

City Refuses Liability in Sewer Issue

The city commission decided Monday evening to do nothing further to investigate the sewer creak conditions on the property of C. V. Gardner, 607 Hawthorn.

Gardner has requested the city to assume liability for the present drainage condition on the land. However, City Manager Donald C. Egbert and City Attorney Forbes S. Hasall claimed there is no basis for city responsibility.

JAMES ALLEN, representing Gardner at the meeting, stated the request was not made in an adversary manner, but as a citizen coming to the commission asking for aid in solving a matter of serious concern to him over a period of years.

Gardner said water was coming in under his house has displaced earth from the footings and caused a drop of the floor in his recreation room floor and back porch.

Commissioner Milton Mallerender stated, "Unless this was an active part of the sewer the city took over, I can't see how we can assume any damage and reimburse the property owner."

Lance Minor added, "We want to cooperate, but when the engineer and attorney come back and say it's not our liability, the burden of proof then is upon him. I don't see why we should be talking about this."

Frank Rising noted out, "It's not a question of claiming something that's not there. It is there."

MALLENDER THEN said, "If we're liable, we are liable all the way. If not, we have no right to spend one cent of the taxpayers' money on any further investigation."

Commissioner Dean Beier finally moved that Gardner be advised the city can do nothing further to investigate the difficulty. He added that if the owner investigates and proves the cause, the ultimate liability will be decided on the new facts.

Notice for the motion were Beier, Mallerender, Ralph Maia and Minor. Against it were Rising and Mayor Chad Ritchie. Commissioner Richard Patterson was not at the meeting.

Maple Storm Sewer Roll Approved

Assessment roll for construction of a \$1,000 storm sewer on West Maple from Southfield east for 255 feet, was confirmed by the city commission Monday evening.



CAPTAIN DONALD MACDONALD, 3223 North Adams, has been recalled to active duty with the U.S. Air Force. He has been assigned to Headquarters, Eighth Air Force, Carswell Air Force Base, Fort Worth, Tex. During the last war as a pilot in Europe he was awarded the Air Medal and Purple Heart. Prior to his recall, Captain MacDONALD was a research engineer for the Ethyl Corp. in Detroit. He is now residing with his wife, the former Theodosia Davis, at Eagle Mountain Lake, Tex.



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