

## Official Report.

Council Chambers,  
Ann Arbor, Mich., Nov. 19, 1906.

## Regular Session.

Meeting called to order by President  
Gilmore.

Present—Ald. Snaubel Schneider  
Miller, Sweet, St. James, Markey, Man-  
waring, Sherk, Goodyear, Blaich, Ab-  
bott, Fischer, Pres. Gilmore—13.

Absent—Ald. Gill and Kurtz.

## Communications.

Council Chamber, Nov. 13, 1906.

To the Common Council:—

Gentlemen—The undersigned, city  
clerk, begs to submit the following as  
the report of the proceedings of the  
board of review, having under con-  
sideration the review of the several  
sidewalks constructed by the board  
of public works in the city of Ann Arbor  
at the expense of the building sidewalk  
fund.

The council sitting as such board of  
review in pursuance to its order and ap-  
pointment for that purpose, met at the  
council chamber on Tuesday, Nov. 13,  
1906, at 2 o'clock p. m., and due proof  
of the publication of the notice of the  
meeting filed.

The roll of aldermen being called and  
a quorum being found present as fol-  
lows: Ald. Gill, Miller, Sweet, St.  
James, Markey, Manwaring, Sherk  
Blaich, Abbott and Fischer.

Ald. Fischer was called to the chair.

The chairman duly elected for the  
board of review, and the certificate of  
the board of public works presented,  
the council entered upon the consider-  
ation of the same.

Moved by Ald. Millier that a five year  
guarantee be given on walk built on  
Mrs. P. S. Purtell's property.

Adopted as follows:

Yeas—Ald. Gill, Miller, Sweet, St.  
James, Markey, Manwaring, Sherk,  
Blaich, Abbott, Fischer—10.

Nays—None.

By Ald. Abbott:

Resolved, That whereas the certifi-  
cate of the board of public works for the  
construction of the expence of the build-  
ing sidewalk fund of the several side-  
walks mentioned therein having been  
duly certified to us, and this day having  
been appointed and assigned for the  
purpose of reviewing the same and no  
person opposing, and the said certificate  
having been duly considered and the  
review thereof completed, therefore be  
it

Resolved, That the city clerk is or-  
dered to report the proceedings of the  
board of review on said certificate to  
the council at the next regular meeting.

Adopted as follows:

Yeas—Ald. Gill, Miller, Sweet, St.  
James, Markey, Manwaring, Sherk,  
Blaich, Abbott, Fischer—10. Nays—  
None.

Ross Granger, Clerk.

By Ald. Fischer:

Resolved, and it is hereby ordered  
that the several sums of money set  
down in the certificate of the board  
of public works relative to the con-  
struction of sidewalks at the expense  
of the building sidewalk fund, be and  
the same is hereby levied and as-  
sessed against the several parcels of  
land in the said certificates mentioned  
and described, each sum of money  
with the 10 per cent penalty additional,  
against the particular parcel of land as  
in the said certificate stated, and the  
city assessor is hereby ordered and re-  
quired to make the said several assess-  
ments pursuant to law.

Resolved further, that the city clerk  
is hereby required to certify this order  
of assessment to the city assessor pur-  
suant to law.

Adopted as follows:

Yeas—Ald. Snaubel, Schneider, Mil-  
ler, Sweet, St. James, Markey, Manwar-  
ing, Sherk, Goodyear, Blaich, Abbott,  
Fischer, Pres. Gilmore—13. Nays—  
None.

To the Honorable the Common Council:—

The board of park commissioners unanimously request that they be allowed to acquire the strip of river bluff and the west side of School Girl's Glen, belonging to Mr. W. R. Clark; and they be allowed to extend Huron street from Observatory east to the park on land donated for this purpose. The cost of said improvement will be paid for from the park fund. Yours Respectfully,

Geo. P. Burns,

Pres. Park Commissioners.

Received and following resolution offered:

By Ald. Snaubel:

Whereas, The park commissioners of the city of Ann Arbor, in accordance with the plans previously adopted, unanimously recommend that certain lands adjacent to the present park be acquired, and that Huron street be extended east from Observatory street to the present park, now, therefore, be it

Resolved, by the common council of the city of Ann Arbor, that the matter in question be referred to the park commission with full power to act and develop and execute plans for the development of the same, the funds for the purchase price of said property to be appropriated from the park fund.

Adopted as follows:

Yeas—Ald. Snaubel, Schneider, Miller, Sweet, St. James, Markey, Manwaring, Sherk, Goodyear, Blaich Abbott, Fischer, Pres. Gilmore—13.

Nays—none.

Communication in form of action taken by the board of public works:

The Board of Public Works,

William C. Reinhardt, President:

Gentlemen—There is now due Mr. E. L. Schneider for labor on North Main street sewer \$116.12, less bill of \$6.98, which leaves a balance of \$109.14.

E. W. Groves,

City Engineer.

Moved by Mr. Howe, supported by Mr. Moore, that board recommend to the council payment to Mr. E. L. Schneider \$109.14, which is balance due him for constructing North Main street sewer.

Adopted as follows:

Yeas—Messrs. Cornwell, Moore, Howe and Reinhardt—4.

Nays—none.

Moved by Ald. Markey that the recommendation be concurred in and the clerk authorized to draw warrant in favor of E. L. Schneider for \$109.14, balance due him on North Main street sewer.

Adopted as follows:

Yeas—Ald. Snaubel, Schneider, Miller, Sweet, St. James, Markey, Manwaring, Sherk, Goodyear, Blaich, Abbott, Fischer, Pres. Gilmore—13.

Nays—none.

#### Petitions.

Of Smith & Max, relative to return of liquor license money, received and referred to license committee.

Of Henry Bliton et al., relative to closing of alley running west from Lincoln avenue to Olivia place, received and referred to street committee.

Dr. James B. Pollock in behalf of the fruit and orchard commissioners of the city explained the necessity of thoroughly spraying of diseased trees throughout the city, and the following resolution was offered:

By Ald. Abbott—

Resolved, That the fruit and orchard commission be given authority to purchase such material as is necessary to carry out their work properly.

Adopted as follows:

Yeas—Ald. Snaubel, Schneider, Miller, Sweet, St. James, Markey, Manwaring, Sherk, Goodyear, Blaich, Abbott, Fischer, Pres. Gilmore—13.

Nays—none.

**Committee Report.**

Finance Report.

Ann Arbor, Mich., Nov. 19, 1906.

To the Honorable the Common Council:

Gentlemen—Your committee on finance have had the following bills under consideration and would recommend their approval and that warrants be drawn for same.

E. B. Manwaring,  
Wm. Goodyear,  
Committee.

**Contingent Fund.**

Election expenses—

W. K. Childs, services . . . . .	\$ 4.00
C. W. Gill, services . . . . .	4.00
Vernor Snaubel, services . . . . .	4.00
W. C. Hollands, services . . . . .	4.00
T. P. Stow, services . . . . .	4.00
George Feiner, services . . . . .	2.00
George W. Cropsey, services . . . . .	2.00
John Gehringer, services . . . . .	4.00
Lewis Kurtz, services . . . . .	4.00
E. L. Schneider, services . . . . .	4.00
Julius Haarer, services . . . . .	4.00
Carl Mayer, services . . . . .	4.00
L. Dresselhouse, services . . . . .	2.00
Christ Walz, services . . . . .	2.00
C. L. Miller, service . . . . .	4.00
E. T. Ryan, services . . . . .	4.00
C. J. Sweet, services . . . . .	4.00
M. J. Martin, services . . . . .	4.00
C. L. Staffan, services . . . . .	4.00
Charles Burke, services . . . . .	2.00
Mat Dalton, services . . . . .	2.00
Herman Krapf, services . . . . .	4.00
J. W. Markey, services . . . . .	4.00
B. St. James, services . . . . .	4.00
H. B. Dodsley, services . . . . .	4.00
John Baumgartner, services . . . . .	4.00
Jacob Frank, services . . . . .	2.00
Joseph Donnelly, services . . . . .	2.00
Geo. W. Weeks, services . . . . .	4.00
I. L. Sherk, services . . . . .	4.00
E. B. Manwaring, services . . . . .	4.00
E. W. Hatch, services . . . . .	4.00
J. H. Shadford, services . . . . .	4.00
Ernest Gutekunst, service . . . . .	2.00
George E. Bull, services . . . . .	2.00
A. F. Martin, services . . . . .	4.00

William Goodyear, services . . . . .	4.00
George Blaich, services . . . . .	4.00
Edward Duffy, services . . . . .	4.00
Channing Smith, services . . . . .	4.00
A. B. Wines, services . . . . .	2.00
J. W. Shaw, services . . . . .	2.00
B. F. Schumacher, services . . . . .	4.00
Geo. H. Fischer, services . . . . .	4.00
H. J. Abbott, services . . . . .	4.00
W. H. Morton, services . . . . .	4.00
E. E. Eberbach, services . . . . .	4.00
Peter Hines, services . . . . .	2.00
Sebastine Seyfried, services . . . . .	2.00
Edward Easterly, services . . . . .	5.35
C. H. Ferrier, services . . . . .	3.00
O. M. Martin, use of office . . . . .	10.00
J. G. Fred Schmid, use of store . . . . .	10.00
J. E. Beal, use of store . . . . .	10.00
Woodward Bros., 6 meals . . . . .	3.00
Mrs. Jacobus, 26 meals . . . . .	13.00
J. L. Stone, 7 meals . . . . .	3.50
Louie Miley, draying . . . . .	3.50
Mrs. Latimer, 7 meals . . . . .	3.50
E. L. Schneider, 14 meals . . . . .	7.00
Cook House, 15 meals . . . . .	7.50
T. F. Prochnow, 19 meals . . . . .	9.50
J. M. Felker, 3 meals at 25c . . . . .	75
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	\$257.60

**Fire Fund.**

C. A. Edwards, salary . . . . .	\$ 37.50
Eugene Williams, salary . . . . .	33.00
Chas. Andrews salary . . . . .	32.50
Herman Kirn, salary . . . . .	30.00
Fred Nordman, salary . . . . .	30.00
Ralph Edward, salary . . . . .	30.00
William Rettich, salary . . . . .	27.50
Dean Seabolt, salary . . . . .	27.50
Tom O'Brien, salary . . . . .	27.50
George Hoelzle, salary . . . . .	25.00
Fred Jolly, salary . . . . .	25.00
Rex Burnett, salary . . . . .	25.00
Carl Keuhn, salary . . . . .	25.00
John Flynn, salary . . . . .	25.00
William Bernick, salary . . . . .	25.00
John Keefe, salary . . . . .	25.00
Jacob Gwinner, salary . . . . .	25.00
Charles Carroll, salary . . . . .	20.00
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	\$ 495.50

**Police Fund.**

Charles B. Masten, salary.....	\$ 41.66
William Eldert, salary.....	41.66
Harris Ball, salary.....	37.50
William Walsh, salary.....	30.00
William Clark, salary.....	30.00
John O'Mara, salary.....	30.00
David Collins, salary.....	30.00

\$ 240.82

**Water Fund.**

Ann Arbor Water Co., bill for hydrants.....	\$ 2855.07
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**Street Fund.**

Fred Smithkey, labor.....	\$ 3.30
Charles Brash, labor.....	4.95
August Schmid, labor.....	6.79
Patrick McCabe, labor.....	8.07
L. W. Walker, labor.....	7.15
Walter Warren, labor.....	7.70
Michael Heary, labor.....	8.07
Chris Larmee, labor.....	9.35
Partick Desmond, labor.....	11.92
Theodore Neff, labor.....	12.84
John Holka, labor.....	13.20
Charles Neithammer, labor....	17.42
John Weinmann, labor.....	17.97
Matt Leopold, labor.....	19.80
John McHugh, team labor....	15.17
Frank Hogan, team labor.....	15.17
William Bury, team labor.....	20.88
James Blades, team labor.....	22.56
John Hauser, team labor.....	24.50
Marion Wheelock, team labor..	26.06
George Collins, team work....	33.00
Chas. Niethammer, team labor	36.95
John Miller, team labor.....	5.06
A. F. Martin, skilled labor....	2.00
William Kuehn, skilled labor..	2.00

\$ 351.88

**Sidewalk Fund.**

August Schmid, man labor....	\$ .92
William Bury, skilled labor....	1.10
James Blades, team labor.....	3.50

\$ 5.52

**Park Fund.**

Walter Warren, labor.....	\$ 1.65
S. Perkins, labor.....	3.3e

J. Byrne, labor.....	8.61
George Pugh, labor.....	11.25
J. Walker, team labor.....	13.16
Nathan Woodmansee, team labor.....	29.75
William Freeman, team labor..	35.00
J. W. Markey, team labor.....	35.00

\$ 137.72

**Recapitulation.**

Contingent fund.....	\$ 257.60
Fire fund.....	495.50
Police fund.....	240.82
Water fund.....	2855.07
Street fund.....	351.88
Sidewalk fund.....	5.52
Park fund.....	137.72

\$ 4344.11

The committee also recommended the payment of the following for board of review Nov. 13, 1906: Ald. Gill, Miller, Sweet St. James, Markey, Manwaring, Sherk, Blaich, Abbott and Fischer, \$2.00 each (contingent fund.)

Moved by Ald. Goodyear that rule 21 be suspended for the evening and the clerk authorized to draw warrants as recommended by the finance committee.

Adopted as follows:

Yeas—Ald. Snaubel, Schneider, Miller, Sweet, St. James, Markey, Manwaring, Sherk, Goodyear, Blaich, Abbott, Fischer, Pres. Gilmore—13.

Nays—None.

Bill of John Weimer and John Miller for work done in alley under direction of board of health presented and the following action taken:

Moved by Ald. Fischer that matter be referred to finance committee for investigation.

Ald Markey moved as an amendment that bills he paid. The amendment was lost as follows:

Yeas—Ald. Schneider, Miller, Sweet, St. James, Markey—5.

Nays—Ald. Snaubel, Manwaring, Sherk, Goodyear, Blaich, Abbott, Fischer, Pres. Gilmore—8.

Original motion to refer to finance committee adopted as follows:

Yeas—Ald. Snaubel, Schneider, Miller, Sweet, St. James, Markey, Manwaring, Sherk, Goodyear, Blaich, Abbott, Fischer, Pres. Gilmore—13. Nays—None.

#### Ordinance Committee.

Moved by Ald. Fischer that the ordinance relative to curbing and gutters be reconsidered. Supported by Ald. Manwaring and adopted as follows:

Yeas—Ald. Snaubel, Miller, Sweet, St. James, Markey, Manwaring, Sherk, Goodyear, Blaich, Abbott, Fischer, Pres. Gilmore—12. Nays—Ald. Schneider—1.

The ordinance was presented as follows:

An ordinance relative to Curbing and Gutters. The Common Council of the City of Ann Arbor ordain:

Sec. 1. All curbing and gutters hereafter constructed in the City of Ann Arbor shall be of artificial stone, and the materials thereof shall be colored a dark red or brown to resemble Lake Superior sand stone. All curbing hereafter constructed shall be of the uniform height of six inches, and all gutters of the uniform width of twenty-four inches. Provided, however, that upon application of property owners desiring to construct curbing and gutters of other material, the Common Council may grant permits therefor. And provided, also, that upon application of property owners desiring to construct curbing of a greater height or width than as above provided, the board of public works may, in cases where the city engineer shall deem it necessary on account of water or for other reasons satisfactory to said board, grant permits allowing the construction of such curbing to a height greater than six inches, and to a width greater than twenty-four inches.

Sec. 2. Curbing and gutters shall in all cases conform to the established grade of the street. At the intersections of streets and alleys the curbing shall be built in a proper curve under direction of the City Engineer. At all other point said curbing shall be built on a line parallel with the center line of the street, and at such distance from said center line as will permit a width of thirty-four feet from curb to curb for the purpose of public travel. The portions of the street between the curbing and the side walk shall be lawn extension. Provided, however, that the Common Council may by resolution, reduce the width of said travelled portion of the street to thirty feet from curb to curb.

Sec. 3. Whenever the Common Council shall deem it expedient to order the construction of any curbing and gutter, in combination or separately, said Common Council shall so declare by resolution, naming the street or streets, or portions thereof, in and along which it is proposed to construct the same; whereupon it shall be the duty of the City Engineer to cause all needful measurements and surveys to be made, to determine grades, if not already established, and to

make estimates as to the value of the curbing and gutters already constructed within the specified limits within which it is proposed to construct such improvement; all of which said City Engineer shall report to the Common Council, together with a full, complete and detailed estimate of the costs thereof, showing separately the costs of the curbed portions thereof at the intersections of streets and alleys; said report shall be accompanied by a map, showing the street, or streets, or portions of such street or streets, upon which such improvement is proposed to be constructed, and showing all the land, lots or parts of lots fronting on or adjacent to the same.

Sec. 4. Such report of the City Engineer, together with the original resolution, shall thereupon be referred to a committee of the Common Council, which shall make due inquiries relating thereto, and after hearing all persons interested therein, appearing and desiring to be heard, shall make a report thereon to the Common Council; such report of said committee shall include its determination as to the value of existing curbs and gutters within said specified limits and also as to whether said existing curbs and gutters were constructed in accordance with the ordinances and charter of the city in force when the same were constructed, and also whether said existing curbs and gutters, if any, were constructed and paid for by the owner or owners, or any former owner or owners, of adjacent property, and also whether the same was constructed on the proper line and at the grade then existing.

Sec. 5. Upon the coming in of the report of said committee, the Common Council, if the construction of such proposed uniform curb and gutters within said specified limits shall still be deemed expedient, shall so declare by resolution by a vote of the majority of the members elect, which resolution shall also declare that said curb and gutter within said specified limits is a necessary public improvement; and if said Common Council shall determine that existing curb and gutter, if any, within said specified limits has been paid for by the owner or owners, or any former owner or owners, of said adjacent lands and lots, and that the same was built in accordance with the charter and ordinances of the city then in force, it shall so declare in said resolution and also in such resolution set forth the proper description of all lands, lots, tenements and premises within said specified limits in front of which said curb or gutter or combination of curb and gutter has already been constructed and paid for by the owner or owners, or any former owner or owners, of said adjacent lands, lots, tenements and premises. And thereupon the matter shall be referred to the Board of Public Works and said Board of Public Works shall proceed to advertise for proposals for the furnishing of material and the performance of the work of construction of said curb and gutter within said specified limits in accordance with Section 137 of the Charter of the City of Ann Arbor. All bids submitted to the said Board shall be publicly opened and as soon thereafter as may be shall be referred to said Board of Public Works to the Common Council, together with its recommendation in respect thereto; and no contract shall be made by said Board until duly authorized by said Common Council.

Sec. 6. The costs and expense of building and constructing such uniform curbing and gutters when determined upon as herein provided, shall be audited and paid from the bridge, culvert and crosswalk fund.

Sec. 7. Whenever the Common Council shall have approved the plans and specifications for such curb and gutter within said specified limits, and shall have authorized the Board of Public Works to enter into a contract for the construction thereof, it shall, by resolution, declare that

all such sums of money, when paid as aforesaid, from the bridge, culvert and crosswalk fund for the construction of such curb and gutter within said specified limits, shall be and become on lien on and against the land, lots, tenements and premises adjacent to and abutting upon said street, within said specified limits, which lien shall continue until the said money, so paid from said fund, shall be repaid into or otherwise received by the city treasurer, and, when so received, the same shall be credited to the bridge, culvert and crosswalk fund. Provided, however, that in all cases, where it appears by the order and determination of said Common Council that there has already been established and constructed and in existence any curb, or gutter, or both curb and gutter, within said specified limits, and that the same has been constructed at the expense of the owner or owners, or any former owner or owners, of the adjacent lands or lots, and that the same was built in accordance with the city charter and ordinances in force at the time of the construction thereof, then the property in front of which such curb or gutter shall have been constructed shall be relieved of said lien to the extent of the value thereof as determined by said Common Council, and provided, also, that the cost of constructing the curbed portions of such curbing and gutters at intersections of streets and public alleys shall be a charge against the city.

Sec. 8. The Board of Public Works shall cause to be kept a just and true account of all moneys paid, laid out and expended for the construction of all curbing and gutters paid for from the bridge, culvert and crosswalk fund, as herein provided, as well as a particular description of the lots, lands and premises, in front or adjacent to which any such curb and gutter shall have been constructed, and on or before the third Monday of October in each and every year shall report the said expenditures in writing to the Common Council, so arranged that there will appear from such report the particular sum of money which shall have been expended in the construction of each particular portion of curb and gutter in front of or adjacent to each particular description of land, lots, tenements, or premises, to the extent of and in the particular which shall create a lien against said lands, lots, tenements or premises as above provided for.

Sec. 9. Whenever at such report of the Board of Public Works shall be certified to the Common Council, said Common Council shall, at the same or at the next meeting thereof, appoint and fix a day not later than the third Monday of November next following, when they will meet as a Board of Review to pass upon and determine the said certificate, and the said Common Council shall give notice to all persons named in the said certificate or who shall appear to be the owners of the particular description of the lands, lots, tenements and premises subject to lien as aforesaid of the time, when, had the place where such meeting will be held, at which meeting, after hearing every person, in person or by attorney, who shall desire to be heard, the said Council, as such Board of Review shall, without adjournment, proceed to determine the truth of such certificate, and shall have power and authority to change any sum of money stated therein, to correct any description of lands, lots, tenements, or premises, mentioned in the same, and to take any other action to the end that the said certificate may at all times be made just and true, which determination shall be in all things final and conclusive. After such determination said Board shall, by resolution, certify its determination to the Common Council, and the Common Council shall, at the same meeting, or at an adjourned session cause the money so found by the said Council as such Board of Review to be due

and owing for the construction of such curb and gutter to be assessed on and against the owner of, and against the lands, lots, tenements or premises in front of or adjacent to which any such curb and gutter shall have been constructed as aforesaid and shall certify such determination and order of assessment to the city assessor.

Sec. 10. After such order and determination shall be certified to the city assessor, said city assessor shall without delay proceed to make, fill out and complete a special assessment roll, in accordance with such order and determination and shall thereupon proceed to spread the sum or sums of money mentioned in any such order of assessment upon any such assessment roll, and assess the same against the persons therein named and against the lands mentioned therein, as determined by the Board of Review, and thereafter shall make a true copy thereof and certify the said assessment roll to the city treasurer, who shall have and retain custody of the same, and the taxes so spread on and assessed upon any such assessment roll and levied against the lands described therein shall be and remain a valid tax and charge against the owner and against the lands mentioned therein until paid. The said taxes shall become due and be payable in four equal annual installments: The first installment in the month of July along with the other city taxes next after any such assessment roll shall have been confirmed, and annually thereafter until fully paid. All of the said taxes shall draw interest from the date of confirmation of any such assessment roll at the rate of five per cent annum until paid. Any person against whom any such tax shall have been assessed shall have leave and be at liberty to pay the same at any one payment at any time after any such assessment roll shall have been certified to the city treasurer, with interest from the date of confirmation only. The city assessor shall retain a copy of each assessment roll in his office.

Sec. 11. That on the third Monday in June in each and every year in which any such curb and gutter tax shall remain unpaid and be due and payable, the city treasurer shall proceed to the city assessor's office and together with the city assessor shall stamp or mark "PAID" on the copy of every such assessment roll all of the paid curb and gutter taxes due and payable in and during the then current year and the said city treasurer shall report all unpaid curbing and gutter tax then due and payable; and the Common Council shall on the fourth Monday of June in each year certify to the city assessor, along with the other city taxes to be assessed, all unpaid and payable curbing and gutter taxes and all money required to be raised for the construction of all curbs and gutters, for the then current year and also in a general way a description of the lands by reference to the number of the curbing and gutter district to be taxed therefor; and the city assessor shall thereupon spread upon the general city tax roll of that year all such sums of money so remaining unpaid and payable, and so required to be raised for the construction of any such curbing and gutter all such taxes to be carried out and entered in a separate column on said general tax roll with the interest thereon as aforesaid, the tax in one column and the interest thereon in another column, the general city tax roll to be properly ruled and printed for that purpose, and such columns to be entitled respectively "curbing and gutter tax" and "interest on curbing and gutter tax." And the sum or sums of money so set down and spread upon any such general city tax roll, shall be, remain and continue a valid debt, demand and tax against the person, and a valid tax on and against the lands so assessed as aforesaid, until fully paid, and shall be certified to the city treasurer and collected in the same manner in every particular as the other taxes set down

and spread upon such general tax roll are, shall or may be collected.

Sec. 12. In case the tax assessed on such lands, lots, tenements or premises charged with the expense of constructing any curb and gutter as provided by this ordinance shall not be paid or collected and any such lands, lots, tenements and premises shall be returned for non-payment of such tax by the city treasurer, such lands, lots, tenements and premises, unless soon redeemed, shall be sold for such tax by the county treasurer at the annual sale of lands for delinquent taxes, and in the same manner as for other taxes, as provided by law.

Sec. 13. All notices required to be served by this ordinance shall be served by the street commissioner, marshal, or any policeman of said city, personally on the owner or owners of the lands, lots, tenements and premises fronting on or adjacent to which it is proposed to construct any such curb and gutter, if such owner or owners shall be found within the city. If such owner or owners shall not be found within the city, then such notice shall be served personally on the occupant of any such premises, and if any such premises shall be vacant and the owner or owners thereof shall not be found within the city, then such notice shall be served by posting the same in some conspicuous place upon the said premises; provided, however, that the notice of the meeting of the Common Council as a Board of Review may be given by publication in the official newspaper or newspapers of the said city, and one publication in such newspaper or newspapers, shall be deemed sufficient, and the said Board of Review shall have authority to proceed on filing with the city clerk due proof by affidavit of such publication.

Sec. 14. Any owner, agent or occupant of any lands, lots, tenements or premises, or any other person constructing, reconstructing, renewing or repairing any curb and gutter contrary to the provisions of this ordinance, or constructing the same of material other than as herein directed, shall, on conviction thereof, be punished by a fine not to exceed one hundred dollars, and the costs of prosecution; and in the imposition of any such fine and costs, the court may make the further sentence that the offender be imprisoned in the county jail of the county of Washtenaw, or other place of imprisonment provided by the city of Ann Arbor, until the payment thereof, provided, that the term of any such imprisonment shall not exceed a period of thirty days.

Sec. 15. This ordinance shall take effect and be in force ten days after its legal publication.

I hereby certify that the foregoing ordinance was duly passed by the Common Council, Monday, November 19, 1906. ROSS GRANGER, City Clerk.

Approved November 20, 1906.

F. M. HAMILTON, Mayor.

The chair put the question, "Shall this ordinance pass?"

Passed as follows:

Yeas—Ald. Snaubel, Schneider, Miller, Sweet, St. James, Markey, Manwaring, Sherk, Goodyear, Blaich, Abbott, Fischer, Pres. Gilmore—13.

Nays—none.

### Street Committee.

To the Honorable the Common Council:

Gentlemen—Your committee on streets respectfully recommend that the city accept the land of Evart Scott for a street to be known as Austin avenue.

We further recommend the opening of Brooks street provided the city will build a road fence on sides of streets from William Binder property to Chubb street; also that Fuller street be graded from river bridge on Fuller street to the road bridge on Wall street.

Your committee does not recommend the closing of the alley running from Lincoln avenue to Olivia place in Olivia B. Hall's subdivision, or the alley which begins on the east line of Martin avenue between lots No. 16 and 18 in Olivia B. Hall's subdivision, thence running to the west line of lot 15 of said subdivision, thence south to the land owned by Charles R. Sedgwick.

J. W. Markey,

I. L. Sherk.

Chas. L. Miller,

Wm. Goodyear,

Geo. H. Fischer,

E. L. Schneider,

Committee.

Moved by Ald. Miller, that report of street committee be accepted and recommendations concurred in.

Adopted as follows:

Yeas—Ald. Snaubel, Schneider, Miller, Sweet, St. James, Markey, Manwaring, Sherk, Goodyear, Blaich, Abbott, Fischer, Pres. Gilmore—13.

Nays—none.

### Resolutions.

By Ald. Miller—

Resolved, That the city accept the land of Evart Scott to be used as a street to be known as Austin avenue, and that the city clerk and city attorney be instructed to draw the necessary deed. Also, that the city accept

the land necessary to the opening of Brooks street, the city attorney to see that proper papers are executed.

Adopted as follows:

Yeas—Ald. Snaubel, Schneider, Miller, Sweet, St. James, Markey, Manwaring, Sherk, Goodyear, Blaich, Abbott, Fischer, Pres. Gilmore—13.

Nays—none.

Moved by Ald. Abbott, that the Home Telephone company be author-

ized to place a 'phone in the office of City Attorney Stivers.

Adopted as follows:

Yeas—Ald. Snaubel, Schneider, Miller, Sweet St. James, Markey, Manwaring, Sherk, Goodyear, Blaich, Abbott, Fischer, Pres. Gilmore—13.

Nays—none.

On motion the council adjourned.

ROSS GRANGER,

Clerk.