

of Wayne, Oakland and Macomb counties and the authorities of the included municipalities. It was adopted by resolution of the common council of the city of Detroit on April 14, 1925. As to width and location, it classifies streets as super-highways, major highways and secondary thoroughfares. Superhighways are required to be 204 feet wide. Major highways are section roads 120 feet in width and secondary thoroughfares are quarter section lines 86 feet wide. Livernois Avenue is a section line road and Pembroke Avenue is a quarter section road. The proposed plat gives these two streets a width of 66 feet each. The plaintiff concedes that in this respect its plat does not conform to the general street plan, but it contends that it does conform to the width of Pembroke and Livernois Avenues as dedicated in other plats; that the statute gives the city no power to require a greater width as a condition to the approval of the plat and that if it can be interpreted as conferring such power, it is an infringement on the constitutional rights of the plaintiff in that it compels the dedication of private property for public use without compensation therefor. There is no merit to this contention. The other plats referred to were approved and recorded before the present general street plan was adopted; so it cannot be said that it, was not made applicable alike to all persons. The streets in the city of Detroit as elsewhere were originally laid out for the horse and buggy age. They are too narrow for the present traffic conditions. It has become necessary for the general conveniences and the public safety to widen them and to prevent others of the same kind from being established. Because of this necessity, there is nothing unreasonable in the demand of the city that the streets designated in the plaintiff's plat shall be of such a width as to conform to the general street plan. It has been determined that streets of a certain width are necessary to accommodate the traffic. They are necessary for the public safety and therefore the right to provide for them is within the police power of the city.

The error in plaintiff's position is the assumption that in requiring an additional dedication and the establishment of a building line to conform to its general plan, the city is exercising power of eminent domain. Its argument would have merit and the authorities cited would have application if this were a case where the plat had been recorded and the city were undertaking to widen the streets or to establish a building line.

city is not trying to compel dedication. (It cannot compel a plaintiff to subdivide its property or dedicate any part of it for public use. It can however impose any condition which must be complied with before the subdivision is accepted for record. (In the least, the owner of a subdivision voluntarily dedicates sufficient land for streets in return for the privilege and privilege of having the subdivision recorded.) Unless he does so, the law gives him no right to have his subdivision recorded. In *Ross v. ex rel., Goodwin*, 7 Appeal Cases, D. C. 1, it is held that the owner of a subdivision has the undoubted right to lay off his land in any manner he pleases, or not to subdivide at all. He cannot be made to dedicate streets and avenues to the public if public necessity demands that his lands for highways, be taken only by condemnation and payment of its value. But he has a corresponding right to have his subdivision so made admitted to the records."

"In providing for public use without compensation therefor. There is no merit to this contention. The other plats referred to were approved and recorded before the present general street plan was adopted; so it cannot be said that it, was not made applicable alike to all persons. The streets in the city of Detroit as elsewhere were originally laid out for the horse and buggy age. They are too narrow for the present traffic conditions. It has become necessary for the general conveniences and the public safety to widen them and to prevent others of the same kind from being established. Because of this necessity, there is nothing unreasonable in the demand of the city that the streets designated in the plaintiff's plat shall be of such a width as to conform to the general street plan. It has been determined that streets of a certain width are necessary to accommodate the traffic. They are necessary for the public safety and therefore the right to provide for them is within the police power of the city."

In the instant case, the defendant has imposed two conditions which the plaintiff is required to comply for the privilege of having its plat recorded. They are reasonable and necessary for the public use. In exercise of its power under the statute and its charter, the city has a right to impose them. They do not constitute the taking of private property for public use and are not an infringement on plaintiff's constitutional rights. The circuit court is right in holding that the statute conferred power upon the city of Detroit to adopt its present general street plan and to refuse to record and record all plats that did not conform thereto.

The judgment is affirmed with costs to the defendants.

Mr. Chief Justice Flannigan took no part in this decision.

From the Corporation Counsel
January 17, 1928.
To the Honorable, the Common Council.

Gentlemen—As directed in your resolution of January 13, 1928, I am enclosing herewith proposed ordinance changing the name of Dix-High-Waterloo Highway from the western City Limits of Ferndale ave. to the western City Limits of Waterloo ave., and the Verner Highway.

Very truly yours,
CLARENCE E. WILCOX,
Corporation Counsel.

By Corporation Counsel
Ewald:
AN ORDINANCE changing the name of the Dix-High-Waterloo highway from the western City Limits of Ferndale ave. to the Eastern City Limits of Waterloo ave., to Verner Highway.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. That the name of the street and highway known as the Dix-High-Waterloo highway from the western City Limits of Ferndale ave. to the Eastern City Limits of Waterloo ave., be and the same hereafter be known as Verner Highway.

Section 2. All ordinances or parts of ordinances in conflict herewith be and the same hereby repealed.

Done twice by title, ordered printed and recorded in the table.

From the City Treasurer

January 12, 1928.

To the Honorable, the Common Council.

Gentlemen—I herewith submit City Treasurer's Trial Balance for the month ending December 31, 1927.

Respectfully submitted,

GUY L. INGALLS,
City Treasurer.

CITY OF DETROIT

City Treasurer's Trial Balance
December 31, 1927

	DEBIT
City Treasurer's City	\$ 101,457.17
City Treasurer's Accounts	
Sidewalk Bills	780,429.81
Treasurer's Special	216.04
General Rolls	32,491,248.04
Treasurer's Special	
City Bids..	307,145.11
Treasurer's General	
City Loans	24,595,599.18
Treasurer's Contributions & Refunds	455,193.53

Public Sewer Loan	57,459,000.00
Public Building Loan	2,711,000.00
Public Lighting Loan	15,926,000.00
Park Improvement Loan	250,000.00
Park and Playground Loan	8,872,000.00
Park & Boulevard Loan	1,135,000.00
Recreation System Loan	180,000.00
Grade Separation Loan	2,668,000.00
Hospital Loan	2,929,000.00
Museum of Art Loan	4,895,000.00
Boulevard Improvement Loan	140,000.00
Public Improvement Loan	11,345,000.00
Public School Loan	55,283,500.00
Public Library Loan	3,658,000.00
Water Loan	33,784,000.00
Belle Isle Bridge Loan	3,000,000.00
Street Railway Loan	22,965,000.00
Woodmere Loan	93,000.00
Deiray Loan	115,500.00
Springwells Loan	206,000.00
Township of Grosse Pointe Loan	457,422.00
Fairview Loan	127,833.23
Township of Hamtramck Loan	543,992.40
Township of Greenfield Loan	2,767,250.00
Village of St. Clair Heights Loan	265,500.00
Village of Oakwood Loan	1,067,682.77
Township of Redford Loan	375,500.00
Township of Grosse Pointe Loan	81,000.00
Township of Dearborn Loan	506,500.00
Village of Redford	2,553,550.00
Special Assessment Loan	30,377,164.01
Strong Box	24,023,759.93
Strong Box—Bd. of Education	1,419,432.77
Strong Box—Detroit St. Railway	3,705,000.00
City Treasurer's Imprest Cash Account	10,000.00
Dept. Public Works, Imprest Cash Acct.	10,000.00
Corporation Counsel, Imprest Cash Acct.	300.00
Fire Commission, Imprest Cash Acct.	500.00
Public Library, Imprest Cash Acct.	1,000.00
Park & Boulevard, Imprest Cash Acct.	7,500.00
Police Department, Imprest Cash Acct.	1,500.00
Recreation Commission, Imprest Cash Acct.	200.00
City Clerk's Imprest Cash Acct.	50.00
Board of Education, Imprest Cash Acct.	4,400.00
Public Lighting Commission, Imprest Cash Acct.	500.00
Election Commission, Imprest Cash Acct.	100.00
Dept. Bldg. & Safety Engineering, Imprest Cash Acct.	475.00
Public Welfare, Imprest Cash Acct.	200.00