

Council Chamber
Ann Arbor, Mich., April 6, 1907

Special Session

Meeting called to order by the clerk and Ald. Gill called to the chair.

Present—Ald. Gill, Kurtz, Miller, Sweet, Markey, Manwaring, Sherk, Goodyear, Blaich, Abbott—10.

Absent—Ald. Snaubel, Schneider, St. James, Fischer, Pres. Gilmore—5.

Enter Ald. Fischer.

The Call

Ann Arbor, Mich., April 6, 1907
Ross Granger, City Clerk.

Please issue a call for a special meeting of the common council at the council chamber this evening at 7:30 o'clock, to make provision for the acquisition of land between the Michigan Central railroad track, Broadway and the Huron river for park purposes.

F. M. HAMILTON,
Mayor

By Ald. Sherck:

Whereas, in order to consummate the acquisition by the city of the real estate lying between the Michigan Central railroad track and Broadway and the Huron river, for the purposes of a public park, it is necessary to accept from the Michigan Central railroad company a quit claim deed of a portion of said property containing a condition that the same shall revert to the railroad company if the city shall fail within two years from this date to convert said lands into a public park and maintain the same as a park perpetually, and,

Whereas, it is also necessary to provide for the conveyance to said railroad company of a small parcel of said property upon the payment to said city by said railroad company of the sum of two thousand dollars (\$2,000.)

Resolved, that the board of park commissioners is hereby authorized and directed to accept from said Michigan Central railroad company a quit claim deed in the form of a copy hereto attached and made a part of this resolution; and

Resolved, that the mayor and city clerk be authorized and directed to make, execute and deliver to said Michigan Central railroad company on behalf of said city a quit claim deed of all that certain piece of parcel of land situated in the city of Ann Arbor, in the county of Washtenaw, and state of Michigan, described as follows: Beginning at a point which is the intersection of the northerly right of way line of said railroad company and easterly line of Broadway (so called); thence northeasterly along the said easterly line of Broadway to a point which is ninety feet from the north rail of the west bound main said railroad company's track, said ninety feet being measured at right angles thereto, thence northeasterly along the line which is parallel to and distant ninety feet from said north rail measured at right angles thereto three hundred and forty feet to the east line of State street; thence south along the east line of State street to the northerly right of way of said railroad company; thence westerly along said right of way line to the place of beginning; and

Resolved, that the mayor be authorized and directed to sign on behalf of said city the voucher of the Michigan Central railroad company for two thousand dollars upon the receipt by him of the check of said company for that amount.

Adopted as follows:

Yeas—Ald. Gill, Kurtz, Miller, Sweet, Markey, Manwaring, Sherck, Goodyear, Blaich, Abbott, Fischer—11.

Nays—none.

(COPY)

THIS INDENTURE. Made this sixth day of April, in the year of our Lord one thousand nine hundred and seven, between the Michigan Central Railroad Company, a corporation existing under the laws of the State of Michigan, of the first part, and the City of Ann Arbor, Michigan, of the second part, Witnesses.

The said party of the first part, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations to it in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents grant, bargain, sell, remise, release and forever quit-claim unto the said party of the second part and to its successors and assigns forever, all those certain pieces or parcels of land situated in the city of Ann Arbor, in the county of Washtenaw, and State of Michigan, described as follows:

PARCEL No. 1

Commencing at the intersection of the south line of section twenty-one (21), town two (2) south, range six (6) east, and the westerly line of Fuller street, said intersection being five hundred ninety-eight and five-tenths (598.5) feet west of the quarter section monument of section twenty-one (21), said five hundred ninety-eight and five-tenths (598.5) feet being measured along the said south line of section twenty-one (21), thence southwesterly along said westerly line of Fuller street, which bears south thirty-nine (39) degrees, thirty (30) minutes, west four hundred fifty-three and nine-tenths (453.9) feet to a point which is fifty-two (52) feet from and at right angles to the north rail of the west bound main of said railroad company's tracks; thence westerly

along a line which is parallel to and fifty-two (52) feet from said north rail, said fifty-two (52) feet being measured at right angles to said north rail a distance of two hundred and forty-six (246) feet; thence northerly at right angles to said north rail eight (8) feet; thence westerly parallel to and sixty (60) feet from said north rail, said sixty (60) feet being measured at right angles to said north rail to the water's edge of the Huron river; thence northeasterly along the said water's edge to the south line of Wall street; thence easterly along said south line of Wall street one hundred thirty-one and five-tenths (131.5) feet to an intersection with the westerly line of Fuller street; thence southwesterly along said westerly line of Fuller street thirty-five and seven-tenths (35.7) feet to the place of beginning.

PARCEL No. 2

Beginning at a point, which is the intersection of the south line of section twenty-one (21), town two (2) south, range six (6) east, and the water's edge of the Huron river, said point of intersection being six hundred thirty-three and three-tenths (633.3) feet east of the southwest corner of said section twenty-one (21), said six hundred thirty-three and three-tenths (633.3) feet being measured along the said south line of said section twenty-one (21); thence northwesterly along a line which is parallel to the north rail of the west bound main of said railroad company's track one hundred and four (104) feet; thence southwesterly at right angles to last described line ten (10) feet; thence northwesterly and parallel to the said north rail of said westbound main to the east line of State street; thence northerly along said east line of State street to a point which is the intersection of the said east line of State street and the line between lots four (4) and five (5) of block nine-

teen (19) of Ormsby and Page's addition to the City of Ann Arbor; thence easterly along said line between said lots four (4) and five (5) to the water's edge of the Huron river; thence south-easterly down stream along said water's edge of the said Huron river to the place of beginning.

Provided, however, and this grant is upon the express conditions that said city shall and will, within two years from and after the date hereof, convert into a public park said described premises and also the premises now owned by said city, bounded on the northwest by Broadway street, on the south by land conveyed by said city to the Michigan Central railway company by deed of even date herewith, on the east partly by parcel No. 2 aforesaid and partly by the Huron river, clearing and otherwise improving said lands and fitting them for park purposes; and shall and will thereafter perpetually maintain the premises hereby granted, and also the land now owned by the said city as aforesaid, as a public park to be used as such, and for no other purpose; and that upon the failure, neglect, or refusal of said city to do so, or upon the violation of any one or more of the conditions of this grant as aforesaid this grant and all rights of the city hereunder in and to the premises hereby conveyed, shall thereupon cease and determine and said premises shall thereupon revert to the grantor herein, its successors or assigns, and said grantor shall have the right thereupon to re-enter upon and take possession of said premises.

In Witness whereof the party of the first part has hereunder caused its name to be signed by its president, W. H. Newman, and to be attested by its secretary, D. W. Pardee, and its corporate seal to be hereunto affixed the day and year first above written.

THE MICHIGAN CENTRAL RAILROAD COMPANY.

By.....
President.

Attest:
.....

Signed, sealed and delivered
in presence of
.....
.....

STATE OF NEW YORK—County of New York—ss.

On this.....day of April, A. D., 1907, before me, a commissioner of deeds for the state of Michigan, personally appeared W. H. Newman and D. W. Pardee, to me personally known, who, being by me severally and duly sworn, did, say, that they were respectively president and secretary of the Michigan Central railroad company, a corporation created and existing under the laws of the State of Michigan, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that the said instrument was signed and sealed in behalf of said corporation by authority of its board of directors.

.....
Commissioner of Deeds for the State of Michigan.

By Ald. Manwaring:
Resolved, that a warrant is hereby authorized to be drawn in favor of George P. Burns in the sum of ninety-three and fifty-hundredths dollars (93.50), in settlement of costs awarded several years ago in a former condemnation case and also for costs awarded on proceedings now pending, said Burns having already advanced the amount of said costs.

Adopted as follows:
Yeas—Alds. Gill, Kurtz, Miller, Sweet, Markey, Manwaring, Sherk, Goodyear, Blauch, Abbott, Fischer—11.

Nays—None.

By Ald. Manwaring:

Resolved, that the city clerk be and is hereby authorized to endorse checks drawn in favor of the city by Michigan Central railroad for \$2,000.00 and by George P. Burns for \$700.00 for purchase of Henning property, to Arthur Brown, attorney for Edwin Henning.

Adopted as follows:

Yeas—Alds. Gill, Kurtz, Miller, Sweet, Markey, Manwaring, Sherk, Goodyear, Blaich, Abbott, Fischer—11.

Nays—None.

The council adjourned.

ROSS GRANGER, City Clerk.