

COUNCIL CHAMBER.

Ann Arbor, Nov. 16th, 1896. }

Regular Session.

Called to order by President Hiscock.

Roll Called. Quorum present.

Absent, Ald. Koch, Soule, Cady.

PETITIONS AND COMMUNICATIONS.

A petition signed by Fred Heusel and 17 others asking for an electric light at the corner of Jefferson and First streets was read and referred to the Lighting Committee.

A petition signed by John M. Wagner and six others asking for the improvement of south Main-st. was read and referred to the Street Committee.

A communication from the Board of Public Works relative to the covers for flush tanks and man holes of the Sewer System was presented and referred to the Sewer Committee.

REPORTS OF STANDING COMMITTEES.

STREETS.

To the Common Council.

Your Committee on Streets to whom was referred the grade on Oxford St. would report adversely to the establishment of such grade, and further, your committee would recommend that the catch basin on the west side of Detroit street near Depot be moved south to the north end of the park.

Respectfully submitted

Geo. L. Moore,

H. J. Burke,

J. A. Dell,

M. Grossman,

W. M. Shadford,

Committee on Streets.

REPORTS OF CITY OFFICERS.

The reports of the City Treasurer, Chief of Police, Superintendent of the Poor and Chief of the Fire Department were read and ordered placed on file.

Ann Arbor, Mich., Nov. 16, 1896.

To the Common Council of the City of Ann Arbor, Mich.

Gentlemen:—This is to certify that

there was on deposit in this Bank to the credit of Chas. H. Manly City Treasurer on the 1st day of November 1896, the sum of twenty-one thousand forty-seven and 43-100 dollars \$21047.43.

Respectfully,

M. J. Fritz,

Asst. Cashier.

CITY TREASURER'S REPORT.

Balance on hand, last report..... \$23281 28

MONEY RECEIVED.

Contingent fund		
Glen V Mills license.....	1 50	
Street fund		
Paving stone Detroit st...	2 50	
Mrs Bodmer sidewalk tax..	4 39	
Brick sold sewer contractor	28 56	
Dog license		
G V Mills license.....	5 00	
Police fund		
A E Gibson Justice fees..	5 00	
Cemetery fund		
Nelson Garlinghouse .....	10 00	56 95
<b>Total.....</b>		<b>\$ 23338 23</b>

MONEY DISBURSED.

Contingent fund warrants...\$	1071 05	
Street fund.....	2054 36	
Poor fund ..	247 80	
Bridge, Culvert and Cross-walk fund.....	1399 98	
Police fund.....	265 00	
Firemen's fund.....	701 22	
City Cemetery fund.....	24 75	5764 16
<b>Total.....</b>		<b>\$17574 07</b>

BALANCE ON HAND

Contingent fund.....\$	7452 06	
Main Sewer bond fund.....	3300 00	
Street fund.....	556 07	
Poor fund.....	2192 01	
Bridge, Culvert, and Cross-walk fund.....		849 35
Police fund.....	1980 02	
Firemen's fund.....	5779 97	
City Cemetery fund.....	50 10	
Water fund.....	4782 40	
Dog Tax fund.....	194 00	
University Hospital Aid Bond Fund.....	3240 00	
Delinquent Tax Fund.....		796 44
Uncollected City Tax.....		10306 77
		<b>\$29526 63</b>
		<b>11952 56</b>
<b>Total.....</b>		<b>\$ 17574 07</b>

SEWER REPORT.

Oct. 1 Amount on hand.... \$ 6811 11

MONEY RECEIVED.

Oct. 31 General sewer license		
G V Mills Clerk .....	\$ 42 00	
Oct 31 Tax account Sewer District No 3 .....	142 95	
Oct 31 tax account Sewer district No 5.....	244 02	428 97
<b>Total amount received...</b>		<b>\$ 7240 08</b>

MONEY DISBURSED.

October 31

Labor acc't Dist No. 5 war- rants paid.....	3576 14	
Labor acc't Dist No. 3 war- rants paid.....	117 34	
Total amount disbursed...	3693 48	3693 48
Total amount of sewer fund on hand.....		\$3546 60

BALANCE ON HAND.

October 31.

Main sewer fund.....	\$ 10126 59	
Labor ac't lateral sewer Dist. No. 1.....		39 90
Labor ac't lateral sewer Dist. No. 2.....	27 28	
Labor ac't lateral sewer Dist. No. 3.....		4232 40
Labor ac't lateral sewer Dist. No. 4.....		252 73
Labor ac't lateral sewer Dist. No. 5.....		7901 36
Labor ac't lateral sewer Dist. No. 6.....	3 95	
Tax ac't lateral sewer Dist. No. 1.....	715 22	
Tax account lateral sewer Dist. No. 2.....	1217 30	
Tax account lateral sewer Dist. No. 3.....	933 83	
Tax account lateral sewer Dist No. 4.....	1024 16	
Tax account lateral sewer Dist No 5.....	2018 86	
Uncollected sewer tax.....		94 20
	16067 19	12520 59
	1252 59	
Balance in sewer funds....	3546 60	

All of which is respectfully submit-  
ted,  
C. H. MANLY,  
Nov. 14, 1896. Treasurer.

To the Common Council:

Gentlemen: — In reference to the opening of 12th street between Huron and Ann streets referred by you to me I desire to make the following report:

The property in question was platted in 1838 by E. W. Morgan and Lucy W. S. Morgan and the plat is recorded in Liber P of deeds on page 5. This plat dedicated to the city certain lands for streets and among them was the street in question.

The city never accepted said lands and could only accept them by some formal resolution or by entering upon them and performing work there on.

The city acquired the right and title to these lands if it saw fit to accept them. Not having accepted them with- in a reasonable time which our court

has held to be ten years, it has lost its right to accept them now and said street can only be opened by the purchase of the right of way or condemnation proceedings.

These views are fully sustained by the decisions of our Supreme Court.

In the case of Field vs. the Village of Manchester reported in 32 Mich. on page 279 the court says, "There must be an acceptance on the part of the public. When a person in platting property maps out streets thereon the authorities may accept them in whole or in part. They may take and use what the public necessities, in their opinion, require and they are not bound thereby to assume the burdens and responsibilities of opening, grading and keeping in repair the other portions. In case they do not however within a reasonable time accept of the streets thus offered to be dedicated the owners of the lands fronting thereon may again take possession of the property and treat it as though in all respects no offer of dedication had ever been made."

In the case of Cooper vs. Detroit 42 Mich. 584 the court says, "We have found no authority and we think none can be sustained on principle which holds that when a highway or any part of one has been actually extinguished and turned to other uses there is any way of renewing it without the same methods of dedication or uses which would turn any other lands into public ways."

In the case of the City of Detroit vs. Beecher 75 Mich 469 the court says, "Something more than a mere offer of dedication by platting is necessary in order to give the public the right of a street or highway. There must be an acceptance on the part of the public; and an acceptance of a part is not an acceptance of the whole."

I could cite many other decisions of our Supreme Court sustaining my position in this matter and I must hold that if

the City desires to open said street it must proceed just as though no land was ever dedicated for that purpose.

Respectfully submitted,  
Thos. D. Kearney,  
City Attorney.

RESOLUTIONS

By Ald. Coon.

*Resolved*, that the Board of Public Works be directed to repair all defective crosswalks in the city with plank or cinders.

Adopted as follows:

Yeas.—Ald. Maynard, Moore, Grossman, Laubengayer, Dell, Burke, Brown, Shadford, Rhodes, Coon, Danforth, Pres. Hiscock.—12.

Nays.—None.

By Ald. Moore.

*Resolved*, That the city clerk be, and is hereby directed to advertise for bids for the sale of the sewer bonds in sewer district number five.

Adopted as follows:

Yeas—Ald. Maynard. Moore, Grossman, Laubengayer. Dell, Burke, Brown Shadford. Rhodes, Coon, Danforth, Pres. Hiscock.—12.

Nays—None.

By Alderman Moore.

*Resolved*, that the Finance Committee be instructed to secure a janitor for the city building for the ensuing year.

Ald. Dell moved that resolution be laid over until the next regular session.

Adopted as follows:

Yeas—Ald. Maynard, Moore, Grossman, Laubengayer, Dell, Burke, Shadford, Rhodes, Coon, Danforth, Pres. Hiscock.—11.

Nays.—Ald. Brown.—1.

By Ald. Maynard.

*Resolved*, that the President of the Council appoint a special committee of three to act with the City Attorney and proceed against violators of the election laws in our city.

Adopted as follows:

Yeas.—Ald. Maynard, Moore, Grossman. Laubengayer, Dell, Burke, Brown, Shadford, Rhodes, Coon, Danforth, Pres. Hiscock.—12.

Nays—None.

Pres. Hiscock appointed City Atty. Kearney and Ald. Maynard, Coon and Brown as such committee.

On motion the Council adjourned.

GLEN. V. MILLS,  
City Clerk.