

May 26 - Special and

Council Chamber, May 26, 1902.
Special session.

Called to order by Pres. Haarer.

Roll call: Present—Ald. Hamilton, Koch, Schlenker, Clancy Kearns, Schumacher, Johnson, Roberts, Grose, Coon, Jenney, Burg, Fischer, Pres. Haarer—14. Absent—Ald. Douglas—1.

THE CALL.

Mayor's Office, May 26, 1902.

Mr. Jas. E. Harkins:

Dear Sir—Please issue the usual notice and call for a special meeting of the common council tonight at the usual place, 8 o'clock, local time, for the purpose of:

I. Taking action relative to the State street paving.

II. Taking action preparatory to the tax levy.

Respectfully,

R. S. COPELAND, Mayor.

Office of Board of Public Works.

By Mr. Sauer:

Resolved, that the common council be notified that in accordance with their instructions we have received bids for paving State street and recommend that asphalt block be used. We also recommend that 5-inch Medina curb be used from Washington street to William street and 4-inch Berea for other portions. We also recommend that the contract be awarded to Lennane Bros., they being the lowest bidders.

The following are the total bids for asphalt block and curb as indicated:

Lennane Bros.....	\$33,954 00
Liphartt	34,090 00
Geo. H. Kneal.....	35,137 00
Geo. Clarken.....	37,096 00

Only two bids were received for brick on sand and gravel and combination curb:

Lennane Bros.....	\$24,806 00
Geo. Clarken.....	26,692 00

The original bids are on file with the city clerk.

WM. M'INTYRE, President.

JAS. E. HARKINS, Clerk.

Ann Arbor, Mich., May 26, 1902.

To the Common Council:

By Ald. Hamilton:

Resolved, that the report of the board

of public works and the recommendations therein contained in reference to paving State street from the south line of Huron street to the south line of Monroe street with asphalt block be and the same is hereby concurred in and accepted, and the said board is hereby directed to enter into contract with Lennane Brothers of Detroit, Mich., for the work, the same to be completed as soon as possible.

By Ald. Clancy:

Resolved, that the matter of paving State street be referred to the street committee to report at the next regular meeting:

Lost as follows:

Yeas—Ald. Clancy, Kearns—2. Nays—Ald. Hamilton, Koch, Schlenker, Schumacher, Johnson, Roberts, Grose, Coon, Jenney, Burg, Fischer, Pres. Haarer—12.

Ald. Hamilton then offered the original motion which was adopted as follows:

Yeas—Ald. Hamilton, Koch, Schlenker, Schumacher, Johnson, Roberts, Grose, Coon, Jenney, Burg, Fischer, Pres. Haarer—12. Nays—Ald. Clancy, Kearns—2.

By Ald. Schumacher:

Resolved, that the finance committee be instructed to prepare the necessary tax budget for the appropriations to the several funds of the city for the nesuing year, and to report same at the next regular meeting.

Adopted as follows:

Yeas—Ald. Hamilton, Koch, Schlenker, Clancy, Kearns, Schumacher, Johnson, Roberts, Grose, Coon, Jenney, Burg, Fischer, Pres. Haarer—14. Nays—0.

On motion the council adjourned.

JAS. E. HARKINS,

City Clerk.

Council Chambers, June 2, 1902.

Regular session.

Called to order by Pres. Haarer.

Roll call: Present—Ald. Hamilton, Douglas, Koch, Schlenker, Clancy, Kearns, Schumacher, Johnson, Roberts, Coon, Jenney, Fischer, Pres. Haarer—13. Absent—Ald. Grose, Burg—2.

Minutes of previous meetings read and approved.

COMMUNICATIONS AND PETITIONS.

The petition for paving the alley between Huron and Washington streets was received and referred to the board of public works.

Ann Arbor, Mich., June 2, 1902.

Common Council:

Gentlemen—I have investigated the question of raising bridge No. 1 four feet and make the following estimate of cost:

Raising bridge and building masonry\$600 00
Grading 50 00

Total estimated cost.....\$650 00

E. W. GROVES,
City Engineer.

Filed.

Ann Arbor, Mich., June 2, 1902.

Common Council:

Gentlemen—We herewith return estimate of cost of paving Ann street and beg leave to state that the price of natural stone curbing varies in cost according to quality, thickness, etc.: Five-inch Berea will cost in place, 51 cents per foot; 5-inch Medina will cost in place, 70 cents per foot.

Yours,

WM. H. M'INTYRE,

President of the B. P. W.

Enter Ald. Burg and Grose.

By Ald. Kearns:

Resolved, that the above estimate of the board of public works be accepted and filed; and further be it

Resolved, that the plans, specifications and estimates relating to the construction of the Ann street pavement as amended by the council be approved and adopted; that such plans, specifications and estimates as amended be and the same is hereby certified to the board of public works with directions, and the board of public works is hereby required to advertise for tenders for the construction of such pavement according to the plans and specifications as amended; and

Resolved, second, that said pave-

ment is a necessary public improvement.

Resolved, third, that the matter is hereby referred to said board of public works.

Adopted as follows:

Yeas—Ald. Hamilton, Douglas, Koch, Schlenker, Clancy, Kearns, Schumacher, Johnson, Roberts, Grose, Coon, Jenney, Burg, Fischer, Pres. Haarer—15. Nays—0.

FINANCE.

Ann Arbor, June 2, 1902.

To the Common Council:

Gentlemen—Your committee on finance have had the following bills under consideration and would recommend their allowance, and that warrants be drawn for the same, payable when money is in funds:

Respectfully submitted,

F. M. HAMILTON,
HENRY W. DOUGLAS,
JOHN BURG,

Committee.

CONTINGENT FUND.

Geo. S. Vandawarker, salary..\$	8 34
M. E. Easterly, salary.....	12 00
Marvin Davenport, salary...	6 25
A. J. Sawyer, salary.....	50 00
E. W. Groves, salary.....	100 00
Jas. E. Harkins, salary.....	83 34
E. L. Sayler, salary	83 34
Mrs. C. A. Green, salary....	29 17
Ann Arbor Daily Argus, folios	
(printing)	85 00
Ann Arbor Daily Argus, paving	
bids (printing).....	42 50
Hall & Brockway, legal ad-	
vice	300 00
William Herz, glass.....	6 02
Mary O'Hearn, clerk for as-	
essor	50 00
M. Lutz & Son, table for 2d	
ward	7 00
Campus Press, 5 receipt books	5 00
Wm. McIntyre, jr., labor....	36 30
Ann Arbor Electric Co.,	
lighting	704 83
Chas. J. Johnson, 14 assess-	
ment rolls.....	34 75
Robert A. Rayer, office sup-	
plies	11 75
The Engineering Record, ad-	

Advertising for bids.....	4 20
Engineering News Publishing Co., advertising for bids...	4 50
Western Union Telegraph Co., telegram.....	2 98
Michigan Telephone Co., telephone.....	65
Wm. Ferrier, labor.....	1 00
Henry Richards, coal.....	20 25
E. D. Hiseock, coal.....	16 87
Eugene B. Hall, coal.....	17 02
George Wahr, supplies.....	18 68

1,741 74

STREET FUND.

Daniel Ross, salary.....	\$ 83 00
Schumacher's Hardware, supplies	18 21
State Savings Bank, accounts assigned	393 23
M. G. Richmond, cement walk	41 00
M. G. Richmond, cement walk	12 35
Barnard Mast, tar walk.....	34 00
A. L. Deveraux, brooms.....	7 00
M. G. Richmond, cement walk	34 00

\$622 79

POLICE FUND.

F. H. Warren, salary.....	\$ 75 00
David Collins, salary.....	50 00
Harris Ball, salary.....	50 00
George Isbell, salary.....	50 00
John O'Mara, salary.....	50 00
Jake Becks, burying dog.....	50
Henry Allmand, burying cat..	50
A. C. Hansch, burying cat....	50
J. H. Freeman, burying cat...	50

\$277 00

FIRE FUND.

Fred Siple, salary.....	\$ 60 00
C. A. Edwards, salary.....	55 00
W. H. McLaren, salary.....	50 00
Max Whitlinger, salary.....	50 00
Albert West, salary.....	50 00
Eugene Williams, salary.....	50 00
Herman Kern, salary.....	50 00
Saml. McLaren, salary.....	50 00
Chas. Andrews, salary.....	50 00
Chas. Carroll, salary.....	25 00
Geo. Hoelzle, salary.....	8 00
Ed. Hill, salary.....	8 00
Ralph Edwards, salary.....	8 00
Fred Nordman, salary.....	8 00

Carl Schnierle, salary.....	8 00
Schumacher's Hardware, scoop shovel	1 75
Michigan Milling Co., oats....	33 51
Ernest Dieterle, supplies.....	1 58
E. Allmendinger, hay.....	22 05
Mrs. Ream, washing.....	6 00

\$594 89

POOR FUND.

Fred Siple, salary.....	\$ 10 00
Eberbach & Son, supplies....	3 75
J. J. Goodyear, supplies.....	19 50
J. Boyle, groceries.....	1 83
Mrs. J. Goetz, jr., groceries...	6 11
Wm. Goetz, groceries.....	1 33
Fred Hoelzle, meat.....	1 01
G. Hoeffler, groceries.....	2 00
Johnson Grocery Co., groceries	1 72
A. Kearney, groceries.....	1 50
A. G. Koch, groceries.....	3 88
W. F. Ludholz, groceries.....	6 71
Casper Rinsey, groceries.....	4 03
Rinsey & Seabolt, groceries..	5 50
L. Rhode, wood.....	2 00
Geo. Spathelf, meat.....	1 00
M. M. Seabolt, groceries.....	5 04
Geo. Weeks, wood.....	2 00
Chas. Zuern, meat.....	1 80
City of Ann Arbor, wood....	7 24

\$ 87 95

CEMETERY FUND.

Nelson Garlinghouse, labor....	\$21 45
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DOG FUND.

Jno. Robinson, burying dog....	\$0 50
Chas. Neithammer, burying dog	0 50

\$1 00

By Ald. Hamilton:

Resolved, that the treasurer be instructed to transfer from the contingent to the different funds the following amounts:

From the contingent to the street fund.....	\$625 00
From the contingent to the police fund.....	280 00
From the contingent to the fire fund.....	600 00
From the contingent to the poor fund.....	90 00
From the contingent to the cemetery fund	25 00

From the contingent to the dog fund 1 00
 From the contingent to the water fund... .. 275 00
 Adopted as follows:

Yeas—Ald. Hamilton, Douglas, Koch, Schlenker, Clancy, Kearns, Schumacher, Johnson, Roberts, Grose, Coon, Jenney, Burg, Fischer, Pres. Haarer—
 15. Nays—0.

RECAPITULATION.

Contingent fund.....	\$1,741 74
Street fund.....	622 79
Police fund.....	277 00
Fire fund.....	594 89
Poor fund.....	87 95
Cemetery fund.....	21 45
Dog fund.....	1 00
	<hr/>
	\$3,346 82

Adopted as follows:

Yeas—Ald. Hamilton, Douglas, Koch, Schlenker, Clancy, Kearns, Schumacher, Johnson, Roberts, Grose, Coon, Jenney, Burg, Fischer, Pres. Haarer—
 15. Nays—0.

By Ald. Hamilton:

Resolved, and it is hereby ordered that the sum of fifty thousand dollars be and the same is hereby appropriated for and on account of the several regular funds of the city of Ann Arbor for the fiscal year 1902 and 1903, and that the same be and is hereby appropriated and distributed to the several regular funds as follows:

To the contingent fund the sum of.....	\$10,500 00
To the fire department fund the sum of.....	8,200 00
To the street fund the sum of	17,000 00
To the water fund the sum of	9,500 00
To the police fund the sum of	3,600 00
To the poor fund the sum of	1,000 00
To the cemetery fund the sum of	200 00

Resolved further, that the sum of two thousand seven hundred dollars be and the same is hereby appropriated by virtue of the act of the legislature authorizing the same for the purpose

of paying the interest and an installment of principal of the main sewer bonds.

Resolved further, that the sum of two thousand seven hundred and fifty dollars be and the same is hereby appropriated by virtue of an act of the legislature authorizing the same, and distributed among paving funds of the city of Ann Arbor as follows:

Paving district No. 3 the sum of	\$1,250 00
Paving district No. 4 the sum of	1,500 00

Resolved further, and it appearing to this common council that to enable the city of Ann Arbor, during the fiscal year aforesaid to keep and maintain in good order and repair the several bridges, culverts, sidewalks and crosswalks within the corporate limits of the said city, a sum of money in excess of the percentum authorized to be raised under the authority granted to this common council by the provisions of the city charter, is and will be necessary; therefore,

Resolved, that by virtue of the authority granted to the common council by the general laws of the state, the sum of eighteen thousand dollars be and the same is hereby appropriated for the purpose of maintaining in good order and repair the several bridges, culverts, sidewalks and crosswalks within the corporate limits of the city of Ann Arbor.

Resolved further, and it is hereby ordered that the said several sums of money aforesaid be and the same are hereby levied and assessed on, upon and against the taxable property of the city of Ann Arbor, Michigan, and ordered to be spread on the tax rolls of the said city for the year A. D. 1902, for the said several purposes aforesaid, and it is ordered that all of the said several sums aforesaid be assessed, levied, collected and paid into the city treasury for the several funds aforesaid.

Resolved further, that the city clerk do certify this resolution and order of appropriation and assessment to the city assessor, and, that when so cer-

tified, the city assessor do spread the said several sums of money aforesaid on and upon the tax rolls of the city of Ann Arbor, Michigan, for the year 1902, and assess the same against the taxable property of the city of Ann Arbor as the same has been set down on the said tax rolls or as the same shall or may be fixed and determined by the board of review of the said city, and against the respective owners and occupants of the said taxable property pursuant to law.

Adopted as follows:

Yeas—Ald. Hamilton, Douglas, Koch, Schlenker, Clancy, Kearns, Schumacher, Johnson, Roberts, Grose, Coon, Jenney, Burg, Fischer, Pres. Haarer—15. Nays—0.

MEETING OF THE BOARD OF FIRE COMMISSIONERS.

Ann Arbor, May 21, 1902.

Moved by Pres. Seabolt:

That the city clerk be instructed to call the attention of the water committee to the condition of hydrants as follows:

(1) One on N. Main street in front of Sutter's shop.

(2) One on Ann street between 12th and 13th streets.

(3) One on W. Jefferson street between 2d and 3rd streets.

(4) One on W. Liberty street in front of Mulholland's estate.

Carried.

Referred to water committee.

ORDINANCE.

Ald. Fischer presented an ordinance relative to stalls and music in saloons, restaurants and other places where spiritous or intoxicating liquors are sold or offered for sale. It was given its first reading by title and on motion was given its second reading.

He also presented for its third reading an ordinance relative to closing meat stores on Sunday, which on motion of Ald. Koch was laid on the table indefinitely.

Ald. Fischer presented for its third reading:

AN ORDINANCE granting permission to Charles W. Wagner and Walter

C. Mack, of Ann Arbor, to construct, operate and maintain a telephone plant in the city of Ann Arbor.

It is hereby ordained by the people of the city of of Ann Arbor:

Section 1. Permission is hereby granted to Charles W. Wagner and Walter C. Mack, of Ann Arbor, and their successors and assigns, to enter upon the highways, streets, avenues and alleys, in said City of Ann Arbor, and to construct, maintain and erect in, along and over said streets, highways, avenues and alleys, posts, poles, wires, conduits and other appurtenances and fixtures for electrical telephone purposes, subject to all general provisions of statute law in force and applicable thereto and to such regulations respecting such highways, streets, avenues and alleys as said Common Council may from time to time enact.

By Ald. Fischer:

That Section 1 be amended so as to read as follows:

Section 1. Permission and authority is hereby granted to Charles W. Wagner and Walter C. Mack, of Ann Arbor, their successors and assigns, to enter upon the highways, streets, avenues, alleys and other public places, in said city of Ann Arbor, and to construct, maintain and erect in, along, over or under said streets, highways, avenues, alleys and other public places, posts, poles, wires, conduits and other appurtenances and fixtures for electrical telephone purposes, subject to all general provisions of statute law in force and applicable thereto and to such regulations respecting such highways, streets, avenues and alleys as said common council may from time to time enact.

Carried.

Section 2. Said Charles W. Wagner and Walter C. Mack, of Ann Arbor, are hereby granted the right to construct, erect and maintain an electric telephone plant in said City of Ann Arbor and to repair, enlarge and extend the same and carry on the business of telephoning and renting electric telephones.

By Ald. Fischer:

That Section 2 be amended so as to read as follows:

Sec. 2. Said Charles W. Wagner and Walter C. Mack, of Ann Arbor, their successors and assigns, are hereby granted the right to construct and maintain an electric telephone plant in said city of Ann Arbor and to repair, enlarge and extend the same and carry on the business of telephoning and renting electric telephones or other devices for transmitting information.

Carried.

Section 3. The word plant shall be deemed to include all property of every kind and description of said Charles W. Wagner and Walter C. Mack, their successors and assigns, used in or in connection with their business of furnishing electric telephones in said city.

Sec. 4. The life of this franchise unless sooner terminated by purchase by said city as herein provided, shall be thirty years.

Sec. 5. All wires contemplated by the provisions of this ordinance shall be placed in conduits and no poles shall be erected upon the streets or such portions of them as is herein designated, viz.:

Main street between Catherine and William.

Fourth avenue between Catherine and William.

Fifth avenue between Catherine and William.

Division street between Catherine and William.

Thompson street between Liberty and William.

Maynard street between Liberty and William.

State street between Catherine and Monroe.

Ann street between Ashley and State.

Huron street between Ashley and State.

Washington street between Ashley and State.

Liberty street between Ashley and State.

William street between Ashley and State.

By Ald. Fischer:

That Section 5 be amended by omitting words preceding words "No poles, etc.," and by adding at end of section the words, "But all wires of said telephone plant running along said portion of the streets above designated shall be placed in conduits."

Also add to list of streets "Monroe street between Packard and State street."

Carried.

Sec. 6. The said Charles W. Wagner and Walter C. Mack, their successors and assigns, shall not charge to exceed \$24 per annum for the use of a telephone in a business place and not to exceed \$18 per annum for the use of a telephone in a place used exclusively as a dwelling, or \$12 per annum for either on a party line, when the subscriber or user shall enter into a written contract for the use of such telephone for three years or more. When no such written contract is entered into, the charge for a business place shall not exceed \$26 per annum and for a dwelling such charge shall not exceed \$20 per annum, such charges shall be paid quarterly in advance. No telephone shall be required to be put in for less than the rental for one quarter of a year.

By Ald. Fischer:

That Section 6 be amended so as to read as follows:

Sec. 6. The said Charles W. Wagner and Walter C. Mack, their successors and assigns, shall not charge for the service paid quarterly in advance, to exceed \$24 per annum for the use of a telephone in a business place and not to exceed \$18 per annum for the use of a telephone in a place used exclusively as a dwelling, when the subscriber or user shall enter into a written contract for the use of such telephone for three years or more. When no such written contract is entered into, the charge for a business place shall not exceed \$26 per annum and for a dwelling such charge shall

not exceed \$20 per annum. No telephone shall be required to be put in for less than the rental for one-quarter of a year, provided that for long distance telephones on full copper metallic circuits additional rental charges can be made, not exceeding one dollar per month for each such telephone.

Carried.

Sec. 7. The permission and authority hereby granted are subject to the following terms and conditions:

In its use of the said streets, avenues or alleys, the said Charles W. Wagner and Walter C. Mack shall be governed by all general city ordinances, applicable thereto, and the rules and regulations of the board of public works of the said city as to permits, expenses of inspection, repairs to pavement, side or cross walks, etc.

Sec. 8. Before proceeding to place wires underground, as provided for in section 4, the said Charles W. Wagner and Walter C. Mack shall execute a bond to the city of Ann Arbor in the penal sum of Five Thousand Dollars (\$5,000), with the conditions that all the streets and alleys in which the wires of the said Charles W. Wagner and Walter C. Mack shall be laid shall be rest red and maintained for three years in as good condition as they were before being entered upon by the said Charles W. Wagner and Walter C. Mack. Provided, that this shall not be construed as holding said Charles W. Wagner and Walter C. Mack liable for damages to said streets or alleys from other causes than the work of said Charles W. Wagner and Walter C. Mack.

By Ald. Fischer:

That Section 8 be amended by inserting after words "Wagner and Walter C. Mack," where they first occur, the words, "their successors or assigns," and by changing the words "before being" to the words "at the time they were." And by adding at the end of section the words "their agents, servants and employees."

Carried.

Sec. 9. The said Charles W. Wagner and Walter C. Mack, their successors and assigns, shall have the privilege of renting the space in said conduit to any person, firm or corporation owning or operating wires in the city of Ann Arbor, at such prices as shall be reasonable and equitable, the compensation so required to be paid shall be determined by a commission of three, to be appointed by the Circuit Court for the county of Washtenaw, upon the petition of either party, unless otherwise agreed upon by the respective parties owning such conduits and wires; provided, also, that such wires shall not be used for the transmission of electric currents stronger than that required for telephones. The said city of Ann Arbor, however, shall have the right to the use of one duct in all conduits so laid without cost or expense to said city, to use in maintaining fire alarm system in said city.

By Ald. Fischer:

That Section 9 be amended so as to read as follows:

This section was changed to read:

Sec. 9. The said Charles W. Wagner and Walter C. Mack, their successors and assigns, shall have the privilege of renting the space in said conduit to any person, firm or corporation owning or operating wires in the city of Ann Arbor, at such prices as shall be agreed upon, provided, also, that such wires shall not be used for the transmission of electric currents stronger than that required for telephones. The said city of Ann Arbor, however, shall have the right to the use of one duct in all conduits so laid without cost or expense to said city, to use in maintaining fire alarm system in said city or any other public purpose.

Carried.

Sec. 10. The said Charles W. Wagner and Walter C. Mack, their successors or assigns, are to furnish to the city as many telephones as may be required for the city purposes free of charge to be placed where directed

by the common council, such number not to exceed 22.

By Ald. Fischer:

That Section 10 be amended so as to read as follows:

Ald. Fischer amended it to read:

Sec. 10. The said Charles W. Wagner and Walter C. Mack, their successors or assigns, are to furnish the city twenty-two telephones s may be required for city purposes free of charge, to be placed where directed by the common council, additional telephones for city use to be furnished at regular rates, less 20 per cent discount.

Carried.

Sec. 11. The said Charles W. Wagner and Walter C. Mack, their successors and assigns, may acquire the right to use the conduits of any other company or of the city provided terms can be agreed upon with such company or with the city.

Sec. 12. Should the city of Ann Arbor at any time become qualified to own and operate a public telephone plant, the said Charles W. Wagner and Walter C. Mack and their successors and assigns, shall relinquish all their rights acquired by virtue of this ordinance, and transfer to said city all of their plant upon said city paying or assuming the payment of the amount of the then outstanding bonded indebtedness of said Charles W. Wagner and Walter C. Mack, together with the book and not to exceed the face value of their capital stock.

By Ald. Fischer:

That Section 12 be amended so as to read as follows:

Sec. 12. At the expiration of ten years after this ordinance takes effect, the city council of said city of Ann Arbor shall have the right and privilege to purchase the said telephone system herein provided for.

Provided, however, notice of its intention to do so shall be given to the then owners of said telephone system by written notice given to the manager of said telephone system at least six months prior to the expiration of said ten years.

A failure to give notice of its intention to purchase as above provided, shall operate as a waiver of the right to purchase until the expiration of the next five (5) years succeeding, and each succeeding term of five (5) years thereafter.

Should the city of Ann Arbor at any time desire to purchase said plant, the said Charles W. Wagner and Walter C. Mack and their successors and assigns, shall relinquish all their rights acquired by virtue of this ordinance, and transfer to said city all of said plant upon said city paying to the then owners the actual value of said plant which shall not be less than the actual cost of construction of such plant.

Carried.

Sec. 13. If the said Charles W. Wagner and Walter C. Mack, their successors and assigns, shall at any time during the term of a.s franchise transfer the rights hereby granted to any other company or corporation or make any consolidation with any company or corporation, the company or corporation acquiring such rights or the consolidated company shall be subject to the terms and conditions of this ordinance.

By Ald. Fischer:

That Section 13 be amended by inserting the words, "to them" after the word "granted."

Carried.

Sec. 14. All the rights, liabilities and obligations herein granted, or imposed upon the said Charles W. Wagner and Walter C. Mack, shall apply to and be operative, in favor of and against their successors and assigns.

Sec. 15. The construction of said plant shall be commenced within one year from the date of the acceptance of this ordinance, and shall be in operation within two years from the date of said acceptance. Unless the construction is commenced within the above limited time the rights granted by this ordinance shall be forfeited.

Sec. 16. The right is hereby granted by this ordinance to said Charles W. Wagner and Walter C. Mack of Ann Arbor, to use such of the conduits,

poles, buildings and other property of said city of Ann Arbor and each and every of its commissions and departments as may profitably be utilized by the said Charles W. Wagner and Walter C. Mack at a proper maintenance rental.

By Ald. Fischer:

That Section 16 of the original be amended by substituting for it the following:

Sec. 16. Neither this franchise, nor any of the rights and privileges thereunder, shall be sold, assigned or leased to any telephone company now located or doing business in said city so as to in any manner thereby prevent or remove legitimate competition.

Carried.

Sec. 17. This ordinance is conditioned upon the acceptance thereof by said grantee, or its successors, within thirty days from the passage thereof, and shall take effect as soon as accepted.

By Ald. Fischer:

That Section 17 be amended by substituting the word "ten" for the word "thirty."

Carried.

Several amendments were made in Council to Section 5. Ald. Clancy moved that all amendments made to Section 5 outside of those recommended by the ordinance committee be reconsidered. Carried.

The chair then put the question: Shall this ordinance pass, as amended?

Adopted as follows:

Yeas—Ald. Hamilton, Schlenker, Clancy, Kearns, Schumacher, Johnson, Roberts, Grose, Burg, Fischer, Pres. Haarer—11. Nays—Ald. Douglas, Koch, Coon, Jenney—4.

By Ald. Coon:

Resolved, that when we adjourn we adjourn until next Wednesday evening. *Lost.*

By Ald. Clancy:

Resolved, that the city attorney be directed to take the necessary steps to collect the bills due the city by the D., Y., A. A. & J. railway company. Carried.

By Ald. Koch:

Resolved, that the city attorney notify the D., Y., A. A. & J. railway company to have the portion of W. Huron street occupied by their tracks put in proper condition, and if the same is not attended to forthwith that the street commissioner be instructed to fill the dangerous places and charge same to the said D., Y., A. A. & J. railway company. Carried.

By Ald. Coon:

Resolved, that Hill street between Washtenaw avenue and New Jersey avenue and Oxford road from Geddes avenue to Washtenaw avenue be and the same are hereby ordered graded according to the grade established and that \$600 be appropriated for the same.

Ald. Clancy moved that the above be amended by having the gravel drawn from State street at the time the excavation for paving is being done. Carried.

Ald. Grose moved that the matter of grading Hill street be referred to B. O. W. with instructions to advertise for bids on the same.

Adopted as follows:

Yeas—Ald. Hamilton, Douglas, Koch, Schlenker, Clancy, Kearns, Schumacher, Johnson, Roberts, Grose, Coon, Jenney, Burg, Fischer, Pres. Haarer—15. Nays—0.

By Ald. Fischer:

Resolved, that 300 loads of dirt from State street be deposited on Sybil street between Hill and Benjamin streets. Carried.

To the Honorable the Common Council of the City of Ann Arbor:

Gentlemen—Your committee to whom was referred the petition of I. C. Russell and others, praying for a sidewalk to be constructed on the southerly side of Washtenaw avenue, etc., respectfully report: They have had the same under consideration and would recommend that a stone or cement sidewalk be ordered as follows:

Along the southwesterly side of Washtenaw avenue from S. University avenue southeasterly to and around the curve to Hill street, thence west on the north side of Hill street to the

west line of the property owned by the Phi Kappa Psi fraternity.

R. A. JENNEY.

CHRISTIAN SCHLENKER.

RICHARD KEARNS.

H. W. DOUGLAS.

PHIL SCHUMACHER.

L. D. GROSE.

JOHN BURG.

Adopted.

To the Honorable the President and the common Council: of the City of Ann Arbor:

The undersigned would respectfully represent that in the construction of the storm sewer and the cobble stone pavement in the alley between Huron street and Washington in the block east of Main street and west of Fourth avenue, the pavement is raised above the level of the surface of lots number 116, 117 and 118 East Huron street, and in consequence thereof the water that falls in said alley and on said lots, instead of flowing into said storm sewer flows away from the sewer into the cellars of numbers 116, 117 and 118 East Huron street.

They further represent that the pavement of said alley is made of cobble stone simply and that the cost would be but a trifle to correct the error, lower the alley, restore the pavement and carry off the water to the storm sewer as it was expected and intended to be carried off at the time of the construction of said storm sewer and the pavement in said alley.

Your petitioners therefore pray that your honorable body will direct the board of public works to correct the error hereinbefore stated, by so lowering the surface of the alley as to cause the water to flow off and empty into the storm sewer as aforesaid.

And your petitioners will ever pray.

W. H. M'INTYRE.

A. J. SAWYER.

W. C. BINDER.

MARY DEVENNEY,

Per A. W. Gibson.

H. B. WELCH.

By Ald. Jenney:

Resolved, that the grading and construction of a cement or stone sidewalk on and along the streets herein-after mentioned is deemed and hereby declared to be a necessary public improvement.

Therefore, it is hereby ordered that a stone or cement sidewalk be graded and constructed on and along the southwesterly side of Washtenaw avenue from South University avenue southeasterly to and around the curve to Hill street; thence west on Hill street (north side) to the west line of the property owned by the Phi Kappa Psi fraternity.

Resolved, that it is hereby ordered that a tar or asphaltum sidewalk be graded, built and constructed on and along the west side of South Main street between Madison and the corporate limits.

Referred to sidewalk committee.

By Ald. Jenney:

Whereas, in the opinion of the council the grade of the sidewalk on the east side of South First street ought to be changed and fixed and established, to the end that such street may be suitable for public travel; therefore,

Resolved, and it is hereby ordered, that the grade of the sidewalk on and along the east side of South First street from south line of Madison street to the north line of Moseley street be, and the same is hereby

changed, fixed and established, so that the grade of said sidewalk on and along the street aforesaid shall be as follows, that is to say:

At the southeast corner of Madison, 818.00; at 220 feet south of the southeast corner of Madison, 821.50; at 356 feet south of the southeast corner of Madison, 827.40; at the northeast corner of Moseley, 829.84, B. M. 832.64 north end of the lower stone step No. 632 First street; the elevation given being above the official city datum and along the center line of such walk, and the grade lines to consist of straight

lines between the several points or stations above stated.

By Ald. Clancy:

Resolved, that the contract for paving State street be amended by striking out the fifteen-year clause for furnishing asphalt block, upon condition that the asphalt company shall enter into a contract with the city to furnish said blocks for ten years subsequently to the five years mentioned in said contract at \$70 per thousand.

On motion the council adjourned.

JAS. E. HARKINS, Clerk.