

led against lots 40 and 41, block 4, Van Husen's sub. of P. C. 16, west side of Baldwin avenue with interest added thereto at the rate of 5 per cent per annum in full settlement of the same in order that the back taxes against this property may be cleared up, as set forth in above report.

Adopted as follows:

Yeas—Ald. Allan, Brozo, Burns, Burton, Ellis, Fisher, Freiwald, Gadde, Gibbons, Goeschel, Grindley, Gutman, Harpfer, Heineman, Jeffries Keating, Kingsley, Koch, Korte, Moeller, Mohn, Ostrowski, Owen, Rose, Tossy, Vernor, Watson, Weibel, Wieber, Wing, Zink, and the President—32.  
Nays—None.

### Street Openings.

To the Honorable the Common Council:

Gentlemen—Your Committee on Street Openings, to whom was referred the verdict of the jury of the Recorder's Court in the matter of opening and extending Third avenue, from Holden avenue to the northerly City Limits where not already opened, as a public street and highway, respectfully report that the property in the vicinity of the improvement is largely benefited by the same and should bear a portion of the expense.

The award of the jury was \$75,547 55, and we recommend that \$50,365 03 of the amount be assessed on a local assessment district and that the remaining \$25,182 52 be paid by the City of Detroit out of the Street Opening Fund, in accordance with the following resolution.

Respectfully submitted,

CHARLES W. BURTON.  
JOHN HARPFER.  
W. P. KINGSLEY.  
EDWARD J. KORTE.  
CHARLES H. WIEBER.

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

Resolved, That the Common Council of the City of Detroit do hereby fix and determine that the following described district and portion of the said City of Detroit, to-wit:

Lots 1 to 9 both inclusive, block 13, the w. 181.43 feet of private alley in rear of and adjoining lots 1 to 4 inclusive, block 13, the w. 181.43 feet lot 11, block 13, the e. 224.43 feet of private alley in rear of and adjoining lots 5 to 9 inclusive, block 13, the e. 224.43 feet lot 11, block 13, lots 1 to 9 both inclusive, block 14, lots 17 to 25 both inclusive, block 14, vacated alley lying in rear of lots 6, 7, 8, 9, 17, 18, 19 and 20, vacated by C. C. July 19, 1904, block 14, lots 1 to 9 both inclusive, block 15, lots 17 to 25 both inclusive block 15, lots 1 to 9 both inclusive block 16, lots 17 to 25 both inclusive block 16, lots 1 to 9 both inclusive block 17, Cass Farm Co., Ltd., sub. of blocks 111, 112, 113, 114, 115, 116, 118 and 119, and a part of block 117, Cass farm.

All that part of lots 49, 50, and 51, block 43, Crane farm, as follows: Commencing at a point in the e'ly line of lot 51, 22 feet s'ly from the e'ly corner of said lot 51, thence n'ly along the e'ly line of said lot 51.22 feet, thence w'ly along the n'ly line of said lots 51 and 50 and continuing to a point on n'ly line of lot 49, said point being 4 feet w'ly from the n. e'ly corner of said lot 49, thence s'ly on a straight

line and parallel to e'ly line of said lot 49, 69.42 feet to a point, thence e'ly on a straight line to place of beginning.

All that rear part of lots 49, 50 and 51, block 43, Crane farm, as follows: Commencing at a point in the s'ly line of said lot 49, 28 feet e'ly from the s. w'ly corner of said lot 49, thence e'ly 8 feet along the s'ly line of lots 49 and 50 to a point, thence n'ly parallel with the w'ly line of said lot 50, 6.75 feet to a point on the e'ly line of said lot 51, 25 feet n'ly of the s. 'ly corner of said lot 51, thence n'ly along said e'ly line of lot 51, 26 feet to a point, thence w'ly on a straight line to a point on lot 49, said point being 4 feet w'ly of the e'ly line and 30.59 feet n'ly of the s'ly line of said lot 49, thence s'ly 30.59 feet to place of beginning.

All that rear part of lots 51 and 50, block 43, Crane farm, as follows: Commencing at a point in the s'ly line of said lot 50, said point being 4 feet e'ly from the s. w'ly corner of said lot 50, thence n'ly parallel to w. line of said lot 50, 6.75 feet to a point, thence e'ly in a straight line to a point in the e'ly line of said lot 51, said point being 25 feet n'ly from the s. e'ly corner of said lot 51, thence s'ly 25 feet to the s. e'ly corner of said lot 51, thence w'ly along s'ly line of said lots 51 and 50, 100 feet to place of beginning.

Lots 1 to 14, both inclusive, lots 34 to 48, both inclusive, the west 28 feet of lot 49, lots 52 to 57, both inclusive, the north 15 feet of lot 58, Albert Crane's section of the Crane farm, being blocks 25, 33, 35, 37, 38, 39, 40, 42, 43 and 45 of the Crane farm.

Lots 1 to 15, both inclusive, Duncan's sub. of lots 23, 24, 25, 26, 27 and the n. 1-3 of lot 22, Connor's sub. of the Forsyth farm.

Lots 1 to 43, both inclusive, F. O. Davenport's sub. of O. L.'s 28 and 29, Forsyth farm.

Jones farm, all that part of rear concession of P. C. 247 n. of Holden avenue and lying s'ly of and adjoining Railroad.

All that part of Jones farm, blocks 111, 112, 113, 114, 115, 116, 118 and 119, and a part of block 117, Cass farm, lying n. of and adjoining Railroad.

Lots 1 to 8, both inclusive, closed alley, rear lots 9 to 11, both inclusive; the east 18 feet of lot 12, lots 13 to 211, both inclusive, Leavitt's sub. of that part of frac. sec. 31, T. 1 S., R. 12 E., bounded by Milwaukee and Woodward avenues, G. T. R. R. and rear line of P. C.'s and west line of said frac. sec. 31; also lots 8 to 17, both inclusive, part of block 5 of Henry Weber's sub. of part of frac secs. 31 and 36, T. 1 S., R. 11 and 12 E., and part of the Baker and Forsyth farms.

Lots "A" and "B," Henry Kehrig's sub. of lot 1, block 5 of Henry Weber's sub. of part of secs. 31 and 36, T. 1 S., R. 11 and 12 E., and part of the Baker and Forsyth farms.

Lots 1 to 6, both inclusive, sub. of lots 2 and 3, block 5, Henry Weber's sub. of part of secs. 31 and 36, T. 1 S., R. 11 and 12 E., and part of the Baker and Forsyth farms.

Lots 3 and 4, Jackson's sub. of lot 5, block 6, and lot 4, block 5, of Moran & Moross's sub. of part of secs. 31 and 36, T. 1 S., R. 11 and 12 E., and part of the Baker and Forsyth farms.

Lots 1 to 4, both inclusive, Brain's sub. of lot 5, block 5, and part of Mil-

waukee avenue vacated, and part of public alley vacated, all in Henry Weber's sub. of part of secs. 31 and 36, T. 1 S., R. 11 and 12 E.; also part of lot 212 of Leavitt's sub. of secs. 31 and 36.

Lots 1 and 2, Jos. J. Sanger's re-sub. of lot 6, block 5, Weber's sub. and e'ly 75.96 feet of lot 212 of Leavitt's sub., being part of frac. sec. 36, T. 1 S., R. 11 e. and also the s'ly 10 feet of Milwaukee avenue vacated in front and the vacated alley in the rear of said lot 6.

Lots 1 to 4, both inclusive, lot 5, block 1, lots "A," "B," "C," and "D," block 2, lots 5 to 11, both inclusive, block 2, lots 14 to 21, both inclusive, block 2, lots 24 to 30, both inclusive, block 2, lots 1 to 5, both inclusive, block 3, the e. 34 feet, lot 6, block 3, the w. 6 feet, of lot 7, block 3, lots 8 to 41, both inclusive, block 3, the w. 6 feet, lot 42, block 3, the e. 34 feet, lot 43, block 3, lots 44 to 48, both inclusive, block 3, lot 7, block 5, Moran and Moross sub. of part secs. No. 31 and 36, T. 1 S., R. 11 and 12, e. and part of Baker and Forsyth farms.

Lots 1 to 191, both inclusive, Lothrop and Duffield's sub. of part of  $\frac{1}{4}$  secs. 55 and 56, 10,000 acre tract.

Lots 1 to 20, both inclusive, the e. 30 feet, lot 21, the w. 25 feet, lot 23, lots 24 to 40, both inclusive, the w. 10 feet, lot 41, lots 44 to 63, both inclusive, lot "A," Stewart's sub. of lots 1, 2 and 3 of the sub. of the s. 1-3 of  $\frac{1}{4}$  secs. 55 and 56, 10,000-acre tract.

Lots 1 to 92, both inclusive, Leggett's sub. of part of Henry Weber's sub. of part of  $\frac{1}{4}$  secs. 55 and 56, 10,000 acre tract.

Lots 1 to 35, both inclusive, lots 36 to 70, both inclusive, and vacated Parkman avenue in rear Stone, Todd & Co.'s sub. of lots 1, 2 and 3, of plat of center part of  $\frac{1}{4}$  secs. 55 and 56 of the 10,000-acre tract, and lots 41, 42, 43 and 44 of Henry Weber's sub. of  $\frac{1}{4}$  secs. 55 and 56 of the 10,000-acre tract.

The n. 113.06 feet of lots 5 and 6, the e. 40 feet of n. 113.06 feet, lot 7, the w. 30 feet of n. 112.54 feet, lot 9, the n. 112.18 feet, lot 10, the n. 111.82 feet, lot 11, the n. 111.46 feet, lot 12, the n. 111.10 feet, lot 13, the n. 110.74 feet, lot 14, the n. 110.38 feet, lot 15, the n. 110.02 feet, lot 16, the n. 109.66 feet, lot 17, the n. 109.30 feet, lot 18, the n. 116.59 feet, lot 19, all of block 4; lots 20 to 39, both inclusive, and the w. 30 feet, lot 40, all of block 4, Henry Weber's sub. of part secs. 55 and 56, 10,000-acre tract.

Lots 1 to 16, both inclusive, Schmidt's sub. of a part of  $\frac{1}{4}$  sec. 56, 10,000-acre tract.

Lots 4 to 6, both inclusive; the e. 40 feet lot 7; the e. 5 feet of w. 30 feet lot 9, block 3; the w. 25 feet of lot 9, block 3; lots 1 to 6, both inclusive, block 4; lots 13 to 15, both inclusive, block 7; the e. 3.50 feet lot 16, block 7; the e. 16.50 feet lot 17, block 7; lots 18 to 24, both inclusive, block 7; lots 17 to 24, both inclusive, block 8; lots 1 to 12, both inclusive, block 9; lots 1 to 7, both inclusive, block 6; the e. 16.50 feet lot 8, block 6; the w. 3.50 feet lot 9, block 6; lots 10 to 12, both inclusive, block 6; lots 1 to 6, both inclusive, block 5; lots 5 to 7, both inclusive, block 2; the e. 40 feet lot 8, block 2; the w. 30 feet lot 10, block 2; lots 1 to 7, both inclusive, block 1; the n. 16.50 feet of vacated Parkman avenue; the s. 16.50 feet of vacated

Parkman avenue, Beck's sub. of part of  $\frac{1}{4}$  secs. 55 and 56, 10,000-acre tract.

All that part of Beck street vacated by Common Council April 16th, 1901, bounded on the n. by Seward avenue, on the s. by vacated Parkman avenue, on the e. by lot 9, block 3, and on the w. by lot 1, block 4, all in Beck's sub. of part of  $\frac{1}{4}$  secs. 55 and 56, 10,000-acre tract.

The e. 73.50 feet of the w. 6.50 feet of all that part of Otto avenue vacated by Common Council July 1st, 1902, and bounded on the n. by Seward avenue, on the s. by vacated Parkman avenue, on the e. by lot 6, block 4, and on the w. by lot 24, block 7, Beck's sub. of part of  $\frac{1}{4}$  secs. 55 and 56, 10,000-acre tract.

All that part of Otto avenue vacated by Common Council July 1st, 1902, and bounded on the s. by Seward avenue, on the e. by lot 6, block 5, Beck's sub., and on the w. by lot 1, block 6, Beck's sub. of part of  $\frac{1}{4}$  secs. 55 and 56, 10,000-acre tract.

All that part of Beck street vacated by Common Council April 6, 1901, bounded on the e. by lot 10, block 2, on the w. by lot 1, block 5, on the s. by Seward avenue and on the n. by the alley immediately n. of Seward avenue, all in Beck's sub. of part of  $\frac{1}{4}$  secs. 55 and 56, 10,000-acre tract.

Lots 1 to 14, both inclusive; lots 79 to 92, both inclusive; the Peerless addition of the e'ly 820 feet of n. part of  $\frac{1}{4}$  sec. 56, 10,000-acre tract.

Lots 15 to 30, both inclusive; lots 63 to 78, both inclusive; the Peerless addition No. 2 of part of  $\frac{1}{4}$  sec. 56, 10,000-acre tract.

Lots 31 to 62, both inclusive; the Peerless addition No. 3 of part of  $\frac{1}{4}$  sec. 56, 10,000-acre tract.

Lots 1 to 26 both inclusive, the w. 20 feet lot 29, the w. 20 feet lot 30, lots 31 to 62 both inclusive, the w. 20 feet lot 65, the w. 20 feet lot 66, lots 67 to 98 both inclusive, Duffield & Dunbar's sub. of lot 1 of  $\frac{1}{4}$  sec. 45, 10,000 acre tract.

Lots 1 to 13 both inclusive, the w. 20 feet lot 15, lots 16 to 30 both inclusive, private way, the w. 20 feet lot 32, lots 33 to 47 both inclusive, Mack's sub. of the s.  $\frac{1}{2}$  of lot 2 of  $\frac{1}{4}$  sec. 45, 10,000 acre tract.

Lots 1 to 23 both inclusive, the e. 19.35 feet lot 24, the w. 20.65 feet lot 27, lots 28 to 53 both inclusive, the w. 3 feet lot 56, lots 57 to 83 both inclusive, the e. 7.20 feet of private way bounded on the w. by Third avenue, on the e. by lot 53, private way bounded on the w. by lot 32, on the e. by lot 31, private way, between lots 10 and 9, Smith's sub. of the n.  $\frac{1}{2}$  of lot 2 of  $\frac{1}{4}$  sec. 45 of the 10,000 acre tract.

Lots 1 to 26 both inclusive, lots 29 to 58 both inclusive, the e. 50 feet lot 59, the e. 50 feet lot 60, the w. 20 feet lot 61, the w. 20 feet lot 62, lots 63 to 94 both inclusive, private alley, bounded on the e. by Second avenue and on the w. by lot 30, private alley, bounded on the w. by lot 29, on the e. by Second avenue, Anderson & McKay's sub. of lot 3 of the sub. of  $\frac{1}{4}$  sec. 45, 10,000 acre tract.

Lots 1 to 12 both inclusive, the w. 20 feet lot 14, lots 15 to 30, both inclusive, the w. 20 feet lot 32, lots 33 to 66 both inclusive, the w. 20 feet lot 67, lots 69 to 84 both inclusive, the w. 20 feet lot 85, lots 87 to 100, lots 103 to 116 both inclusive, the w. 20 feet lot 118, lots 119 to 134 both inclusive, the

w. 20 feet lot 136, lots 137 to 153 both inclusive, McLaughlin Bros.' sub. of e. 20 feet lot 4, and the w'y 150 feet of outlot 5 of the sub. of  $\frac{1}{4}$  sec. 45, 10,000 acre tract.

Lot 1 except that part in n. w. corner 10 by 100, deeded for alley, and except e. 20 feet of w. 100 feet deeded for alley, "Sept. 22, 1903," lots 2 to 11 both inclusive, the w. 20 feet lot 13, private alley, bounded on the w. by lot 18, on the e. by lot 17, lots 14 to 31 both inclusive, the e. 20 feet lot 32, the w. 20 feet lot 34, lots 35 to 53 both inclusive, Fisher's sub. of outlots 5 and 6 of  $\frac{1}{4}$  sec. 45, 10,000 acre tract.

Lots 1 to 19 both inclusive, a strip of land 15 feet wide, formerly used as an alley lying between lots 19 and 20 and vacated by C. C. Nov. 22, 1904, the w. 39 feet lot 20, lots 23 to 42 both inclusive, the w. 4 feet lot 43, a strip of land 15 feet wide, formerly used as an alley, lying between lots 39 and 40 and vacated by C. C. Oct. 25, 1904, the e. 36 feet lot 45, lots 46 to 61 both inclusive, lots 62 to 75 both inclusive, the e. 36 feet lot 76, the w. 4 feet lot 78, lots 79 to 98 both inclusive, the e. 1 foot lot 99, a strip of land 15 feet wide lying between lots 81 and 82 formerly used as an alley and vacated by Common Council Oct. 25, 1904, the w. 39 feet lot 101, a strip of land 15 feet wide lying between lots 101 and 102 formerly used as an alley and vacated by Common Council Nov. 22, 1904, lots 102 to 120 both inclusive, Warner's sub. of lot 6,  $\frac{1}{4}$  sec. 45, 10,000 Acre Tract.

Lots 1 to 13 both inclusive, the w. 20 feet lot 15, lots 16 to 31 both inclusive, the w. 20 feet lot 33, lots 34 to 65 both inclusive, the w. 20 feet lot 66, lots 68 to 83 both inclusive, the w. 20 feet lot 84, lots 86 to 98 both inclusive, De Witt H. Taylor's sub. of lot 7 and s'yly part of lot 8,  $\frac{1}{4}$  sec. 45, 10,000 Acre Tract.

Lots 1 and 2, the e. 50 feet lot 3, the e. 48 feet lot 4, lots 5 to 14 both inclusive, the e. 52 feet lot 15, the e. 52 feet lot 16, the w. 88 feet lot 17, the w. 88 feet lot 18, lots 19 to 32 both inclusive, "C" and "D," the e. 12 feet lot 33, the w. 8 feet lot 33, the e. 12 feet lot 34, the w. 8 feet lot 34, lots 35 to 50 both inclusive, Hubbard & Dingwall's sub. of lot 8 of sub. of  $\frac{1}{4}$  sec. 45, 10,000 Acre Tract, being a re-sub. of lots 1, 2, 3, 4, 5, 6 and 7 of Warner's sub. of said lot 8.

Lots 3 to 184 both inclusive, lots 188 to 610 both inclusive, Voigt Park sub. of E. W. Voigt's sub. of Voigt Park Farm, part of  $\frac{1}{4}$  sec. 36, 10,000 Acre Tract.

Lots 23 to 32 both inclusive, the w. 40 feet lot 33, the w. 40 feet lot 34, lots 35 to 48 both inclusive, lots "G" and "H," Atkinson's sub. of lot 3 of the sub. of the n.  $\frac{1}{2}$  of  $\frac{1}{4}$  sec. 36, 10,000 Acre Tract.

Lot 1, lots 2 to 13 both inclusive and part of vacated Caniff road immediately in rear, the w. 20 feet lot 15 and part of vacated Caniff road immediately in rear, lots 16 to 31 both inclusive and part of vacated Caniff road immediately in rear, the w. 20 feet lot 33 and part of vacated Caniff road immediately in rear, lots 34 to 49 both inclusive and part of vacated Caniff road immediately in rear, lots 50 to 65 both inclusive, the w. 20 feet lot 66, lots 68 to 83 both inclusive, the w. 20 feet lot 84, lots 86 to 111 both inclusive, the w. 20 feet lot 113, lots 114 to 129 both inclusive, the w. 20 feet lot 131, lots 132

to 163 both inclusive, the w. 20 feet lot 164, lots 166 to 181 both inclusive, the w. 20 feet lot 182, lots 184 to 196 both inclusive, Green Lawn sub., being the s'yly 682 feet of  $\frac{1}{4}$  sec. 25, 10,000 Acre Tract.

Lots 1 to 88 both inclusive, McLaughlin Bros.' and Hough's sub. of the s'yly 323 feet of the n'yly 653 feet of the s.  $\frac{1}{2}$  of  $\frac{1}{4}$  sec. 25, 10,000 Acre Tract.

Lot 1 to 16 both inclusive, the w. 20 feet lot 17, lots 19 to 34 both inclusive, the w. 20 feet lot 35, lots 37 to 64 both inclusive, the w. 20 feet lot 66, lots 67 to 82 both inclusive, the w. 20 feet lot 84, lots 85 to 100 both inclusive, Wilkins & Willett's sub. of the n'yly 20 acres of the s.  $\frac{1}{2}$  of  $\frac{1}{4}$  sec. 25, 10,000 Acre Tract.

The e'yly 200 feet of s'yly 3.31 feet of the n'yly 20 acres of the s.  $\frac{1}{2}$  of  $\frac{1}{4}$  sec. 25 lying between the w'yly line of Wood avenue and the e'yly line of Crawford vacated by order of Circuit Court July 13, 1891.

The s. 33 feet of e. 200 feet of all that part of  $\frac{1}{4}$  sec. 25, 10,000 Acre Tract formerly part of Caniff road lying w. of and adjoining Woodward avenue.

Lots, 1, 2, 96, 340, 341, E. W. Voigt's sub. of Voigt Park Farm part of  $\frac{1}{4}$  sec. 36, 10,000 Acre Tract.

The s. 90 feet of n. 123 feet of e. 200 feet O. L. 4, plat of the n.  $\frac{1}{2}$  of  $\frac{1}{4}$  sec. 36, 10,000 Acre Tract.

Lots 2 to 15 both inclusive, rear lot 16 fronts on Milwaukee avenue, rear lot 27 fronts on alley, the n. 13.27 feet lot 18, lots 19 to 26 both inclusive, Morross estate sub. of lots 1, 2, 3, 6, 7 and 8 of block 1 of the Moran & Morross sub. of part of secs. 31 and 36, T. 1 S. R. 12 E.

All that part of the Cass Farm lying n'yly of and adjoining the w'yly line of the G. T. R. R., except w'yly 60.10 feet taken for the opening of Third avenue.

Lots 1 and 2, Reid's sub. of block 44, Crane farm

is benefited by opening and extending Third avenue from Holden avenue to the northerly City Limits, where not already opened, 60 and 80 feet wide, as a public street and highway.

And further resolved, It is hereby determined that the sum of \$50,365 03 is a just proportion of the compensation awarded by the jury for the property taken for said improvement, which should be paid by the owners or occupants of the pieces or parcels of real estate which will thus be benefited by said improvement.

And further resolved, That there be assessed and levied upon said several pieces and parcels of real estate included in the above description, the amount of \$50,365 03, in proportion, as near as may be, to the advantage which each lot or parcel is deemed to acquire by such improvement.

And further resolved, That the Board of Assessors of the City of Detroit, be and they are hereby directed and instructed to proceed forthwith and prepare an assessment roll in conformity with the requirements of the charter of the City of Detroit relating to special assessments for collecting the expense of public improvements where a street is graded, comprising the property hereinbefore described, upon which they shall assess and levy the amount of \$50,365 03, each lot or parcel to be assessed at a ratable proportion as near as may be of said amount in

accordance with the amount of benefit derived by such improvement.

And it is further resolved, That \$25,-182 52 of the award of the jury be paid by the City of Detroit out of the street opening fund.

And further resolved, That said assessment shall be made in one part, which shall become due and payable in 60 days after the first publication by the Receiver of Taxes of the notice of said assessment.

Adopted as follows:

Yeas—Ald. Allan, Brozo, Burns, Burton, Ellis, Fisher, Freiwald, Gadde, Gibbons, Goeschel, Grindley, Gutman, Harpfer, Heineman, Jeffries, Keating, Kingsley, Koch, Korte, Moeller, Mohn, Ostrowski, Owen, Rose, Tossy, Vernor, Watson, Weibel, Wieber, Wing, Zink and the President.—32.

Nays—None.

FROM THE SAME.

To the Honorable the Common Council:

Gentlemen—Your Committee on Street Openings, to whom was referred the petition of Swift & Co. for vacation of part of an alley, respectfully report that we have had this matter under consideration and find that petitioners are the owners of lots 1, 2, and 3, block 13 of plat of sub. of blocks 6 to 13, inclusive, Witherell farm, north side of Gratiot avenue; that they request the vacation of that portion of the public alley lying in rear of lot 3 to which they would be entitled should the entire alley be vacated; that they desire said portion of said alley for the purpose of enlarging their plant. Your committee find, after a personal investigation, that while a 20-foot alley was originally platted in rear of lots 1, 2, 3, and 4 in above described sub. extending easterly from Dequindre street, that said alley has never been utilized or been of any use to the abutting property for the reason that its entrance is from Dequindre street, which is entirely occupied by railroad tracks and that said alley instead of being opened is and has been occupied by buildings being erected thereon for the past 30 or 40 years; that petitioners have a large warehouse upon that portion of the property owned by them and rather than take possession of the property as others have done, petition this Council to vacate to them that portion of the public alley to which they believe they are rightfully entitled. Your committee can see no objection to granting said request in view of the reasons above stated, provided, that they file with the City Controller an agreement agreeing to waive grade separation damages to the extent of the value of the property so vacated by the city, which said value is to be fixed by the Board of Assessors, and therefore recommend the adoption of the following resolution.

Respectfully submitted,

CHARLES W. BURTON.  
JOHN HARPFER.  
W. P. KINGSLEY.  
EDWARD J. KORTE.  
CHARLES H. WIEBER.

Accepted, and on leave the following resolution was offered:

By Ald. Keating:

Resolved, That that portion of the public alley lying in the block bounded by Gratiot avenue and Dequindre

and Adelaide street, more particularly described as follows: Commencing at the northeast corner of lot 3 of block 13 of the sub. of blocks 6 to 13 both inclusive, Witherell farm; thence north 60 degrees 14 minutes west 10.34 feet to the center of 20 public alley; thence westerly and parallel to the north line of lot 3, 52.28 feet; thence southerly along the west line of lot 3 extended, 10.34 feet to the northwest corner of lot 3; thence easterly along the north line of lot 3, 52.28 feet to the place of beginning, be and the same is hereby vacated.

Provided, That Swift & Company file with the City Controller an agreement agreeing to waive grade separation damages to the extent of the value of the property so vacated by the city, which said value is to be fixed by the Board of Assessors.

Adopted as follows:

Yeas—Ald. Allan, Brozo, Burns, Burton, Ellis, Fisher, Freiwald, Gadde, Gibbons, Goeschel, Grindley, Gutman, Harpfer, Heineman, Jeffries, Keating, Kingsley, Koch, Korte, Moeller, Mohn, Ostrowski, Owen, Rose, Tossy, Vernor, Watson, Weibel, Wieber, Wing, Zink, and the President—32.

Nays—None.

FROM THE SAME.

To the Honorable the Common Council:

Gentlemen—Your Committee on Street Openings, to whom was referred the communication from the Corporation Counsel relative to the case of Powers, et al., vs. the City of Detroit involving the legality of assessment for the opening of Warren avenue west, respectfully report that we have had the same under consideration and find that the contention of the city has been upheld on all points raised both as to the legality of the assessment and as to the penalties and interest. The Circuit Court refused to allow the penalties and interest but this part of the decree was overruled. We find further that this was a new question in this state and is of vital importance in the matter of the collection of assessments and will undoubtedly result in the future in stopping the practice of securing temporary injunctions against the collection of taxes upon technical grounds, thus preventing the city from the collection of its revenues without any penalties attaching to the objecting party; that this case has been in court since 1894 and that the city has been out the use of this money during all of these past ten years; that several offers have been made by the Council from time to time granting a specified time in which the litigants in this case would be permitted to come in and pay their assessment, but that they have persisted in attacking the legality of the entire assessment through all the courts and it is for these reasons that the Corporation Counsel recommends that the Receiver of Taxes be directed to prepare proper notices to be sent out as soon as the decree is settled in conformity with the opinion. Your committee heartily concur in the suggestion made by the Corporation Counsel and therefore recommend that the Receiver of Taxes be directed to prepare proper notices to be sent out to all parties

owing assessments as soon as the decree rendered is settled.

Respectfully submitted,

CHARLES W. BURTON.  
JOHN HARPFER.  
W. P. KINGSLEY.  
EDWARD J. KORTE,  
CHARLES H. WIEBER.

Accepted and laid on the table.

FROM THE SAME.

To the Honorable the Common Council:

Gentlemen—Your Committee on Street Openings, to whom was referred the petition of A. Gabler for acceptance of a plat, respectfully report that we have had the same under consideration and find that petitioner's plat is in accordance with the plan of the city. So being, we recommend its acceptance and the adoption of the following resolution.

Respectfully submitted,

CHARLES W. BURTON.  
JOHN HARPFER.  
W. P. KINGSLEY.  
EDWARD J. KORTE.  
CHARLES H. WIEBER.

Accepted, and on leave the following resolution was offered:

By Ald. Burton:

Resolved, That the plat of A. Gabler's sub. of lots 26, 27, 28 and 29 of out lot 25, Lieb farm, be and the same is hereby accepted and approved and the Commissioner of Public Works be and he is hereby directed to sign and approve the same and change the plan of the city in accordance therewith.

Adopted as follows:

Yeas—Ald. Allan, Brozo, Burns, Burton, Ellis, Fisher, Freiwald, Gadde, Gibbons, Goeschel, Grindley, Gutman, Harpfer, Heineman, Jeffries, Keating, Kingsley, Koch, Korte, Moeller, Mohn, Ostrowski, Owen, Rose, Tossy, Vernor, Watson, Weibel, Wieber, Wing, Zink and the President—32.

Nays—None.

### Markets.

To the Honorable the Common Council:

Gentlemen—Your Committee on Markets, to whom was referred the communication from the City Controller in reference to the condition of the markets, beg leave to report that we have had this matter under consideration and find that the markets are not being kept in as cleanly a manner as they should be; that your committee have had a consultation with the individual holding the contract and he has positively declared that he does not propose to do the work any better than it is being done at the present time. Inasmuch as the market season will soon be on in full blast, we believe that if said cleaning is not properly attended to it will materially injure the health of those of our citizens who have occasion to visit the same, as well as presenting an unsightly condition of affairs, we recommend the nullification of the present contract and that the Controller cause said work to be done, and if said work cannot be done within the contract price by him, to instruct the Corporation Counsel to commence suit against the bondsmen for the additional cost to the city for performing said work.

We therefore recommend the adoption of the following resolution.

Respectfully submitted,  
EDWARD J. KORTE.  
ANTHONY H. FISHER.  
M. J. OSTROWSKI.

Accepted, and on leave the following resolution was offered:

By Ald. Korte:

Resolved, That the contract entered into by the City Controller in behalf of the City of Detroit with Lawrence Dunn for cleaning the Eastern Market at \$35 per month and also for cleaning the Western market at \$27 50 per month, during the fiscal year ending June 30, 1905, approved and confirmed at a session held on the 5th of July, 1904 (J. C. C., p. 734), be and the same is hereby terminated, the provisions of the contract not having been carried out by said Dunn, and be it further

Resolved, That the City Controller be and he is hereby directed to notify said Lawrence Dunn of the termination of this contract and also notify his bondsmen of the termination of said contract, and be it further

Resolved, That the City Controller be and he is hereby directed to cause said work to be done during the remainder of the present fiscal year, within, if possible, the amount appropriated, and if said work cannot be done with the amount remaining on hand the City Controller shall cause the same to be done and take such proceedings as may be necessary to collect from said bondsmen the difference between the amount of the appropriation now on hand and the actual cost of said work.

Adopted as follows:

Yeas—Ald. Allan, Brozo, Burns, Burton, Ellis, Fisher, Freiwald, Gadde, Gibbons, Goeschel, Grindley, Gutman, Harpfer, Heineman, Jeffries, Keating, Kingsley, Koch, Korte, Moeller, Mohn, Ostrowski, Owen, Rose, Tossy, Vernor, Watson, Weibel, Wieber, Wing, Zink and the President—32.

Nays—None.

### Liquor Bonds.

To the Honorable the Common Council:

Gentlemen—Your Committee on Liquor Bonds, to whom was referred the various liquor bonds, respectfully report that we have carefully examined the same and find that the bonds have been certified as correct in form by the Corporation Counsel; we, therefore, recommend that the bonds as reported by the City Clerk on the 4th day of April, 1905, be and are hereby accepted and approved.

Respectfully submitted,

HERMAN F. ZINK,  
JOHN HARPFER,  
M. J. OSTROWSKI.

Accepted and adopted as follows:

Yeas—Ald. Allan, Brozo, Burns, Burton, Ellis, Fisher, Freiwald, Gadde, Gibbons, Goeschel, Grindley, Gutman, Harpfer, Heineman, Jeffries, Keating, Kingsley, Koch, Korte, Moeller, Mohn, Ostrowski, Owen, Rose, Tossy, Vernor, Watson, Weibel, Wieber, Wing, Zink and the President—32.

Nays—None.

### Charter and City Legislation.

To the Honorable the Common Council:

Gentlemen—Your Committee on