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Village Commission Proceedings.

Regular adjourned meeting of the Village Commission called to order Wednesday evening, May 19th, 1926, at 8 o'clock.

Present: President Shain, Commissioners Ladd and Bell.

246—Property owners on the block bounded by Martin, Merrill, Pierce and Henrietta streets were present for a discussion on the proposed condemnation of Property owners were asked to submit sealed proposals of price they would ask for their property, proposals to be in the hands of the Village Treasurer by Tuesday, June 1, 1926.

There being no further business, President Shain moved that the meeting adjourn. Yeas: Shain, Ladd and Bell. Nays: None.

HAZEL E. LAWLER,
Village Clerk.

Regular meeting of the Village Commission held Monday evening, May 24, 1926, at 8 o'clock.

Present: President Shain, Commissioner Bell. Absent: Commissioner Ladd.

247—Moved by Commissioner Bell that the pay roll be allowed as read:

George Newman, $69.66; W. Loth, $70.85; W. Brown, $70.55; C. Corbourn, $70.28; I. Donien, $64.80; D. Symons, $64.80; C. Smith, $64.80; H. Hewer, $64.80; W. Maxwell, $62.40; J. Berry, $64.80; C. Higby, $64.80; George Thomas, $133.00; Peter Kleiver, $47.50. Yeas: Shain and Bell. Nays: None.

Commissioner Ladd arrived.

248—Moved by Commissioner Bell that the following bills be allowed: H. J. Johnson, $150.42; Royal Oak Construction Co., $167.16; Charles Plumstead (Exp. Asst.), $40.62. Yeas: Shain, Ladd and Bell. Nays: None.

249—Petition of Judge F. S. Buck and others for curb and gutter on Townsend Street in 1926 and concrete pavement in 1927, was read and filed.

250—Moved by President Shain that the following preamble and resolution be adopted:

SECOND RESOLUTION ON TOWNSEND ST. CURB AND GUTTER.

Whereas, May 17, 1926, was heretofore fixed by this Commission as the time for the meeting to hear suggestions and objections to the proposed curb and gutter and regraveling on Townsend Street from Pierce Street to Southfield Avenue, 32 ft. wide, in the Village of Birmingham, and

Whereas, the hearing was adjourned to May 24th, 1926, and

Whereas, due notice of the meeting has been given in the manner required by law to each person owning property liable for special assessment within a special assessment district established for such purpose, and the Commission duly met on this 24th day of May, A. D. 1926, at 8 o'clock P. M., for the purpose aforesaid, and due hearing has been given to all persons making suggestions and objections to the proposed improvement, therefore

Be it resolved that curb and gutter without regraveling be constructed on Townsend Street from Pierce Street to Southfield Avenue, 32 ft. between curbs, in the Village of Birmingham, and

Be it further resolved that all lots and parcels of land fronting and abutting on each side of Townsend Street within the district heretofore described be constituted Special Assessment District No. 86, upon which shall be levied and spread according to benefits, the sum of $6358.20, being 60% of the cost of the improvement, according to an estimate heretofore prepared by the Village Manager and now on file with the Village Clerk, and

Be it further resolved that the Village of Birmingham shall pay from the general funds the amount of $4238.80, being 40% of the cost of the improvement, and,

Be it further resolved that the Assessor of the Village of Birmingham be hereby directed, in pursuance hereof, to make a special assessment according to benefits as herein provided on all taxable lands and premises constituting Special Assessment District No. 86, for the sum of $6358.20 aforementioned, and impart the same to this Commission with all due haste.

Yeas: Shain Ladd and Bell. Nays: None.

251—Moved by Commissioner Ladd that the following preamble and resolution be adopted:

SECOND RESOLUTION ON BATES STREET CURB AND GUTTER.

Whereas, May 17, 1926, was heretofore fixed by this Commission as the time for the meeting to hear suggestions and objections to the proposed curb and gutter and regraveling Bates Street from Brown Street to Lincoln Avenue, in the Village of Birmingham, and

Whereas, the hearing was adjourned to May 24th, 1926, and

Whereas, due notice of the meeting has been given in the manner required by law to each person owning property liable for special assessment within a special assessment district established for such purpose, and the Commission duly met on this 24th day of May, A. D. 1926, at 8 o'clock P. M., for the purpose aforesaid, and due hearing has been given to all persons making suggestions and objections to the proposed improvement, therefore

Be it resolved that curb and gutter without regraveling be constructed on Bates Street from Brown Street to Lincoln Avenue, 36 ft. wide between curbs, in the village of Birmingham, and

Be it further resolved that all lots and parcels of land fronting and abutting on each side of Bates Street within the district described be constituted Special Assessment District No. 85, upon which shall be levied and spread according to benefits, the sum of $6480, being ⅔ of the cost of the improvement, according to an estimate heretofore prepared by the Village Manager and now on file with the Village Clerk, and

Be it further resolved that the Village of Birmingham shall pay from the general funds the amount of $2160.00, being ⅓ of the cost of the improvement, and

Be it further resolved that the Assessor of the Village of Birmingham be hereby directed, in pursuance hereof, to make a special assessment according to benefits as herein provided on all taxable lands and premises constituting Special Assessment District No. 85, for the sum of $6480 aforementioned, and impart the same to this Commission with all due haste.

Yeas: Shain, Ladd and Bell. Nays: None.

252—Moved by President Shain that the following preamble and resolution be adopted:

Whereas May 24th, 1926, was heretofore fixed by this Commission as the time for the meeting to hear suggestions to the proposed concrete pavement, 24 ft. wide on Elm St., from Maple Avenue to Forest Avenue, in the Village of Birmingham, and

Whereas due notice of the meeting has been given in the manner required by law to each person owning property liable for special assessment within a special assessment district established for such purpose, and the Commission duly met on this 24th day of May, A. D. 1926, at 8 o'clock P. M. for the purpose aforesaid, and due hearing has been given to all persons making suggestions and objections to the proposed improvement, therefore

Be it resolved that a 8-in. concrete pavement 24 ft. wide with curb and gutter, be constructed on Elm Street from Maple Avenue to Forest Avenue, in the Village of Birmingham, and

Be it further resolved that all lots and parcels of land fronting and abutting on each side of Elm Street, within the district heretofore described be constituted Special Assessment District No. 784, upon which shall be levied and spread according to benefits, the sum of $5144.25, being 75% of the cost of the improvement, according to an estimate heretofore prepared by the Village Manager and now on file with the Village Clerk, and

Be it further resolved that the Village of Birmingham shall pay from the General funds the amount of $1713.75, being 25% of the cost of the improvement, and

Be it further resolved that the Assessor of the Village of Birmingham be hereby directed, in pursuance hereof, to make a special assessment according to benefits as herein provided on all taxable lands and premises constituting Special Assessment District No. 84, for the sum of $5144.25 aforementioned, and impart the same to this Commission with all due haste.

Yeas: Shain, Ladd and Bell. Nays: None.

253—Bids were opened for the installation of water main on Lincoln, Pleasant and Maple Avenues.

254—Moved by Commissioner Ball that the contract for the installation of water main on Lincoln, Pleasant and Maple Avenues be awarded to G. A. Gessner, Inc., at his bid of $8620, lump sum, and that the certified checks be returned to the other bidders. Yeas: Shain, Ladd and Bell. Nays: None.

255—Moved by Commissioner Ladd that the President and Clerk be authorized to execute contract with G. A. Gessner, Inc., of Toledo, covering installation of water main. Yeas: Shain, Ladd and Bell. Nays: None.

256—Moved by Commissioner Ladd that the bonds of J. W. Bond, Mark Smith, Asa D. Cooley, Charles G. Gayney Co., and Robert Munro, be accepted and filed. Yeas: Shain, Ladd and Bell. Nays: None.

257—Moved by Commissioner Bell that the proposed Zoning Ordinance No. 126 as submitted by the Zoning Committee be received and placed on the table for 30 days, and that notice of hearing for suggestions and objections to the ordinance to be held June 23, 1926, at 8 o'clock at the Village Hall, corner of Martin and Pierce Streets, be published in the Birmingham Eccentric each week previous to time of hearing. Yeas: Shain, Ladd and Bell. Nays: None.

Moved by Commissioner Ladd that the meeting adjourn. Yeas: Shain, Ladd and Bell. Nays: None.

HAZEL E. LAWLER,
Village Clerk.

STATE OF MICHIGAN, Circuit Court for the County of Oakland. In Chancery.

Louis Power Plaintiff, vs. James Duncan, Jane D. Duncan, Cyrene Duncan, Mary Ann Duncan, Nanello Duncan, and Jeanette W. Duncan, Isaac N. Bickwood, the unknown wife of Francis McCrary, Andrew Rodger, all the unknown heirs, devisees, grantees, successors and assigns of each and every of them, Defendants.

At a session of said Court, held at the Court House in the City of Pontiac, County of Oakland, State of Michigan, on the eighteenth day of May, A. D. 1926.

Present: Honorable Frank L. Covert, Circuit Judge.

On reading and filing the Bill of Complaint duly filed in said cause, and the affidavit of A. Floyd Blakeslee, attorney for plaintiff, from which it satisfactorily appears to the Court that the defendants above named, or their unknown heirs, devisees, grantees, successors and assigns, are necessary and proper parties to the above entitled cause; and

It further appearing that after diligent search and inquiry such parties cannot be ascertained, and it is not known whether the persons named in said Bill of Complaint as defendants, or any of them are living or dead, or where he, she or they may reside, if living, or whether the right, title, interest, claim lien or possible right has been by them, or any of them, assigned to any person or persons, and if dead whether he, she or they have personal representatives or heirs living, or where the heirs, or some of them may reside, or whether such title, interest, claim, lien or possible right has been disposed of by Will; and, further, that the present whereabouts of such persons, their heirs-at-law, personal representatives, devisees, legatees, successors and assigns, are unknown and the Post Office Address of none of them can be ascertained, nor can it be ascertained whether any of them are minors or incompetents, except as aforesaid;

On motion of A. Floyd Blakeslee, attorney for plaintiff,

IT IS ORDERED that the appearance of each and all of the foregoing defendants be entered in this cause within three months from the date of this Order and in default of their appearance, or the appearance of any of them, that their Answer to the Bill of Complaint to be filed, and a copy served upon the attorney for plaintiff within fifteen days after service upon them, or their attorneys, of a copy of said Bill, and in default thereof that said Bill be taken as confessed by the said defendants who shall fail to comply with the requirements of this Order.

IT IS FURTHER ORDERED that the said plaintiff cause this Order to be published within forty days in the Birmingham Eccentric, a newspaper printed, published and circulating in said County, once in each week for six weeks in succession, or that plaintiff cause a copy of this Order to be personally served upon each of said defendants herein, at least twenty days before the time prescribed for his, her or their appearance.

FRANK L. COVERT,
Circuit Judge.

Countersigned:
BURTON P. DAUGHERTY, Clerk.
ETHEL BASSETT, Dpy.

PLEASE TAKE NOTICE that this suit, in which the preceding Order was made, involves and is brought to quiet the title to the following described lands situate in the Township of Lyon, Oakland County, Michigan, and more particularly described as follows:

The East ½ of the Northwest ¼ of Section 28, Lyon, Town 1 North, Range 7 East.

A. FLOYD BLAKESLEE,
Attorney for Plaintiff.
Business address—Pontiac, Mich.
6-12.

SANITARY SEWER ON RIVENOAK ST.

222—Moved by Commissioner Bell that the following preamble and resolution be adopted:

Whereas May 12th, 1926, was heretofore fixed by this Commission as the time for the meeting to hear suggestions and objections to the proposed 8-in. lateral sanitary sewer to be constructed beneath the surface of Rivenoak Street in the Village of Birmingham and

Whereas due notice of the meeting has been given in the manner required by law to each person owning property liable for special assessment within a special assessment district established for such purpose, and the Commission duly met on this 12th day of May, A. D. 1926, at 8 o'clock P. M. for the purpose aforesaid, and due hearing has been given to all persons making suggestions and objections to the proposed improvement, therefore

Be it resolved that an 8-in. lateral sanitary sewer be constructed beneath the surface of Rivenoak Street in the Village of Birmingham, and more particularly described as follows:

Beginning at a manhole at the intersection of Rivenoak Avenue and Oxford Drive, and extending east on Rivenoak to a manhole near Adams Avenue, and

Be it further resolved that all lots and parcels of land fronting and abutting on each side of Rivenoak Street within the district heretofore described be constituted Special Assessment District No. 81, upon which shall be levied and spread according to benefits, the sum of $2918.35 being 5-6ths of the cost of the Sewer, and the sum of $860.00 being the entire cost of the house connections, or a total of $3778.35 according to an estimate heretofore prepared by the Village Manager and now on file with the Village Clerk, and

Be it further resolved that the Village of Birmingham shall pay from the general funds the amount of $583.65, being 1/6 of the cost of the improvement, and,

Be it further resolved that the Assessor of the Village of Birmingham be hereby directed, in pursuance hereof, to make a special assessment according to benefits as herein provided on all taxable lands and premises constituting Special Assessment District No. 81 for the sum of $3778.35 aforementioned, and impart the same to this Commission with all due haste.

Yeas: Shain, Ladd and Bell. Nays: None.

HAZEL E. LAWLER,
Village Clerk.

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