

May 19<sup>th</sup> 1913.

The council met in regular session with President Hull in the chair.

The roll being called, the following members answered to their names.

Messrs. Baird, Farmer, Gubb, Gowg.

<sup>Voss</sup> The minutes of the previous meeting was read and approved.

Petition to change grade on portion of Ridgewood Avenue. The, the undersigned persons, having property abutting on that portion of Ridgewood Avenue in the city of Alliance, Ohio, effected thereby, hereby most respectfully petition your most honorable body to amend Ordinance No. 787 of the city of Alliance, O., entitled "An ordinance to establish a grade on Ridgewood Avenue between State Street and the South corporation line" and recorded Vol. 6 ordinance of the city of Alliance, Ohio, by striking from the first section thereof the following language: thence south to the south corporation line to an elevation of 247.50" and inserting in the place thereof the following language, to-wit:

"thence south 300 feet to an elevation of 250.00" thence south to the south corporation line to an elevation of 247.00"

And we, the said undersigned hereby waive any and all claim or claims, that we or either of us might or could have for damages accruing to us or either of us on account of said change of grade.

Name of Property Owner,	Lot No.	Foot Front,
Shelton Heights Allotment Co	43-44-4839-40-41-42-4884-85-86-87	600.
Cora C. Stewart.	4879.	60.
D. C. Gow.	4838.	60.
R. Gow	4837.	60.
Alfred Abegglen	4836.	60.
E. Galbraith	4834	60
A. W. Warrus	4835.	60
Mary Gynis by H. B. Hampton Agent	4887.	60
W. D. Richter	4878.	60
Ray V. Redinger	4882.	60
M. Pallow.	4877.	60
O. Hess.	4883	60.
F. A. Feltus	4880.	60.

Referred to grade com.



Claim for damages.  
April 28<sup>th</sup> 1913

Mr. E. P. Spudis  
Mayor of the City of Alliance, O.

Dear Sir,

As the owner of part of Lot #561 in the City of Alliance, abutting on the Public Square, I hereby notify you, as the chief executive of the city, and through you the city itself, that my property, by the contemplated improvement, will be damaged, and I shall expect the city to respond in damages to me for my loss on account of this so-called improvement.

B. C. Allott.

Referred to the City Solicitor.  
Communication.

Alliance, Ohio, May 17<sup>th</sup> 1913

To the Honorable City Council,  
Alliance, O.

Gentlemen,

Representing Mr. Sam's Smelty, who is the owner of Lot 3382, in the City of Alliance, O we beg to call your attention to what we think is an irregularity in a street assessment against his lot and ask that you authorize the clerk to reduce the same to the proper amount and thus avoid the necessity of having suit brought to determine the matter.

The facts are, briefly, as follows:—  
That on August 11<sup>th</sup>, 1911, there was assessed by Ordinance No 1252, against said Lot No 3382, the sum of \$163.09, for the improvement of Freedom Avenue, later, South Street was improved along the side of this lot, under the benefit plan, and the Board of Appraisers found that the lot was worth, after the improvement was made, the sum of \$1100.00, and assessed it on that improvement for \$366.66.

This assessment was made under date of February 17<sup>th</sup> 1913, and was for the full one-third of the value of the lot. Section #3519, of the General Code of Ohio, provides that in no case shall there be levied upon any lot or parcel of land in the corporation, any assessment or assessments for any or all purpose within a period of five years.



to exceed  $33\frac{1}{3}\%$  of the actual value thereof, after the improvement is made so that inasmuch as there was already levied against the lot \$163.09, it is our contention that only the remainder of the  $33\frac{1}{3}\%$  can be legally assessed against it for the South Street improvement. This would leave the amount of \$203.57 which could be legally assessed against it and which Mr. Smutz is willing to pay.

We trust that you will take action, authorizing the City Auditor to accept and certify that amount immediately as it will soon be necessary for Mr. Smutz to pay his taxes and if not remedied, to resist the extra assessment.

Yours truly,  
Wm. H. Kehler,

Refused to Assessment com. and City Solicitor  
- Agreement -

In consideration of the concessions made by the City of Alliance, Ohio, to the Pennsylvania Company, operating the Cleveland & Pittsburgh Railroad, for the improvement of Fifth Street in said City of Alliance, Ohio, as provided for in Ordinance No. 1473, in the plans and specifications of that portion of said improvement as relates to the bridge under the tracks of said The Cleveland & Pittsburgh Railroad in granting to said The Pennsylvania Company the right of general supervision of such improvement in so far as the same may relate to the construction of such bridge. The Pennsylvania Company hereby agrees to pay to said City of Alliance, O. fifty per cent of the cost of said improvement, as provided in Section 8897 General Code, said payment to be paid upon monthly estimates as such improvement progresses, upon, and within 30 days after the City of Alliance, Ohio, shall have furnished said The Pennsylvania Company a written statement of such monthly statement.

In witness whereof said The Pennsylvania Company has hereunto set its hand this 9th day of May, 1913.

Geo. Geer Superintendent  
Pennsylvania Company, operating  
the Cleveland & Pittsburgh Railroad,



Ordered filed.  
 Yarnes, Chairman of the com. on  
 Streets and alleys submitted the following  
 estimate

	May 19 <sup>th</sup> 1913
East High Street Freedom Avenue to West Avenue	
Total cost	\$ 8500.00
Property portion	7000.00
City Portion	1500.00

Referred to com on Streets, Alleys -

Petition to vacate Streets, Alleys  
 To the Council of the City of Alliance, Stark, Ohio.  
 The undersigned owner of all the lots,  
 in the City of Alliance, Stark County, Ohio, in  
 the immediate vicinity of Garwood Street  
 from the East boundary line of the Cleveland  
 & Pittsburg Railroad Company's right-of-way  
 to the west boundary line of Mahoning  
 Avenue, and the first alley North of  
 said Garwood Street from the east  
 boundary line of the right of way of  
 the Cleveland and Pittsburg Railroad  
 Company to the west boundary line  
 of said Mahoning Avenue, and the  
 alley lying between Lots #2931, and  
 #2933 on the east and Lot #2932 on  
 the west of said alley, respectfully  
 petitions your Honorable Body that said  
 street and alley may be vacated  
 between the points named, for the reason  
 that they are no longer of use to  
 the public, and their vacation will  
 not be detrimental to the general  
 interest.

The Alliance Rubber Company  
 By Milton DeJack Surtan  
 Owners of Lots #2931, 2932, 2933, 2934,  
 and #2935 in the city of Alliance Ohio

Lower moved, seconded by Yarnes that  
 when we adjourn we adjourn to meet  
 next Monday evening.

Which motion was agreed to.

In pursuance to Section No. 4284  
 which provides that the City Auditor  
 upon the death, resignation removal or  
 expiration of the term of any officer,  
 the auditor shall audit the accounts  
 of such officer, and if such officer  
 be found indebted to the city, he shall  
 immediately give notice thereof to the  
 Council and to the collector, and the  
 latter shall proceed forthwith to  
 collect the indebtedness.



The reported that he had checked the accounts of Mr W Shindell and found him indebted to the city in amount of \$ 56.10

Mr Kochler Attorney at law representing The Alliance Bank Co. asked the council to forthwith construct a passageway at the west of the new building to be erected by the company at the corner of Main street and Freedom Avenue also called the attention of council to petition to vacating the Streets and alleys within the lands owned by The Alliance Rubber Company.

Mr Crouse of the Pennsylvania Co addressing council upon the matter of vacating third street across the railroad tracks. He stated that at the time the subway was first considered for Fifth street, the company could not see the wisdom of placing the subway there and where no street existed.

The foregoing matter was referred to the journal as a whole.

The Finance Com. submitted Res. No. 1601 To issue a certificate of indebtedness also Ord No. 1600 To issue bonds and recommended passage.

G. W. Jarney  
 J. H. Voss  
 F. E. Farmer

The question being on agreeing to the report of the com. which report was agreed to.

The com. on Streets and Alleys submitted Res. No. 1580. to improve Union Ave. and recommended passage.

F. E. Farmer  
 Chas E. Barnard

The question being on agreeing to the report of the com. which report was agreed to.

Mr Jarney Special Committee to whom was referred Ord No. 1592. reported it back as amended.

The question being on agreeing to the report of the com. which report was agreed to.

On motion of Farmer the report of the com. was referred to the Solicitor to rewrite.

The com. on Platting submitted Ord No. 1603 + 1579. and recommended passage.

F. E. Farmer  
 G. W. Jarney  
 Chas E. Barnard

The report of the com was agreed to.



The report on Grades submitted Ord No 1599 with the following contract which was read to council and recommended passage.

J. J. Lower  
City Engineer

The question being on agreeing to the report of the com which report was agreed to.

Memorandum of Agreement

This agreement entered into this 13 day of May 1913 by and between The Union Heights Allotment Company, a corporation organized and existing under the laws of the state of Ohio, and the J. C. Devens Company, a corporation organized and existing under the laws of the state of Ohio.

Witnesseth:

That Whereas the former company is developing certain properties abutting on Ridgewood Avenue, Alliance, Ohio and Whereas the latter company is now engaged in paving said street according to the plans and specifications of the city of Alliance, Ohio, and Whereas the street was formerly graded by the former company to a grade as given by the city of Alliance, Ohio and whereas it now appears that an error was made in setting the stakes at the time of the first grading and it becomes necessary to change the grade on this street for a distance of about six hundred feet (600 ft) North from the South corporation line in order to avoid working great injury to adjacent property.

Now Therefore, party of the Second part hereby consents to the said change of grade and to proceed with the work of paving in accordance with the revised grade provided that party of the First part shall pay to party of the second part the sum of forty cents (40¢) per cubic yard for each and every yard of dirt made necessary to be moved on account of said change of grade in excess of the amount to be moved as provided for in the said second party's contract with the city of Alliance, and in consideration of the moving of said extra dirt as above set forth party of the first part hereby agrees to pay to party of the second part the sum of forty cents per cubic yard for each and every cubic yard of dirt so moved in excess of the amount of



to be moved in the original contract and made necessary by the change of grade as above set forth.

In Witness Whereof, we, the parties have this day and date subscribed our names to this instrument.

The Union Freight Allotment Co  
by D. H. B. Hayward Secy

The J. C. Devine Co  
J. C. Devine

Voss reported that the committee had called upon Mr. Morgan, to ascertain what he wished in the Rockhill avenue street grade matter.

He stated that the committee was told that a retaining wall was wanted.

On motion of Farmer, the Eng. was instructed to prepare an estimate of the cost of a retaining wall.

Ord No 1600

Mr. Yarnsey To issue bonds for the purpose of erecting public toilet and public comfort station in connection with the improvement of the Public Parkway, was read the first time.

Jarman moved, seconded by Voss that the statutory rule, requiring ordinances and resolutions to be read on three different days be suspended, and the ordinance read the second and third time.

The question being on the suspension of the rule. The yeas and nays were taken and resulted yeas, 6 Nays 0.

Those who vote in the affirmative were Messrs. Jarman, Farmer, Gubb, Gower, Voss, Yarnsey.

The rule was suspended, and the ordinance read the second and third time.

The question being on the passage of the ordinance. The yeas and nays were taken and resulted yeas 6 Nays 0.

Those who voted in the affirmative were Messrs. Jarman, Farmer, Gubb, Gower, Voss, Yarnsey.

The ordinance was passed.



## Resolution No 601

Mr Yarny To issue a certificate of indebtedness of the City of Alliance State of Ohio, to provide a fund for the purpose of reimbursing the Public Safety Fund was read the first time.

Yarny moved, seconded by Lower that the statutory rule requiring ordinances and resolutions to be read on three different days be suspended, and the resolution read the second and third time.

The question being on the suspension of the rule. The Yeas and Nays were taken and resulted Yeas 6 Nays 0.

Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Voss, Yarny.

So the rule was suspended, and the resolution read the second and third time.

The question being on the passage of the resolution.

The Yeas and Nays were taken and resulted Yeas 6 Nays 0.

Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Voss, Yarny.

So the resolution was passed.

## Ord. No. 1599

Mr Lower To change grade on a portion of Ridgewood Avenue, in the city of Alliance, Ohio was read the first time.

Farmer moved, seconded by Gubb that the statutory rule requiring ordinances and resolutions to be read on three different days be suspended and the ordinance read the second and third time.

The question being on ~~agreed~~ the suspension of the rule. The Yeas and Nays were taken, and resulted Yeas 6 Nays 0.

Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Voss, Yarny.

So the rule was suspended, and the ordinance read the second and third time.

The question being on the passage of the ordinance.

The Yeas and Nays were taken and resulted Yeas 6 Nays 0.

Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Voss, Yarny.

So the ordinance was passed.



Ord. No. 1603

Mr. Farmer by ordinance to approve the plat of Bingham's second sub. division of part of outlot No 233 and accept the dedication of the streets and alleys shown thereon, was read the first time.

Farmer moved, seconded by Yarny that the statutory rule requiring ordinances and resolutions to be read on three different days be suspended, and the ordinance read the second and third time.

The question being on the suspension of the rule. The yeas and nays were taken, and resulted yeas 6 Nays 0. Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Voss Yarny.

So the rule was suspended, and the ordinance read the second and third time.

The question being on the passage of the ordinance. The yeas and nays were taken and resulted yeas 6 Nays 0. Those who voted in the affirmative were Messrs. Barnard, Farmer, Gubb, Lower, Voss Yarny.

So the ordinance was passed.

Farmer moved, seconded by Barnard that the Eng. be instructed to prepare an estimate of the cost of constructing a retaining wall on the Rockwell Ave. improvement.

Which motion was agreed to.

Farmer moved, seconded by Barnard that a committee be appointed to confer with Mr. E.C. Bate regarding the Millwin Ave. Imp.

Which motion was agreed to.

Thereupon the President appointed Messrs. Farmer, Barnard, Lower, and City Engineer

On motion of Voss. Council adjourned

Attest

Chas. Silver ~~Secretary~~ J. M. Hill President