

## FROM THE SAME.

To the Honorable the Common Council:

Gentlemen—Your Committee on Streets, to whom was referred the petition of Eldridge M. Fowler, to construct a passageway over the alley bounded by Woodward and Grand River avenues, Griswold and State streets, connecting his Woodward avenue property with the proposed building to be erected on 152 feet facing Griswold street, respectfully report that we have carefully examined the matter and find that Mr. Fowler desires to improve the old Capitol Square site by erecting a building costing over \$100,000, and that without the passageway he would have to let the property either rest as it is for some time, or put up a much cheaper structure.

As there can be no obstruction to the alley, and as he receives no title in the land, and as it will result in a much needed improvement in that locality, and as the adjoining property holders have no objection, we recommend that permission be granted to Eldridge M. Fowler to construct the passageway named, and herewith offer the following resolution.

Respectfully submitted,

OTTO REINHARDT,  
WM. C. HOUGHTON.

Accepted and leave being granted, the following resolution was offered:  
By Ald. Reinhardt:

Resolved, That permission be granted to Eldridge M. Fowler to construct a passageway over the alley connecting the floors of the building on the south thirty (30) feet of lot 37, in section 8, of the Governor and Judges' plan of the City of Detroit, and fronting on Woodward avenue, with the floors of the building proposed to be erected on lots 72, 73 and the north thirty-two (32) feet of lot 74, section 8, of the Governor and Judges' plan, facing on Griswold street; provided, that the work of constructing said passageway shall be performed under the supervision of the Commissioner of Public Works and in accordance with plans submitted to said Commissioner; and provided further, that no rights in the public streets or alley shall be considered waived by the permission which is hereby granted, said permission being expressly given on the condition that said passageway and all obstructions in connection therewith, shall be removed at any time when so directed by the Common Council.

Adopted as follows:

Yeas—Ald. Atkinson, Barrie, Beamer, Campbell, Deimel, Freda, Haarer, Hilger, Houghton, Joy, Keating, Koch, Koenig, Lemke, Liphardt, McGuire, Marx, Miller, Moeller, Mohn, Nevermann, Reinhardt, Smith, Snow, Tossy, Weber, Weibel, Welier, Wildman and the President Pro Tem.—30.  
Nays—None.

## FROM THE SAME.

To the Honorable the Common Council:

Gentlemen—Your Committee on Streets, to whom was referred the communication from the Department of Public Works relative to the location of the proposed asphalt plant, respectfully report that we have given this matter careful consideration and beg leave to state that Mr. Wm. Roth made a proposition to your committee,

wherein he is willing to lease to the City of Detroit a parcel of land comprising 3.585 acres, being a triangular piece of property located at the intersection of Mt. Elliott avenue and Dunn road, and adjacent to the Belt Line railroad; that he is willing to lease said property to the City of Detroit for the purpose of locating its asphalt plant thereon for the sum of \$200 00 per annum, for a term of five years, payable in monthly installments. Your committee begs leave to state that said property above referred to is easy of access and adjoins the Belt Line R. R.; that there are no houses anywhere within one-half mile thereof, and such being the facts, no one can complain of odors and fumes being injurious to the public health. Your committee believing the figures submitted to be just and reasonable, recommend that the City Controller be authorized and instructed to enter into a lease with Wm. Roth for the property hereinafter described, for a term of five years, for the sum of \$200 00 per annum, payable in monthly installments, and report the same back to this council for its approval, and we herewith offer the following resolution.

Respectfully submitted,

OTTO REINHARDT,  
WM. C. HOUGHTON.

Accepted, and on leave the following resolution was offered:  
By Ald. Reinhardt:

Resolved, That the City Controller be and he is hereby authorized and instructed to enter into a lease with Wm. Roth for a term of five years for the n. 3.585 acres of all that part of the s. w. tract of Quarter Section 28, T. 1 S. R. 12 E., bounded on the east by Mt. Elliott avenue and on the west by Dunn road and on the north by the city limits, said property to be used by the city for the purpose of locating thereon its asphalt plant, and to agree to pay to said Roth the sum of \$200 00 per annum, payable in monthly installments, for the use of said property, and report the same back to this council for its approval.

Objected to and laid on the table.

## Street Openings.

To the Honorable the Common Council:

Gentlemen—Your Committee on Street Openings, to whom was referred the petition of the Co-Operative Foundry Co., for the vacation of part of the alley in the block west of Junction avenue, between Henrietta and Briggs avenues, respectfully report that the petitioners recently made arrangements for the purchase of lots 1 to 10, inclusive, block 18, of Jerome, Duffield & Reeder's Sub. of the east 354 feet of P. C. 39, said lots being situated on the southwest corner of Junction and Henrietta avenues; that they have their plans already prepared for the immediate erection of a new foundry and buildings accessory thereto upon said premises, and have arranged for a side-track to said buildings from the Pere Marquette railroad, which is adjacent thereto; that said premises are entirely unavailable for said purpose unless that portion of the public alley lying in the rear of lots 7, 8, 9 and 10 and adjacent to lot 6, be vacated so that said lots shall be one entire parcel of land. Your Committee, upon investigation, find that the vacation



of said alley will in no wise be injurious to the balance of the property located in said block, inasmuch as there are abundant alley facilities for owners of the adjacent property to allow them sufficient ingress and egress to their premises. Your Committee therefore recommend that the request of the petitioners be granted and we herewith offer the following resolution.

Respectfully submitted,  
WM. F. MOELLER,  
M. W. M'GUIRE.

Accepted, and on leave the following resolution was offered:  
By Ald. Moeller:

Resolved, That the public alley in the rear of lots 7, 8, 9 and 10, lying on the w. s. Junction avenue, between Henrietta and Briggs avenues, and adjacent to lot 6 upon the s. s. Henrietta avenue, between Junction and Campbell avenues, be and the same is hereby vacated.

Adopted as follows:

Yeas—Ald. Atkinson, Barrie, Beamer, Campbell, Deimel, Freda, Haarer, Hillger, Houghton, Joy, Keating, Koch, Koenig, Lemke, Liphardt, McGuire, Marx, Miller, Moeller, Mohn, Nevermann, Reinhardt, Smith, Snow, Tossy, Weber, Weibel, Weiler, Wildman and the President pro tem.—30.

Nays—None.

#### FROM THE SAME.

To the Honorable the Common Council:

Gentlemen—Your Committee on Street Openings, to whom was referred the petition of Freeman B. Dickerson et al., for the acceptance of a deed in lieu of the vacation of a certain alley north of Leicester court, respectfully report that your petitioner is the owner of lots 1 and 2, block 1, Thomas & Wagner's Sub. of part of the quarter section 44 and 37, also the southerly  $7\frac{1}{2}$  feet of lot 4 of Mott's Sub. of part of the south 40 acres of quarter section 37, all in the 10,000 acre tract, situated at the corner of Woodward avenue and Leicester court; that there is at the present time a cul-de-sac alley between the aforesaid lots 1 and 2; that the petitioner is desirous of having said cul-de-sac alley vacated, and in lieu thereof will deed to the city a strip of land 20 feet in width, off the easterly end of lot 2, which is almost in line with the alley now lying in the rear of the adjoining property. Your Committee, after careful investigation, can see no objection to the acceptance of the proposition of the petitioner, and we therefore recommend that the 20-foot cul-de-sac alley lying between lots 1 and 2 be vacated, provided the deed presented is accepted by the Committee on Ways and Means, and approved by the Common Council, and we herewith offer the following resolution.

Respectfully submitted,  
WM. F. MOELLER,  
M. W. M'GUIRE.

Accepted and on leave the following resolution was offered:  
By Ald. Moeller:

Resolved, That all that part of the public alley north of Leicester court and between lots 1 and 2 of Thomas & Wagner's Sub. of the north 60 feet of quarter section 44 and the southerly 188 feet of quarter section 37, and of the southerly 65 feet of lots 16 to 25, inclusive, and of the easterly  $\frac{1}{2}$  of lot 15, Mott's Sub. of part of the southerly 40 acres of quarter section 37 of

the sub. of the 10,000 acre tract, be and the same is hereby vacated.

Provided, The warranty deed of Freeman B. Dickerson et al to the City of Detroit of certain property to be used for alley purposes is accepted by the Committee on Ways and Means, to whom we recommend its reference, and approval by the Common Council.

Adopted as follows:

Yeas—Ald. Atkinson, Barrie, Beamer, Campbell, Deimel, Freda, Haarer, Hillger, Houghton, Joy, Keating, Koch, Koenig, Lemke, Liphardt, McGuire, Marx, Miller, Moeller, Mohn, Nevermann, Reinhardt, Smith, Snow, Tossy, Weber, Weibel, Weiler, Wildman and the President Pro Tem.—30.

Nays—None.

#### Health.

To the Honorable the Common Council:

Gentlemen—Your Committee on Health, to whom was referred the communication from the City Controller under date of Nov. 24, 1900 (J. C. C. 999), calling attention to certain discrepancies between the city of Detroit and the Detroit Sanitary works, on the subject of the amount to be paid the Sanitary works for the collection of garbage for the first year of their former contract, respectfully report that we have given this matter our careful consideration, and find, upon investigation, that considerable correspondence has passed between Mr. Chas. Flowers, the former Corporation Counsel, the Detroit Sanitary works, the City Controller and Mr. T. E. Tarsney, the present Corporation Counsel, all of which has been submitted to your committee for its consideration, and your committee, after deliberation, deem it wise to coincide with the Corporation Counsel's opinion to the City Controller, which was given on the 9th day of July, 1900, in which, after citing all the facts in connection with the case, he goes on to state that in the case of Robinson vs. City of Detroit, 107 Mich. 168, speaking of the power of the Board of Estimates, the supreme court said: "The legislature has seen fit to place this power in the hands of the Board of Estimates as a restriction upon the power of the Common Council, and to declare that it shall be unlawful for the latter to create expenditures or expend any money as to items disallowed and disapproved by the Board of Estimates.

The moneys are raised only for the fiscal year, and for a particular purpose, and must be paid out for that purpose for which they are raised, and no other. The board is clothed with the power to cut out any items or parts of items, and in exercise of that power the Board of Estimates did reduce the estimates sent to them and fix the item for the first year of this contract at \$48,000.

Parties dealing with municipal authorities and entering into contracts, must be held to a knowledge of the power, or lack of power, in the particular department with which they contract. This contract then, for the first year of its duration, seems to have been in excess of the authority of the city to contract, to the extent of \$7,000; that he is of the opinion that the city is not liable to the Sanitary company for the first year of said contract beyond the sum of