

on this date, in at least one issue of the Detroit Legal News, the official newspaper of the City of Detroit, printed, published and circulated in said City.

FURTHER RESOLVED, That the City Clerk is hereby authorized and directed to give such notice as is required by law of such special election and of the registration of electors entitled to participate therein.

Approved as to form:

WALTER BARLOW,
Acting Corporation Counsel.
Adopted as follows:

Yeas—Councilmen Bradley, Castator, Engel, Ewald, Lodge, Van Antwerp and the President—7.
Nays—None.

From Department of Public Works

February 19, 1937.

To the Honorable, the Common Council:

Gentlemen—The Buhl Company are building a new sea wall at the foot of Adair Street, which will necessitate the extension of our sewer outlet approximately five feet. The contractor who is doing the work for the Buhl Company, The Moran Dock Company, has submitted a bid to make this extension, for a total cost of \$565.00.

Inasmuch as this price is reasonable and as the contractor, being on the ground, can unquestionably do both a better and more reasonable job than if we took bids on this work, I recommend that we authorize the Moran Dock Company to make the necessary extension, at their quoted price of \$565.00. Funds are available in our Account 8-C—Sewer Docks and Outlets — Materials, in the Public Sewer Fund.

Respectfully submitted,
L. G. LENHARDT,
Commissioner.

From Department of Public Works

March 1, 1937.

To the Honorable, the Common Council:

Gentlemen — In reference to the status of Adair Street, as requested by your Honorable Body may I refer you to copy of letter from the Assistant City Engineer, which is hereto attached.

You will please note that the City Engineer believes there is no question as to the title of Adair Street to a point 446 feet south of the south line of Wight Street, but believes there is a legal question as to the title of the street south of this point.

It is apparent that the Buhl estate regards the river frontage as their property, as the wall which they are constructing goes entirely across the extent of their property and the extension of Adair Street, with the ex-

ception of the ten feet covered by the sewer. The Buhl estate probably bases their contentions on the fact that in 1901 a right-of-way was obtained from Julia E. Buhl, for the purpose of building the sewer extension.

Regardless of the ownership of the property adjacent to the sewer, the fact remains that the price given by the contractor is very favorable and considerably cheaper than we could do the work ourselves and I again recommend that the Moran Dock Company be given the work for their price of \$565.00, and that the Corporation Counsel be requested to make a research into the ownership of the extension of Adair Street.

Respectfully submitted,
L. G. LENHARDT,
Commissioner.

February 26, 1937.

Mr. L. G. Lenhardt,
Commissioner.

Dear Sir:

Herewith is a statement of facts in connection with the status of Adair Street, from Jefferson Avenue to the Detroit River. From time to time the question is raised as to whether there is a public street existing south of Wight Street, or whether it is private property as evidenced by the gate and private road sign which have been in existence at the south line of Wight Street for more than twenty years. The following are the documents and records that we have been able to find:

1. — Two deeds recorded in 1837, from the original owner of the property east and west of Adair Street, sets aside a 60 foot street, extending from the south line of Jefferson Ave. to the channel bank of the Detroit River.

2.—In 1846, the recorded plat of George Hunt Farm shows Adair Street open to a width of 60 feet, as recorded in above deeds extending from Jefferson Avenue to the Detroit River, a distance of 1196 feet, or 446 feet south of south line of Wight Street.

3.—A deed dated 1863, concerning land on the west side of Adair Street recognizes the public street.

4.—In 1871, a deed to Jeremiah Dwyer to property on the east side of Adair Street between Wight Street and the River also recognizes Adair Street.

5.—In 1875, the Common Council proceedings, page 485, contains a report to the Common Council by the City Engineer and Corporation Council, wherein it is stated that Adair Street was legally opened at that time to the channel bank of the Detroit River.

6.—In 1875, a deed to Hiram Walker to property bounded by Wight, Adair, Walker Street and the channel

bank of the Detroit River also recognizes the existence of Adair Street.

7.—In 1895, there was recorded a deed from Hiram Walker to Julia Buhl for land between Walker and Adair Street, extending from the south line of Wight Street to the channel bank of the Detroit River.

8.—In 1892, the U. S. Government established the Harbor Line. Maps made at that time by the U. S. Engineers show a canal or slip existing on the extension of Adair Street, from the river bank to a point approximately 363 feet north, which north end of the canal was 531 feet south of south line of Wight Street.

9.—In 1875, a public sewer, 5 feet in diameter was constructed in Adair Street from Congress Street to the end of the slip 531 feet south of south line of Wight Street.

10.—In 1901, the above sewer was extended 363 feet south from the terminus mentioned in previous paragraph (1875) to the dock line, said dock line being 894 feet south of the south line of Wight Street.

11. — In 1901, the City obtained from Julia E. Buhl, a right-of-way for the purpose of building the above sewer extension. This right-of-way purports to be over property owned by said Julia E. Buhl and extends from a point 511 feet south of the south line of Wight Street to the dock 363 feet southerly.

This right-of-way is ten feet wide and lies within the lines of Adair Street extended. Said right-of-way provides that the said sewer is to be maintained at City expense.

12. — In 1931, Adair Street from Wight Street to the dock was paved with sheet asphalt and concrete by Julius Porath Company, at a cost of approximately \$6,000, through a private contract with the Buhl Sons Company. No plans or supervision of this pavement by the City were made.

It is our opinion that Adair Street is a legal public street, from Jefferson Avenue to a line 446 feet south of the south line of Wight Street.

From that point southerly to the Harbor Line, there is no recorded evidence of a dedication or grant to the public. The fact that the City secured a right-of-way over this land in 1901 would indicate that the City thereby disclaimed any rights to this property as a street. However, it is possible that by law the street should have extended to the Harbor Line in the same manner as private property, and, therefore, title to the same becomes a matter of legal opinion.

A survey showing location of fences, buildings and sewer is under way and a sketch will be ready shortly.

Yours very truly,
MARTIN R. FISHER,
 Assistant City Engineer.

By Councilman Bradley:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to enter into contract with the Moran Dock Company for the extension of sewer outlet at the foot of Adair St., approximately 5 ft., for the sum of \$565.00, and further

Resolved, That the Corporation Counsel be and he is hereby directed to establish the status of Adair St., and take the necessary steps to acquire ownership in the City of Detroit to Adair St. to the harbor line, and report to this Common Council in writing.

Adopted as follows:

Yeas—Councilmen Bradley, Castator, Engel, Ewald, Lodge, Van Antwerp and the President—7.

Nays—None

From Department of Public Works

March 1st, 1937.

To the Honorable, the Common Council:

Gentlemen—We have been advised by the Department of Building and Safety Engineering that the building at 3975 Michigan Ave. is in a dangerous condition and should be razed at once.

We have made an inspection and we find this to be true. We have also contacted the First National Bank, owner of the premises, and they have no objection to the removal of this structure.

This building is in the line of the widening of Michigan Ave. and is unoccupied. The salvagable material will approximately pay for the cost of removal.

May we have the approval of your Honorable Body for the razing of this building?

Respectfully submitted,

L. G. LENHARDT,
 Commissioner.

By Councilman Bradley:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to raze the building at 3975 Michigan Ave. in accordance with the foregoing communication.

Adopted as follows:

Yeas—Councilmen Bradley, Castator, Engel, Ewald, Lodge, Van Antwerp and the President—7.

Nays—None.

From Department of Public Works

March 1st, 1937.

To the Honorable, the Common Council:

Gentlemen—We have a request from the Union Guardian Trust Company, owners of the two-story brick building located at 4353 and 4359 Michigan Ave., also known as Parcel No. 35, in the condemnation of