

Council Chamber, March 20, 1902.

Special meeting.

Called to order by Pres. Haarer.

Roll call: Present—A. d. Richards, Hamilton, Schlenker, Clancy, Brown, Roberts, Fischer, Burg, Pres. Haarer—9. Absent—Ald. Koch, Kearns, Schumacher, Weeks, Jenney, Coon—6.

THE CALL.

Ann Arbor, March 20, 1902.

Mr. James E. Harkins, City Clerk:

Dear Sir—Please issue the usual notice and call for a special meeting of the Common Council to be held this evening at 7 o'clock, local time, for the purpose of

1. Taxing action on the grade separation ordinance.

2. Considering and, if deemed proper, taking action on the Detroit, Ann Arbor and Adrian Electric Railroad franchise.

Cordially,

R. S. COPELAND, Mayor.

Enter Ald. Jenney.

Ald. Fischer presented for its third reading the ordinance relative to grade separation. Ald. Fischer read the ordinance down to the sixth section and then moved that section 5 be amended by striking out the words "and under the direction of." Carried.

Enter Ald. Schumacher.

Ald. Fischer finished reading the ordinance and Ald. Brown moved to amend the preamble by striking out the words "and First street."

Adopted as follows:

Yeas—Ald. Richards, Schlenker, Clancy, Brown, Roberts, Pres. Haarer—6. Nays—Ald. Hamilton, Schumacher, Jenney, Fischer, Burg—5.

Pres. Haarer announced the question, "Shall this ordinance pass?"

By Ald. Schlenker:

Resolved, that the ordinance on grade separation be recommitted to the ordinance committee and that the City Attorney and the Mayor be added to that committee. Carried.

By Ald. Fischer:

Resolved, that the ordinance relative to the Detroit, Ann Arbor & Adrian Railway Co. be taken from the table.

Adopted as follows:

Yeas—Ald. Richards, Hamilton, Schlenker, Brown, Schumacher, Roberts, Jenney, Fischer, Burg, Pres. Haarer—10. Nays—Ald. Clancy—1.

Ald. Fischer then presented for its third reading

AN ORDINANCE relative to street railways, granting to the Detroit, Ann Arbor & Adrian Railway Company, its successors and assigns, the right to construct, maintain, use, own and operate an electric street railway within the corporate limits of the City of Ann Arbor.

The Common Council of the City of Ann Arbor ordain:

Section 1. That consent, permission, power and authority be and the same is hereby granted to the Detroit, Ann Arbor & Adrian Railway company, a corporation organized under the laws of the State of Michigan, its successors and assigns, to construct, maintain, use, own and operate a single track electric railway with all the necessary and convenient turnouts, side tracks and turn tables, Y's and connections as hereinafter provided, and the same to keep, maintain, use, own and operate for and during the term hereinafter specified and in the same manner and upon the conditions set forth in this ordinance.

Sec. 2. The said grantee, its successors and assigns, are hereby authorized to construct, maintain, use, own and operate a street railway in, upon and through the following streets, avenues and public places in the City of Ann Arbor, to-wit:

(a) A single track electric railway in, along and through State street from its point of intersection with the southerly corporate limits of the City of Ann Arbor and northerly so and to connect with the street railway now located at the intersection of State street and Monroe street and connecting with said street railway, on, along and over any and all streets in which said street railway is now and may be hereafter constructed to any part of the city.

(b) The track of the said grantee

may be connected with any and all street railway tracks crossed within the city limits by suitable curves and switches at such intersection.

(c) The said grantee shall connect with said intersecting railway tracks and pay such reasonable rental for the use of the same as the said grantee and the corporation operating such connecting railway may be able to conclude.

Moved by Ald. Schlenker to amend clause (a) of section 2 to read as follows:

(a) A single track railway in, along and through Main street from its point of intersection with the southerly corporate limits of the City of Ann Arbor and northerly to its intersection with Madison street, thence west to Fourth street, thence north to Liberty street, thence easterly to Third street, thence northerly on Third street and Chapin street to connect with the D., Y., A. A. & J. railway on Huron street and with the so-called Boland line at its intersection with Chapin street and connecting with said street railways on, along and over any and all streets on which said street railways are now and may be hereafter constructed in any part of the city.

Lost.

Exit Ald. Schlenker.

Sec. 3. This ordinance shall continue for a period of thirty years only.

Sec. 4. This grant is made upon the express condition that said proposed street railway be constructed, fully completed and in operation within one year from the date of the final passage and acceptance of this ordinance.

And this franchise is granted upon the further express condition that if the said grantee, its successors and assigns, shall sell, assign or consolidate, or attempt to sell, assign or consolidate, the electric railway to be constructed under this franchise with any steam railway; or if the said electric railway, so to be constructed, or the stock or bonds thereof, shall be purchased or otherwise acquired by any such steam railway, or by any director or other principal officer or

any other person acting in behalf of any such steam railway, this franchise shall from thence be null and void. And upon further condition, and the Common Council of the City of Ann Arbor shall have power and authority by ordinance to require the said grantee, its successors and assigns, to sprinkle, wet down and lay the dust on all that part of every street occupied by their tracks, or upon which their said cars are run and for a space or distance of two feet on either side of their said tracks to the extent and so that the dust shall be at all times well and sufficiently laid. And the said Common Council shall have power and authority at all times to make such further rules, orders, ordinances or regulations concerning the construction and operation of said street railway and cars, not inconsistent with the rights granted herein, as may from time to time be deemed necessary to protect the interests, safety and welfare of the inhabitants of the said city and to accommodate the public in its relation to the said railway system.

Sec. 5. The said grantee, its successors and assigns, operating the street railway under this franchise, shall have the right, privilege, power and authority to carry passengers, baggage, express, United States mail, light and package freight, and shall carry passengers, that is to say, local passengers, meaning thereby all persons who shall or may apply for carriage and transportation within the corporate limits of the City of Ann Arbor—over the said line of street railway, or any part thereof, for one continuous passage one way for a single fare of five cents for each passenger. That said grantee, its successors and assigns, shall continuously keep on every car devoted to its passenger service a supply of tickets for sale at and for the price of twenty-five (25) cents for six tickets, one of which tickets shall entitle any person to one continuous ride from and to any part of the city on and over said street railway, and each and every person so paying such fare or delivering any such ticket

shall on application be entitled to have and receive from the said grantee, its successors and assigns, a transfer to the Detroit, Ypsilanti, Ann Arbor & Jackson street railway, or any other street railway constructed in the City of Ann Arbor, which on presentation to said Detroit, Ypsilanti, Ann Arbor & Jackson street railway or any other such railway, within two hours from the time of issue, shall entitle any such passenger to one continuous ride over the said Detroit, Ypsilanti, Ann Arbor & Jackson railway, or other street railway, to any part of the city, and the said grantee, its successors and assigns, shall receive and accept in payment for single fares and continuous rides over the street railway constructed under this franchise, within the corporate limits of the city, like transfer tickets issued and delivered by the Detroit, Ypsilanti, Ann Arbor & Jackson street railway, its successors and assigns, or other street railway, and the said grantee shall make and maintain provision for the issue of such transfer tickets by the Detroit, Ypsilanti, Ann Arbor & Jackson street railway, its successors and assigns, or other street railway, and shall carry and transport children under the age of five years, when accompanied by parent or guardian, and all the members of the Ann Arbor police force, fire department force and engineering force when on duty, free.

The provisions of this section shall not apply to passengers or persons who begin and end their journey outside of the limits of the City of Ann Arbor, but shall be understood to apply strictly to local passenger traffic only, except that all persons who begin or end their journey within the corporate limits of the City of Ann Arbor shall be entitled to receive, have and make use of such transfer tickets.

Ald. Fischer moved to amend section five by striking out the words beginning with "and the" and ending with the word "shall" after the word "city" and inserting "provided, that said Detroit, Ypsilanti, Ann Arbor and Jackson Railway" in their stead; also inserting the words "such transfer

tickets from" after the words "continuous rides" and striking out the word "over;" also to insert the words "upon reciprocal terms" after the words "transfer tickets." Carried.

Section 6. This grant is made upon a further condition that all of the cars of said street railway shall at all times be propelled by electric power or such other rapid motive power except steam, as the said grantee shall, or may, from time to time, deem expedient. The said cars shall be properly lighted and comfortably heated and be propelled at a rate of speed not exceeding twelve miles per hour. In the paved, or hereafter to be paved, portion of said streets, the poles erected by the said grantee shall be of iron; all other poles may be of well shaped cedar and at all times maintained properly painted. All of the rails of the said railways and the said street railway shall be of the kind known and called Girder Tram rails, except in the streets or parts of streets which are now, or shall, or may be hereafter paved, or planked, and in all paved or planked streets the rails shall be of the kind known as the Grooved Girder rail and not less than seven inches in depth, and the said grantee shall at all times keep and maintain the space between the rails of the said railway track in all unpaved streets properly filled with six inches crushed stone macadam, well and sufficiently constructed and suitably rolled, and for a distance of one and one-half feet on either side of the said track at all times well graded with good, clean gravel, and so that the travel on the streets will be obstructed as little as possible. The tracks and other appliances shall be laid and constructed in a careful and prudent manner and by careful bonding and other approved methods, provide against electrolysis of gas, water and other pipes laid beneath the surface of the streets and the said grantee, its successors and assigns shall be liable for and shall pay to any person, firm or corporation entitled thereto, any and all damage occasioned by electrolysis coming from their said electric railway construction or operation. No

cars shall be allowed to remain standing idle upon any street within the city limits, except by consent of the Common Council, nor shall any cars be permitted to stop on any crosswalk, or any street crossing except in case of accident, or to take on or discharge passengers, and then only without obstructing the crosswalks. All cars taken over said railway shall be in charge of sober, prudent and experienced employes, and it shall be the duty of every person in charge of any car to keep a vigilant watch or outlook for all teams, persons on foot and especially children, and all other obstructions, either upon the track or moving towards it, and at the first appearance of danger the car shall be stopped in the shortest time and space possible, and all cars shall be provided with sufficient air-brakes for that purpose. The cars upon said railway shall always be entitled to the track, except as against the fire department, when on duty, and buildings being moved under the direction of the Common Council; and the driver of any vehicle obstructing the same shall turn out and leave the track free upon approach of any car as soon as possible, and so as not to impede the car and any person who shall refuse so to do, after having been warned by the motorman, or other person in charge of the car, by the ringing of the car bell or otherwise, shall, upon conviction thereof, before any court of competent jurisdiction, be fined in any sum not exceeding twenty-five (\$25.00) dollars and the costs of prosecution and the Court, upon the imposition of any such fine shall have the further power and authority to sentence any such offender to confinement in the common jail of the County of Washtenaw until such fine and costs shall be paid, not exceeding thirty days.

Section 7. Whenever the Common Council of the City of Ann Arbor shall order any of the streets over which this franchise is granted, to be paved, re-paved, or otherwise improved, or any part or parts thereof, wherein the tracks of said street railway are laid, it shall be the duty of the said grantee,

its successors and assigns and they shall at their own cost and expense grade, pave, repave or otherwise improve all of the parts of the said streets which lie between the outer rails of the said track and one foot and six inches distant therefrom on the outer side thereof, and also the space lying between the main tracks or track and all side tracks, and all other places where there are side tracks, turnouts or switches, with like kind of material, other than sheet asphalt, at the same time and in the same manner in which the other portions of said street or streets shall or may be paved, repaved or otherwise improved, and if the said street railway shall be constructed in any street already paved, the said grantee shall remove said paving and replace same in practically as good condition as at time of removal at its own expense. If the said grantee shall make use of the high tension system for providing current, the poles for its high tension feeders shall be erected on some convenient street other than Main street and Huron street in the business portion of said city which the Common Council shall designate; such designation to be made within fifteen days after notice of the said grantee shall have power and authority to select such convenient street or streets for themselves.

Ald. Fischer moved to amend Section 7 by inserting after the word "asphalt" the following "in which case the grantee shall pave with asphalt block or brick." Also to strike out the words beginning with "other than" and ending with "said city;" also to strike out all the rest of the section after the words "shall designate." Carried.

Section 8. The tracks of the said street railway shall be laid in the streets at the points and on the lines designated by the Common Council and in the event that the said council shall, for any reason, fail to make such designation within fifteen days after receiving notice from the said grantee so to do then the same should be laid in and along the center of said street.

Ald. Fischer moved to amend section

8 by striking out the word "fifteen" and inserting the word "thirty" in its place. Carried.

Sec. 9. The said grantee, its successors and assigns, shall, after completing the construction of said street railway, restore the streets and all portions thereof, occupied by the said street railway, and maintain the same in as good condition as the same were in at the time such railway construction shall commence and the said street railway shall be in all things constructed and operated in such a manner so as to interfere as little as possible with public travel and traffic in and along the streets and avenues of the City of Ann Arbor.

Ald. Jenney moved to amend Section 9 by striking out the word "as" between the words "in" and "good;" also to strike out the words beginning with the words "as the same" and ending with the word "commence." Carried.

Sec. 10. The said grantee, its successors and assigns shall, within thirty days of the passage of this ordinance, file with the City Clerk a written acceptance of the same, and of all the terms and conditions thereof, and on

failure to do so, this ordinance shall be no longer in force.

Sec. 11. This ordinance shall take effect and be in force from and after the expiration of ten days from the legal publication thereof, and after filing with the City Clerk the written acceptance of the same, as above provided.

Sec. 12. All ordinances or parts of ordinances inconsistent with the provision of this ordinance are, to the extent of such inconsistency, hereby repealed.

Ald. Fischer moved to amend Section 1 by inserting the word "and" between the words "turnout" and "sidetracks" and to strike out the words beginning with "and turntables" and ending with the word "provided." Carried.

Ald. Fischer moved to strike out Section 12 of the ordinance. Carried.

Pres. Haarer put the question: "Shall this ordinance pass?"

Adopted as follows: Yeas—Ald. Richards, Hamilton, Clancy, Brown, Schumacher, Roberts, Jenney, Fischer, Burg, Pres. Haarer—10. Nays—0.

On motion the Council adjourned.

G. O. CLARK,

Deputy Clerk.