

Council Chamber, March 31, 1902.  
Special.

Roll call: Present—Ald. Hamilton, Schlenker, Kearns, Clancy, Brown, Roberts, Jenney, Coon, Fischer, Pres. Haarer—10. Absent—Ald. Richards, Koch, Schumacher, Weeks—Burg—5.

#### THE CALL.

Ann Arbor, Mich., March 31, 1902.

Mr. J. E. Harkins, City Clerk:

Dear Sir—Please issue the usual notice and call for a special meeting of the common council for this evening at 7:30 local time.

I To take action on the grade separation ordinance.

II. To take such action as may seem proper with reference to putting in force the ordinance relative to water rates.

Yours truly,

R. S. COPELAND, Mayor.

Enter Ald. Burg, Richards.

Mayor's Office, Ann Arbor,

Mich., March 31, 1902.

To the Honorable the Common Council:

Gentlemen—For one year the question of grade separation has agitated the public mind. During that period the pendulum of public opinion has described its arc innumerable times and dizzy-headed must be the citizen who has attempted to follow public thought in its rapid oscillations.

The plan of elevating the tracks of the Ann Arbor railroad is objected to because:

I. It mars the landscape.

II. It damages abutting property by rendering it inaccessible.

III. It imposes expense upon the city.

These objections are raised in no cautious effort to defeat the enterprise, but are inspired undoubtedly by honest belief in their validity. Before attempting to offset them by enumeration of the advantages to accrue from the grade separation let us carefully and critically examine these objections.

1. It impairs the beauty of the city. The catch phrase, "Chinese wall" has been used to describe the proposed embankment. One would suppose from the use of this term that the consummation of the plan would change the contour of the city, leaving the railroad property a great, unsightly wall, separating the two parts of the city as thoroughly as the veil of the temple

shut off the holy place from the holy of holies.

As a matter of fact, from a block away the embankment would not be visible. It is proposed to build abutments of masonry at the inner sidewalk line, leaving the entire width of the streets free and clear. It cannot be that such structures could be any more objectionable than would be one-story buildings erected at the same points. Fifteen feet above each street would be a neat steel viaduct. Relatively this is so narrow that at 300 feet the observer would find its vision uninterrupted. Many large cities, both in the old world and in America, have suffered the same arrangement, not only in the business portions, but also in the most aristocratic residence districts. History shows that values, comfort and beauty have not been detracted from by this plan.

The only place where there is any real reason to fear damage to the appearance of the city if the grades are changed is at First street. Let us examine the situation there.

Under any circumstances a railroad crossing of ordinary width is not a thing of beauty. Liberty street joins First street at an acute angle and both are crossed by the railroad so close to their intersection that the railroad crossings over both streets unite to form practically one crossing, 400 feet wide. In this desert there has been a single oasis. We have all been charmed by the floral beauty of the Fritz property. It is easy to see why the residents east of the tracks would be sorry to lose the beauty of the green lawn and gorgeous flowers of that second ward home. But is this necessary?

The triangle left after closing First street at the railroad can be made a beautiful little park. The embankment can be sodded and made as attractive as the Michigan Central's hillside lawn. The roadway leading to Dean & Co.'s warehouse can be narrowed and made a gravel driveway. Trees can be planted, flower beds and a fountain installed and Ald. Schlenker will realize in his own ward and opposite his own property the beginning of the park system he so ardently and properly advocates.

The outlook from the property west of the tracks will be greatly improved by the removal of the unsightly railroad warehouse, with its belittered

platform and flat cars. The filling of William street will improve the appearance there and little effort will be needed to make the embankment a beauty spot and not a blemish. Mr. Ashley very cheerfully agrees to cooperate with us in adding the features which will make the elevation an improvement in every sense.

Following as it does the lowest part of the ravine, the railroad is well located for the separation of grades. Property a block away from the railroad on either side is far enough up the hill to look over the viaducts. No objections have been raised by such residents.

II. Passing next to point No. 2 we have mention of the damage to abutting property by rendering it inaccessible of approach by reason of the elevation of tracks. In a few cases, no doubt, this objection is well founded. The only property to which special attention has been called is the vinegar factory.

There is not a resident in this city who does not desire to encourage every possible manufactory and industrial institution. There is not a city officer who would not use every official effort to promote their interests. Therefore it behooves us to thoroughly consider all such claims as are covered by this objection.

The Ann Arbor railroad in its official is not lacking in common sense. We have been assured, and our own judgment confirms the belief, that all the patrons of the railroad will be protected and as well provided for as they are now. There can be no reason to doubt that the vinegar factory will be included in the adjustment of benefits. However, if that institution is really in a cul-de-sac and there is no possible approach to its premises except by the purchase of a narrow piece of land on which an option is said already to have been procured, there may be some reason for special legislation in behalf of that factory. Fortunately there are very few pieces of property so situated, this probably being the only one. All the mills, factories, coal yards and warehouses will be provided with side-tracks and shipping facilities. In some instances the patrons of the railroad will be better taken care of than they now are.

III. Grade separation will impose expense upon the city.

The truth of this statement must be admitted frankly.

It is also true that electric lights, pavements, sidewalks, sewers, care of streets, fire protection, voting machines, public parks, bridges, crosswalks and culverts impose expense upon the city.

Fire escapes cost money, but their importance is so great that the law demands their being placed on public buildings. Fire insurance is expensive, but it is considered an evidence of poor business policy to be without it.

In the history of civilization there has not been an improvement in the appearance, comfort, health or protection of any individual or community without the expenditure of money or its equivalent.

In the matter under consideration the only question is this: Does this scheme propose benefits of such general nature as to justify the expenditure of public funds?

If it does not, then in my humble opinion, the sixth and first wards have no right to ask the second and third wards to contribute their share of the city 20 per cent towards the construction of pavements on Liberty and State streets. It might be said, too, concerning other improvements which have been made in the upper wards, that the taxpayers of the fifth, second and third wards have been very patient.

I am not here, of course, to object to such splendid and much needed improvements. I am in favor of all we can afford. But what purpose does a pavement serve? It improves the appearance of the city, makes visitors speak well of us, to some extent lightens the burdens of such teamsters as are fortunate enough to pass the way of the paved streets, and promotes the comfort of our citizens who can afford carriages.

What can be said of the separation of grades? Without discussing the provoking delays caused by switching and passing trains, the great danger of grade crossings to life and limb is the thing which must appeal to every human heart. There is not a citizen of our community who has not at some time or other crossed the tracks of the Ann Arbor railroad. Many of our taxpayers and the dear ones of their families cross these tracks many times each day. Every such person has endangered his life every time he stepped

between the rails. It is not of common interest that this death-trap be destroyed and assurance of physical safety be extended to our own people and the strangers within our gates?

This is a day and generation of benevolence, charity and brotherly love. Millions are spent in building hospitals, erecting asylums for the blind and halt and maimed, in equipping libraries, endowing schools and promoting charities of every description. Where is there a more worthy object than the preservation and protection of the lives of our own neighbors and friends? Here is a missionary field so close at hand as to appeal to every person in Ann Arbor, whether he be Catholic or protestant, Lutheran or Methodist, Christian or free-thinker, democrat or republican, black or white, rich or poor.

Undoubtedly some pieces of property will be injured by the change of street grades. It is also true that abutting property owners are put to expense, many times illy afforded, by the assessments for pavements or sewers. In the very last sewer district assessment I know of one poor widow, old and crippled, who was forced to pay fifty dollars' tax when she was barely able to eke out an existence without this extra burden and who needed the luxury of a sewer about as much as a South Sea Islander needs a diamond necklace. There are a few lots near the railroad which will need filling after the streets are raised. Mr. Ashley has agreed to furnish all the dirt we want. It won't be expensive to dump some of it in these low places. And if a few still suffer I am sorry, but for my part I feel our duty is to the multitude and not the individual. The greatest good to the greatest number will force us possibly to work hardship to a few. I hope they will be very, very few, and I believe these will cheerfully make some personal sacrifice for the good of the community.

How much will this improvement cost the city? We take it for granted that the electric railroads will pay their assessment, \$40,000. Since I last communicated with your honorable body on this subject Mr. Hawks stated to me that his road would pay thirty thousand dollars. Last week Mr. Boland telegraphed me that he would pay ten thousand dollars pro-

vided there is no delay in completing the arrangement. What is left for us to do?

To divert First street it will be necessary to buy the Fritz property at an expense of \$2,500. Mr. Ashley estimates the expense of the extra opening at Felch or Ann street at \$3,500. These two items, then, amount to \$6,000. With the dirt delivered without cost, \$4,000 ought to pay the remaining expense of putting the streets in condition. I may be utterly deceived, but I cannot see how the city can possibly expend much more than this amount of money, \$10,000. However, if I were assured that it would cost us \$25,000 I should be as eager for the improvement as I am today. I say this, too, without fear of a charge of extravagance. Our cry for one year has been "economy," and a sufficient answer to the critics of the policy of "stinginess and neglect of works on the streets" is the fact that our overdraft today is several thousand dollars less than it was one year ago. For my part I am willing to devote that saving and, if necessary, considerable more to the furtherance of this great project.

The very modest estimate of our engineer indicates that the city's share of the proposed new paving will be \$10,000. If we can do but one thing let us take care of the grades first. However, we can do both if thought wise, because the expense will not all fall upon us in the same year. We can divide the cost and provide for it during to or three years as the grade separation-money will not be demanded until the second fiscal year from now.

I am glad there has been no party or newspaper division on this question. We are all one when it comes to the protection of human life. We meet on the common platform of humanity and altruism.

Tonight, after careful study and discussion, the ordinance committee will present the fruit of its labors. It may not be a perfect ordinance, there may be omissions or commissions, but it offers a solution which I hope may be acceptable to your honorable body.

Respectfully submitted,

ROYAL S. COPELAND, Mayor.

Enter Ald. Schumacher, Weeks.

By Ald. Fischer:

Resolved, That rules 15 and 16 of

"Rules of the Common Council" be suspended for the evening.

Adopted as follows:

Yeas—Ald. Richards, Schlenker, Koch, Kearns, Clancy, Brown, Schumacher, Weeks, Roberts, Fischer, Pres. Haarer—10. Nays—Ald. Hamilton, Jenney, Coon, Burg—4.

Ald. Fischer then presented

An Ordinance Relative to Changing the Course and Grade of Certain Streets and Elevating the Tracks of the Ann Arbor Railroad.

Whereas, the tracks of the Ann Arbor Railroad Company now cross Felch street, Miller avenue, Huron, Washington, Liberty and First streets at grade, and

Whereas, it would make an easier grade out of the city in both directions and would conduce to the general public convenience and safety if the tracks of the said railroad were elevated and viaducts provided the full widths of the several streets and of such altitude as to enable the public travel on said streets to pass beneath:

Therefore, for the purpose of permitting a change of the grade line of the said Railroad Company's tracks, in order to make possible the separation of street and railroad grades.

**THE COMMON COUNCIL OF THE CITY OF ANN ARBOR ORDAIN:**

Section 1, That the established grade at the points of intersection of said Railroad Company's tracks and the following named streets be—at Main street 2.1 feet; at West Jefferson street 6.2 feet; at Ashley street 6.9 feet; at West William street 11.4 feet; and at Summit street 4.6 feet above the present grade line at the points at which the said railroad company's tracks now cross said several streets. Also that the grade of Cedar and Wright streets be established 2.2 feet, of Pontiac street 3.3 feet and of Jones and Traver streets 3.1 feet below the surface of said streets as they are at present at the points where said railroad now crosses said several streets.

Section 2. That First street be diverted so as to intersect Liberty street west of the present right of way of said company. And that Charles street be diverted so as to intersect Summit street west of the present right of way of said company upon and along the west side of said right of way.

Section 3. That the culvert under Ashley street between West Jefferson and West William streets be constructed parallel with instead of under the said railroad company's tracks, provided that said railroad company will without expense to the city of Ann Arbor, provide and maintain sufficient and suitable means of conducting the water so diverted from the east line of Ashley street to West William street.

Ald. Clancy moved to amend section 3 by inserting the words "and maintain" between the words "provide" and "sufficient." Carried.

Section 4. That said railroad company shall, at its own expense, to the extent of its own right of way, construct and maintain suitable approaches on West Jefferson, Ashley, West William and Summit streets, made necessary by the elevation of said company's tracks where they cross the several streets.

Section 5. That the preceding sections of this ordinance shall be null and void, unless the said Ann Arbor Railroad Company shall provide and place steel viaducts on suitable stone, cement or iron abutments at Felch street, Miller avenue, Huron, Washington and Liberty streets and at the foot of Ann street, which with the exception of those at Felch and Ann streets shall extend the full width of said several streets, with supports at the curb lines if desired, and shall carry all the tracks, both main and sidetracks, over these streets, except as hereinafter provided, and shall give a clear head-room above the present surface of 12 feet at Felch street, 15 feet at Miller avenue, 14 feet at the foot of Ann street, 14 feet at Huron street, 13 feet at Washington street and 12 feet at Liberty street.

That the viaduct at the foot of Ann street shall conform to the ordinance heretofore granted to William A. Boland and the viaduct at Felch street shall be of the width of 30 feet.

That the viaduct at the foot of Ann street shall be constructed by the Ann Arbor Railroad Company and the actual cost thereof shall be paid by the City of Ann Arbor when the whole work of grade separation shall have been completed.

Provided, that the said Ann Arbor Railroad shall have the right to cross Washington street at the present grade with one sidetrack, and provided fur-

ther that said sidetrack shall only be used by said company between the hours of one and four p. m. And that during the hours when such sidetrack is in use the said railroad company shall station and keep on duty at said crossing a flagman.

That the elevation of said tracks shall be completed on or before October 1st, 1903.

Ald. Hamilton moved to amend Section 5 so as to have it read as follows:

Section 5. That the preceding sections of this ordinance shall be invalid, null and void, unless said Ann Arbor Railroad Company shall provide and place steel viaducts at Felch street, Miller avenue, Huron, Washington, Liberty and First streets, which shall extend the full widths of these several streets, with supports at the curb lines, if desired, and shall carry all of the tracks, both main and side-tracks, over these streets, and shall give a clear head-room, above the present surface, of 12 feet at Felch street, 15 feet at Miller avenue, 14 feet at Huron street, 13 feet at Washington street, 12 feet at Liberty street and 12 feet at First street, on or before the first day of April, 1903, and unless said railroad company, before any change of grades contemplated in this ordinance be commenced shall and will adjust, settle and pay all damages which would be caused to adjoining property by such change; and if any property owner and said railroad company shall not be able to agree on the question of just compensation, then such damages shall be adjusted by arbitrators, one to be chosen by the said railroad company, one by the property owner claiming damage, and the third by the two thus chosen. Provided, however, and in event of failure to agree on such compensation, and the failure or refusal of the land-owner claiming damage to appoint an arbitrator in five days after notice, then such work of a change of grades may proceed and the said damage shall be otherwise adjusted.

Lost as follows:

Yeas—Ald. Hamilton, Schumacher, Weeks, Jenney, Fischer, Burg—6.

Nays—Ald. Richards, Schlenker, Kearns, Clancy, Brown, Roberts, Coon, Pres. Haarer—8.

Ald. Schlenker moved to strike out paragraph three of section 5. Lost.

Section 6. That the said viaducts,

approaches and culvert contemplated by this ordinance shall be constructed subject to the approval of the Common Council and the City Engineer of the City of Ann Arbor.

Section 7. This ordinance shall take effect and be in force from and after the expiration of ten days from the legal publication thereof, and after filing with the City Clerk the written acceptance of the same by said Ann Arbor Railroad Company.

Pres. Haarer put the question, "Shall this ordinance pass?"

Adopted as follows:

Yeas—Ald. Richards, Schlenker, Kearns, Clancy, Brown, Schumacher, Roberts, Coon, Pres. Haarer—9. Nays—Ald. Hamilton, Weeks, Jenney, Fischer, Burg—5.

By Ald. Fischer:

Whereas, the ordinance of March 10, regulating the rates to be charged by the Ann Arbor Water Co. for water for domestic purposes, takes effect April 1st next, and

Whereas, it is the claim of such Company that its books are not so adjusted as to enable it to put such rates into effect at such time without great confusion, therefore,

Resolved, that such company be, and it is hereby granted until June 30th, 1902, before being required to put such rates into effect.

Carried.

On motion the council adjourned.

G. O. CLARK,

Deputy City Clerk.

Council Chamber, April 7, 1902.

Regular session.

Called to order by Pres. Haarer.

Roll Call: Present—Ald. Hamilton, Schlenker, Koch, Kearns, Clancy, Schumacher, Jenney, Coon, Pres. Haarer—9. Absent—Ald. Richards, Brown, Weeks, Roberts, Fischer, Burg,—6.

Minutes of the previous meeting read and approved.

COMMUNICATIONS AND PETITIONS.

A petition for a hydrant at the junction of Washington and Third streets was received and referred to the water committee.

A petition remonstrating against paving certain portions of Liberty street was received and referred to the street committee.

A petition remonstrating against the