

Council Chamber,

Ann Arbor, Mich., Feb. 27, 1905.

Special Session.

Meeting called to order by Pres. Walz.

Present—Ald. Gill, Douglas, Hutzel, Schlenker, Kearns, Schumacher, Markey, Sherk, Goodyear, Robinson, Fischer, Pres. Walz—12.

Absent—Ald. Miller, Bangs, Coon.—3.

The Call.

To the City Clerk, Ann Arbor, Michigan,

Ross Granger, City Clerk,

Dear Sir:—Please issue the usual call for a special meeting of the Common Council of said city to be held in the council chamber on Monday, Feb. 27th, 1905, at 7:30 p. m., for the purpose of receiving and taking action on communications from motormen on electric cars, and from the special committee on fire protection. Also to take care of water on South State street, to receive Adrian and Ann Arbor Electric Railway Company's franchise, and to take action on the third reading of Toledo and Detroit Railroad Company's franchise.

Yours truly,

ARTHUR BROWN,

Dated Feb. 27th, 1905. Mayor.

By Ald. Fischer:

Resolved that on and after March 6th, 1905, the Ann Arbor division of the Detroit, Ypsilanti, Ann Arbor & Jackson Ry. Co. shall place conductors on their cars running within the City of Ann Arbor.

Resolved, further that the City Clerk send a certified copy of this resolution to the manager of said company.

Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzel, Kearns, Schumacher, Markey, Sherk, Goodyear, Robinson, Fischer, Pres. Walz—11.

Nays—Ald. Schlenker—1.

Special Committee Report on Fire Protection.

City Offices, Feb. 24, 1905.

Special Committee on Fire Protection.

By Mr. Apfel—

Resolved that this committee recommend to the Council the purchase of one combination chemical engine and one hose wagon, for the sixth ward engine house, and one double tank chemical engine for the Central engine house. Also one aerial hook and ladder truck. Adopted.

By Mr. Seabolt—

Resolved, that forty-four more hydrants be distributed about the city, under the supervision of this committee. Adopted.

RICHARD KEARNS,

T. F. HUTZEL,

SID MILLARD,

MOSES SEABOLT,

GEORGE APFEL,

Committee.

That part of recommendation relative to hydrants laid on the table.

Ald. Kearns moved that the City Clerk advertise for bids on chemical engines and hook and ladder truck as per recommendation of the fire protection committee. Adopted.

Resolution.

By Ald. Fischer—

Resolved that the question of the water on South State street at the intersection of Edwin street be referred to the City Engineer and Street Commissioner with full power to act and that said work be done at once.

Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzel, Schlenker, Kearns, Schumacher, Markey, Sherk, Goodyear, Robinson, Fischer, Pres. Walz—12.

Nays—None.

Ald. Fischer introduced an ordinance granting to the Adrian and Ann Arbor Electric Railway the right to construct, maintain and operate a street railway in and through the City of Ann Arbor and defining the powers, privileges and restrictions of the said railway company.

Passed to first reading by following vote:

Yeas—Ald. Gill, Douglas, Hutzel, Schlenker, Kearns, Schumacher, Markey, Sherk, Goodyear, Robinson, Fischer, Pres. Walz—12.

Nays—None.

Read by title.

Ald. Fischer presented the Toledo, Ann Arbor and Detroit Railroad Co. ordinance, which was given its third reading, amended and passed as follows:

AN ORDINANCE authorizing the Toledo, Ann Arbor & Detroit Railroad Company to construct, maintain and operate a street railway in and through the City of Ann Arbor, and defining the powers, privileges and restrictions of the said railroad company.

The Common Council of the City of Ann Arbor ordain:

Section 1. That consent, permission and authority be and is hereby given and granted to the Toledo, Ann Arbor & Detroit Railroad Company, a corporation organized and existing under the train or street railway laws of the State of Michigan, and to its successors and assigns, to construct, maintain, use and operate for a period of thirty years from and after the date of approval of this ordinance a street railway, the motive power of which shall be compressed air, direct current system of electricity, multiphase or alternating current system of electricity, storage batteries, or other modern rapid motive power, excepting steam, at the option of said grantees, with from time to time, the necessary switches, turnouts, poles, feeders, wires and other wires and appliances to operate the same through the City of Ann Arbor, and towards, or to the City of Toledo, Ohio, upon and along the following streets in the City of Ann Arbor, namely:—

Commencing at a point on the west side of South State street, near the south corporation line of the City of Ann Arbor, north of the tracks of the Ann Arbor Railway Company; thence north along the west side of South State street to Edwin street; thence to the center of South State street to Packard street; with the right to make a proper connection with the D., Y.,

A. A. & J. Ry. Co. at the intersection of Packard and State streets.

Provided that nothing herein contained shall give the grantees herein any right to operate its said line of railway on Packard and Main streets over the tracks of the D., Y., A. A. & J. Ry. Co., except such rights as they may have acquired by contract with said D., Y., A. A. & J. Ry. Co. and provided further that nothing herein contained shall give said D., Y., A. A. & J. Ry. Co. any greater rights in said streets than it now possesses.

Section 2. The said street railway shall be constructed and consist of a standard gauge track with, from time to time, all necessary switches, and turnouts, and, together with all of its cars, appliances and equipments, shall be constructed and maintained in the most approved modern manner and in all respects of firstclass material, and so as to interfere and interrupt as little as possible the ordinary traffic on and along the said streets and highways.

Section 3. This grant is made upon the express condition that said proposed street railway be constructed, built and in operation from Toledo, Ohio, to Ann Arbor, Michigan, within eighteen months from the date of this ordinance; in the event of a failure so to complete said street railway, within the time above limited, then this ordinance shall be in all things null and void.

In case a part of said railway is constructed and for good and sufficient reasons, beyond the control of said company, the same cannot be fully completed and in operation as above provided, then it is agreed that a reasonable extension shall be granted.

And this franchise is granted upon the further express condition that if the said grantees, their heirs, successors or 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 stocks or bonds thereof, shall be purchased, or otherwise acquired, by any such steam railway, or by a director, or other principal officer, or other person acting on behalf of any such steam railway, this franchise shall from thence be null and void.

And upon the further condition that the said grantees, their successors and assigns, and the corporation operating the street railway under this franchise, shall sprinkle, wet down and lay the dust on all that part of every street occupied by their tracks, or upon which their said cars run, by virtue of this franchise or under contract arrangement with any other company, 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, 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 street railway system.

By Ald. Fischer—

Resolved that Sec. 3 be amended by adding "not to exceed 90 days" after the words "shall be granted." (19th line.)

Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzel, Schlenker, Kearns, Schumacher, Markey, Sherk, Goodyear, Robinson, Fischer, Pres. Walz—12.

Nays—None.

By Ald. Douglas—

Resolved that Sec. 3 be amended by adding the following: "And the said railroad company shall give a satisfactory bond in the sum of ten thousand dollars that the terms of this section shall be fulfilled and this ordi-

nance shall not become operative unless such bond shall be given."

Adopted as follows:

Yeas—Ald. Gill, Douglas, Schlenker, Kearns, Schumacher, Markey, Sherk, Goodyear, Robinson, Fischer, Pres. Walz—11.

Nays—Ald. Hutzel—1.

By Ald. Markey—

Resolved that Sec. 3 be further amended by adding: "Said Railroad Co. to suffer a penalty of \$25 per day if sprinkling is not properly done."

Lost as follows:

Yeas—Ald. Douglas, Kearns, Schumacher, Markey, Sherk, Goodyear—6.

Nays—Ald. Gill, Hutzel, Schlenker, Robinson, Fischer, Pres. Walz—6.

By Ald. Kearns—

Resolved that Sec. 3 be amended by adding: "This franchise to be null and void if provisions of this section are not complied with."

Lost as follows:

Yeas—Ald. Hutzel, Kearns, Schumacher, Markey, Sherk, Goodyear—6.

Nays—Ald. Gill, Douglas, Schlenker, Robinson, Fischer, Pres. Walz—6.

Section 4. The said grantees, their successors and assigns, and the corporation 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 such passenger.

The said grantees, their successors and assigns, shall continuously keep on every car devoted to passenger service a supply of tickets for sale at and for the price of twenty-five cents (25c) for six tickets, one of which tickets shall entitle any person to one continuous ride from and to any part of the city or 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 grantees, their successors and assigns a transfer ticket, to the Detroit, Ypsilanti, Ann Arbor and Jackson Railway, or any other street railway that may hereafter be constructed within said city, within two hours from the time of issue, shall entitle any such passenger to one continuous ride over said Detroit, Ypsilanti, Ann Arbor and Jackson Railway or any other street railway that may hereafter be constructed within said city to any part of the city; and the said grantees, their 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 and Jackson Railway, its successors and assigns, or other street railway hereafter constructed within said city and the said grantees shall make and maintain provision for the issue of such transfer tickets by the Detroit, Ypsilanti, Ann Arbor and Jackson Railway, its successors and assigns, or any other street railway that may hereafter be constructed within said city, and shall carry and transport children under age of five years, when accompanied by guardian or parent; and all the members of the Ann Arbor police force, fire department force, aldermen 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.

By Ald. Fischer—

Resolved, that Sec. 4 be amended by adding after the word city (38th line as printed) the following: "which on presentation to said Detroit, Ypsilanti, Ann Arbor and Jackson Street Railway or any other such railway."

Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzel, Schlenker, Kearns, Schumacher, Markey, Sherk, Goodyear, Robinson, Fischer, Pres. Walz—12.

Nays.—None.

Section 5. 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 grantees shall, or may, from time to time, deem expedient. The said cars shall be of modern type and shall at all times be properly lighted and comfortably heated, and be propelled at a rate of speed not exceeding twelve miles per hour.

The said railway company, its successors and assigns shall operate cars over said line on a schedule of not less than one car per hour, but may operate its cars as much oftener as it may deem necessary.

In the paved, or hereafter to be paved portion of said street, the poles erected by the said grantees shall be of iron, all other poles may be of well shaped cedar and at all times maintained properly painted.

All the rails of the said railway, laid in said streets, shall be not less than 90 lb T or tram rail and the said grantees shall at all times keep and maintain the space between the rails and eighteen inches on the outside of the rails filled with fine crushed stone and packed down flush with the rails, subject to the approval of the Board of Public Works, so that the travel on the streets will be as little obstructed 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 street; and the grantees, their 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 the 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 other street crossing except in case of accident, or to take on or to discharge passengers, and then only without obstructing the crosswalks.

All cars taken over said railway shall be in charge of sober, prudent and experienced employees, and it shall be the duty of every person in charge of any car, to keep a vigilant watch or lookout for all teams, persons on foot and especially children and all other obstructions, either upon the tracks or moving towards it, and at first appearance of danger, the car shall be stopped in the shortest time and space possible and all the cars shall be provided with sufficient air brakes for that purpose.

The cars upon said railway shall be always entitled to the track except as against the fire department, when on duty, and buildings being moved under the direction of the Board of Public Works, and the driver of any vehicle obstructing the same shall turn out and leave the track free upon the 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) dollars and the cost 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 county jail of the County of Washtenaw, until such fine and cost shall be paid, not exceeding thirty days.

By Ald. Fischer—

Resolved, that Sec. 5 be amended by striking out the words "In the paved or hereafter to be paved portion of said street," (20th and 21st lines) and "all other poles may be of well shaped cedar," (23d and 24th lines) and adding the words "shall be" after the word "times" in 25th line, and the word "and" after the word maintained in same line.

Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzel, Schlenker, Kearns, Schumacher, Markey, Sherk, Goodyear, Robinson, Fischer, Pres. Walz—12.

Nays—None.

By Ald. Fischer—

That Sec. 5 be further amended by adding after the word "stone" (33d line) "six inches of fine crushed stone and macadam well and sufficiently constructed and properly rolled" and in addition to section the following: "The said grantees, their successors and assigns shall place a 12-inch coping or curb along State street from the south side of the athletic field to Edwin street. Provided the Common Council shall deem it necessary."

Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzel, Schlenker, Kearns, Schumacher, Markey, Sherk, Goodyear, Robinson, Fischer, Pres. Walz—12.

Nays—None.

Section 6. 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, repaved, 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 grantees, their successors and assigns, and they shall at their own cost and expense, grade, pave, repave, or otherwise improve all of the parts of said streets which lie between the outer rails of their said tracks, and one foot 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, turn-outs, or switches with like kind of material other than street asphalt, at the same time and in the same manner in which the other portions of said streets, or street, shall or may be paved, repaved or otherwise improved.

If the said street railway shall be constructed in any street already paved, then said grantees shall pay to the City of Ann Arbor the cost of all material which the said grantees would be required to furnish to pave any such street. If said grantees shall make use of the high tension system for providing current, the wires shall be safely insulated and subject to the approval of the Common Council, the poles for its high tension feeders shall be erected on some convenient street, which the Common Council shall designate, such designation to be made within sixty days after notice, or the said grantees shall have the power and authority to select such convenient street or streets for them.

If possible, said railway company will not locate a rotary station within the city limits in order to avoid stringing high pressure wires within the limits of said city.

By Ald. Fischer—

Resolved, that Sec. 6 be amended by striking out all that part at end of section following the word street (in 19th line from close of section) and following be added: "Said grantees shall not string wires within said city carrying a current under an electric pressure exceeding 1900 volts."

Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzel, Schlenker, Kearns, Schumacher, Markey, Sherk, Goodyear, Robinson, Fischer, Pres. Walz—12.

Nays—None.

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

Section VIII. The said grantees, their successors and assigns, operating the street railway under this franchise shall, after completing the construction of said street railway, restore the streets and all portions thereof, occupied by said street railway and maintain the same in as good condition as the same were 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 may be with public travel and traffic in and along the streets and avenues of the City of Ann Arbor.

Section 9. The said grantees shall, within ten days after the passage of this ordinance, file with the City Clerk a written acceptance of the same and of all the terms and conditions thereof.

Section 10. Said Toledo, Ann Arbor & Detroit Railroad Company shall permit any other interurban railway company or city railway seeking admission to Ann Arbor to use its tracks and switches for the following compensation, viz.: said applying company or road to pay one-half of the interest on the bonded value of such tracks so used and one-half the expense of maintenance of such portion of the track so used.

By Ald. Fischer—

Resolved, that Section 10 be amended by adding the words: "On the same terms and conditions with said

grantees and without any discrimination against said other railway company," after the word switches (6th line as printed); also the words "and of power" after the word maintenance (11th line).

Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzell, Schlenker, Kearns, Schumacher, Markey, Sherk, Goodyear, Robinson, Fischer, Pres. Walz—12.

Nays—None.

Section 11. The said grantees and their assigns shall be liable for all damages which the city may sustain by reason of any negligence on the part of the grantees, their agents, contractors or sub-contractors in the construction of said railroad and shall hold the city harmless therein, including all costs and expense incurred in defending any suit occasioned thereby, or which may arise out of or be based upon alleged negligence. The said grantees and their assigns shall file a bond before doing any work in said city other than surveying in the penal sum of ten thousand dollars, conditioned to hold the city harmless as aforesaid.

By Ald. Fischer—

Resolved, that Sec. 11 be amended by adding after word "dollars" (17th line) "to be approved by the council" and at end of section as now printed "And on failure to file such acceptance this ordinance shall be of no force or effect."

Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzell, Schlenker, Kearns, Schumacher, Markey, Sherk, Goodyear, Robinson, Fischer, Pres. Walz—12.

Nays—None.

Section 12. 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 a written acceptance of the same as above provided.

Section 13. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistencies, hereby repealed.

By Ald. Fischer—

Resolved that ordinance be amended by striking out Sec. 13 as now printed.

Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzell, Schlenker, Kearns, Schumacher, Markey, Sherk, Goodyear, Robinson, Fischer, Pres. Walz—12.

Nays—None.

By Ald. Robinson—

Resolved, that Sec. 13 be added to read as follows: "A failure on the part of said grantees, their successors and assigns to comply with any of the provisions of this ordinance for a period of thirty days, then this ordinance shall become null and void.

Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzell, Schlenker, Schumacher, Sherk, Goodyear, Robinson, Fischer, Pres. Walz—10.

Nays—Ald. Kearns and Markey—2

The chair then put the question: "Shall this ordinance pass as amended?"

Adopted as follows:

Yeas—Ald. Gill, Douglas, Hutzell, Schlenker, Kearns, Schumacher, Markey, Goodyear, Robinson, Fischer, Pres. Walz—11.

Nays—Ald. Sherk—1.

On motion the council adjourned.

ROSS GRANGER,

Clerk.