCE NO. 20231130-110.pdf](#)
[Outlook-A picture .png](#)

Yes, our work in the field and Mary agrees with the 4Ward survey in ordinance number 20231130-110 attached.



Chris Peek, SIT
Survey Technician
Austin Capital Delivery Services
512-974-7086
chris.peek@austintexas.gov

From: Contreras, Kalan <Kalan.Contreras@austintexas.gov>
Sent: Wednesday, June 24, 2026 12:12 PM
To: Peek, Chris <Chris.PEEK@austintexas.gov>
Cc: McKnight, Kim <Kim.McKnight@austintexas.gov>
Subject: RE: Bethany Cemetery Rough Survey Sketch

Thanks so much, Chris. And just to have it in writing, the 4ward survey's boundary findings were confirmed by your work as well, correct?



Kalan Contreras
Principal Planner, Historic Preservation Office
Austin Planning
512-974-2727
kalan.contreras@austintexas.gov

Correspondence and information submitted to the City of Austin are subject to the Texas Public Information Act (Chapter 552) and may be published online. | La correspondencia y la información enviada a la Ciudad de Austin está sujeta a la Ley de Información Pública de Texas (Capítulo 552) y puede ser publicada en línea.

From: Peek, Chris <Chris.PEEK@austintexas.gov>
Sent: Wednesday, June 24, 2026 12:10 PM
To: Contreras, Kalan <Kalan.Contreras@austintexas.gov>

Subject: Bethany Cemetery Rough Survey Sketch

Here is the PDF of that sketch we were just looking at.

Let us know if you need anything else or any clarification on the sketch.

Thanks,



Chris Peek, SIT
Survey Technician
Austin Capital Delivery Services
512-974-7086
chris.peek@austintexas.gov

ORDINANCE NO. 20231130-110

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4106 1/2, 4120, 4122, AND 4122 1/2 EAST 12TH STREET, IN THE EAST MLK COMBINED NEIGHBORHOOD PLANNING AREA, FROM FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING DISTRICT TO MULTIFAMILY RESIDENCE LOW DENSITY-NEIGHBORHOOD PLAN (MF-2-NP) COMBINING DISTRICT.

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

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from family residence-neighborhood plan (SF-3-NP) combining district to multifamily residence low density-neighborhood plan (MF-2-NP) combining district on the property described in Zoning Case No. C14-2023-0038.SH, on file at the Planning Department, as follows:

3.4377 acres of land, being out of the GEORGE J. NEILL SURVEY No. 1, ABSTRACT NO. 586, in Travis County, Texas, and being out of and a portion of OUTLOT No. 18 1/2, DIVISION "B", ORIGINAL CITY OF AUSTIN, Travis County, Texas, as shown on the map or plat thereof filed in the General Land Office of the State of Texas, and being all of a called 3.4376 acre tract conveyed in a deed and recorded as Document No. 2022054630 of the Official Public Records of Travis County, Texas, said 3.43 acres of land being more particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 4106 1/2, 4120, 4122, and 4122 1/2 East 12th Street, in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "B"**.

PART 2. Except as specifically modified by this ordinance, the Property is subject to Ordinance No. 021107-Z-12c that established zoning for the MLK Neighborhood Plan.

PART 3. This ordinance takes effect on December 11, 2023.

PASSED AND APPROVED

_____, November 30, 2023

§
§
§ _____
Kirk Watson
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Myrna Rios
City Clerk

EXHIBIT A

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 3.4377 ACRES (149,748 SQUARE FEET) OUT OF THE GEORGE J. NEILL SURVEY NO. 1, ABSTRACT NO. 586, IN TRAVIS COUNTY, TEXAS, AND BEING OUT OF AND A PART OF OUTLOT NO. 18-1/2, DIVISION B, OF THE GOVERNMENT TRACTS ADJOINING THE CITY OF AUSTIN, ACCORDING TO A MAP OR PLAT ON FILE WITH THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, AND BEING ALL OF A CALLED 3.4376 ACRE TRACT CONVEYED TO 4120 E 12TH STREET PARTNERS, LP IN DOCUMENT NO. 2022054630 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS (O.P.R.T.C.T.), SAID 3.4377 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
512.554.3371
jward@4wardls.com
www.4wardls.com

COMMENCING, at a 1/2-inch iron rod found in the west right-of-way line of Springdale Road (right-of-way varies), and being at the common east corner of Lot 1 and Lot 2 of the Resubdivision of a Portion of Outlot 18 1/2, Division "B", Section 2, recorded in Volume 11, Page 84 of the Plat Records of Travis County, Texas (P.R.T.C.T.), from which a 1/2-inch iron rod found in the west right-of-way line of said Springdale Road, and being at the northeast corner of said Lot 2, Resubdivision of a Portion of Outlot 18 1/2, Division "B", Section 2, and being the southeast corner of Lot 2 of the Resubdivision of a Portion of Outlot 18 1/2, Division "B", recorded in Volume 8, Page 132 (P.R.T.C.T.) bears, N26°57'55"E, a distance of 106.14 feet;

THENCE, with the west right-of-way line of said Springdale Road, and with the east line of said Lot 1, Resubdivision of a Portion of Outlot 18 1/2, Division "B", Section 2, S26°58'22"W, a distance of 80.11 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set, said point being at the intersection of the west right-of-way line of said Springdale Road with the north right-of-way line of East 12th Street (right-of-way varies), and being the southeast corner of said Lot 1, Resubdivision of a Portion of Outlot 18 1/2, Division "B", Section 2;

THENCE, with the north right-of-way line of said East 12th Street and the south line of said Lot 1, Resubdivision of a Portion of Outlot 18 1/2, Division "B", Section 2, S78°27'03"W, a distance of 203.12 feet to a 1/2-inch iron rod with "4Ward Boundary" cap set for the southeast corner and **POINT OF BEGINNING** hereof, said point being in the north right-of-way line of said East 12th Street, and being the southwest corner of said Lot 1, Resubdivision of a Portion of Outlot 18 1/2, Division "B", Section 2, and being the southeast corner of said 3.4376 acre tract;

THENCE, with the north right-of-way line of said East 12th Street and the south line of said 3.4376 acre tract, S78°27'03"W, a distance of **83.90** feet to a 1/2-inch iron rod found for an exterior ell-corner hereof, said point being in the north right-of-way line of said East 12th Street, and being the southeast corner of Lot 4 of M.H. Fluornoy Subdivision No. 2, recorded in Volume 18, Page 42 (P.R.T.C.T.), and being an exterior ell-corner of said 3.4376 acre tract;

THENCE, leaving the north right-of-way line of said East 12th Street, with the common lines of Lots 1 through 4 of said M.H. Fluornoy Subdivision No. 2 and the south lines of said 3.4376 acre tract; the following three (3) courses and distances:

- 1) **N11°05'26"W**, a distance of **119.75** feet to a 1/2-inch iron rod found for an interior ell-corner hereof,
- 2) **S78°21'23"W**, a distance of **239.73** feet to a 1/2-inch iron rod found for an interior ell-corner hereof, and
- 3) **S11°04'30"E**, a distance of **119.36** feet to a 1/2-inch iron rod found for an exterior ell-corner hereof, said point being in the north right-of-way line of said East 12th Street, and being at the southwest corner of said Lot 1 of M.H. Fluornoy Subdivision No. 2, and being an exterior ell-corner of said 3.4376 acre tract;

THENCE, with the north right-of-way line of said East 12th Street and the south line of said 3.4376 acre tract, S78°27'03"W, a distance of **80.39** feet to a 1/2-inch iron pipe found for the southwest corner hereof, said point being in the north right-of-way line of said East 12th Street, and being the southeast corner of Lot 1, Block 4 of

Chernosky Subdivision No. 9, recorded in Volume 4, Page 190 (P.R.T.C.T.), and being the southwest corner of said 3.4376 acre tract;

THENCE, leaving the north right-of-way line of said East 12th Street, with the east line of said Block 4 of Chernosky Subdivision No. 9 and the west line of said 3.4376 acre tract, the following two (2) courses and distances:

- 1) **N11°06'02"W**, a distance of **506.13** feet to a 1/2-inch iron pipe found for an angle point hereof, and
- 2) **N10°56'24"W**, a distance of **79.22** feet to a 1/2-inch iron rod found for the northwest corner hereof, said point being in the east line of Lot 12 of said Block 4 of Chernosky Subdivision No. 9, and being at the southwest corner of Lot 32 of Fluornoy Heights Section Three, a subdivision recorded in Volume 30, Page 2 (P.R.T.C.T.), and being the northwest corner of said 3.4376 acre tract;

THENCE, with the south lines of Lots 31 and 32 of said Fluornoy Heights Section Three, and with the north line of said 3.4376 acre tract, **N78°55'38"E**, a distance of **204.88** feet to a 1/2-inch iron rod found for an exterior ell-corner hereof, said point being in the west line of the Bethany Cemetery, a subdivision recorded in Volume 1, Page 96 (P.R.T.C.T.), being at the southeast corner of said Lot 31, and being an exterior ell-corner of said 3.4376 acre tract;

THENCE, with the common line of said Bethany Cemetery and said 3.4376 acre tract, the following two (2) courses and distances:

- 1) **S09°05'58"E**, a distance of **279.68** feet to a 1/2-inch iron pipe found for an interior ell-corner hereof, and
- 2) **N79°21'15"E**, a distance of **206.81** feet to a 1/2-inch iron pipe found for an exterior ell-corner hereof, said point being at the northwest corner of Lot 2 of said Resubdivision of a Portion of Outlot 18 1/2, Division "B", and being an exterior ell-corner of said 3.4376 acre tract;

THENCE, with the common line of Lot 2 of said Resubdivision of a Portion of Outlot 18 1/2, Division "B", and said 3.4376 acre tract, **S11°29'41"E**, a distance of **154.79** feet to a 1/2-inch iron pipe found for an angle point hereof, said point being the common west corner of Lot 2 of said Resubdivision of a Portion of Outlot 18 1/2, Division "B", and Lot 1 of said Resubdivision of a Portion of Outlot 18 1/2, Division "B", Section 2, and being an angle point in the east line of said 3.4376 acre tract, from which a 1/2-inch iron rod found at the most westerly corner of Lot 2 of said Resubdivision of a Portion of Outlot 18 1/2, Division "B", Section 2, being an angle point in the north line of Lot 1 of said Resubdivision of a Portion of Outlot 18 1/2, Division "B", Section 2, and being a point in the south line of Lot 2 of said Resubdivision of a Portion of Outlot 18 1/2, Division "B" bears, **N78°31'38"E**, a distance of 126.55 feet;

THENCE, with the east line of said 3.4376 acre tract and the west line of Lot 1 of said Resubdivision of a Portion of Outlot 18 1/2, Division "B", Section 2, **S11°25'47"E**, a distance of **146.15** feet to the **POINT OF BEGINNING**, and containing 3.4377 Acres (149,748 Square Feet) more or less.

NOTE:

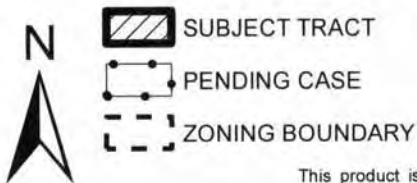
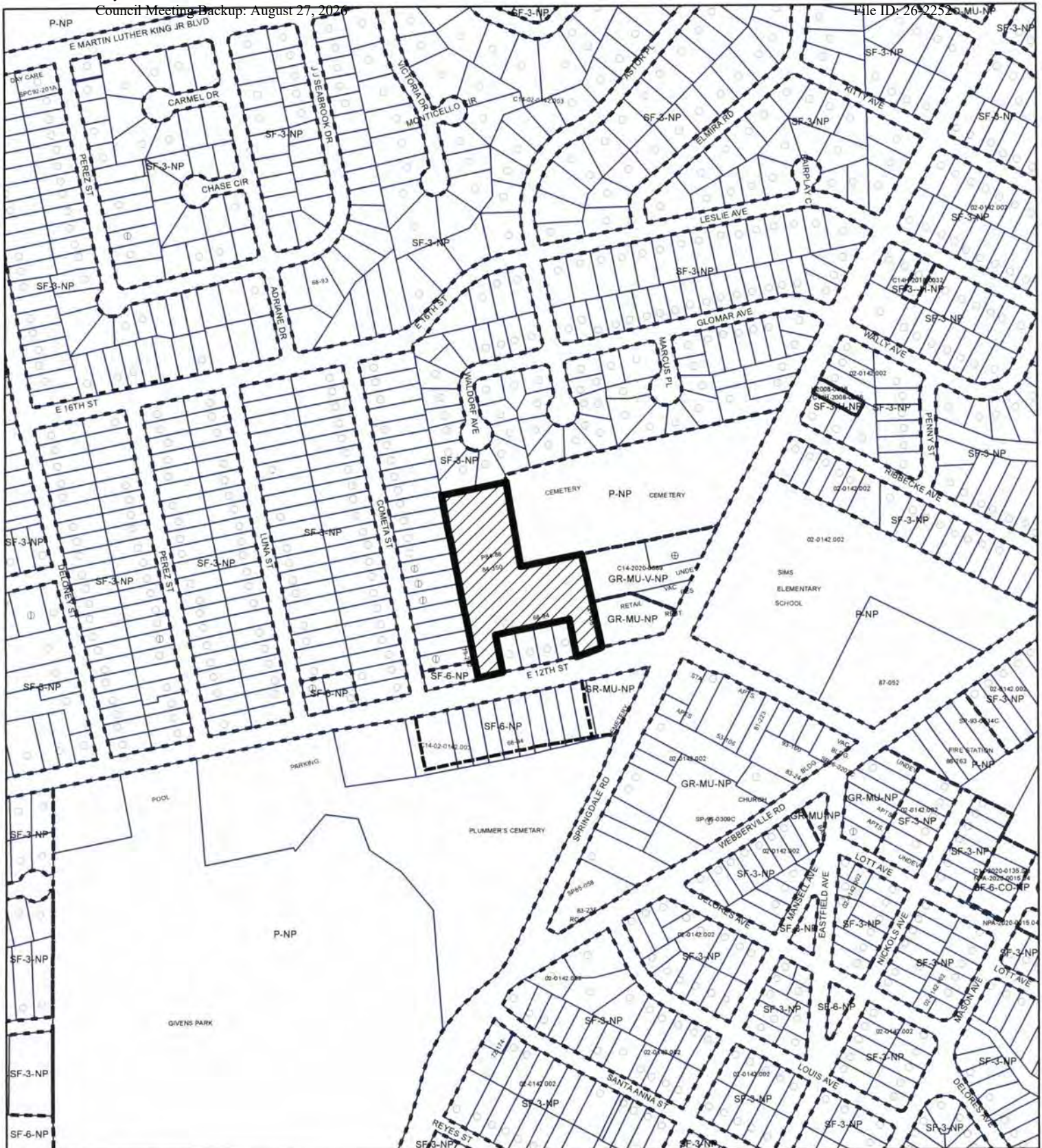
All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203); all distances were adjusted to surface using a combined scale factor of 1.000064590564. See attached sketch (reference drawing: 00379_rev3.dwg)

TCAD Parcel # 319710
COA Grid # L-23 & M-23

11/29/22

Jason Ward, RPLS #5811
4Ward Land Surveying, LLC





1" = 400'

ZONING
ZONING CASE#: C14-2023-0038.SH
EXHIBIT B

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or



Created: 3/27/2023