

File No. 25882 Continued.

13486

you call to my attention the application for preliminary plat for the condemnation and opening of Remington avenue from Twenty-seventh to Twenty-eighth street, and to the agreement of May 20th, between Messrs. Ware, Surwalt and Remington, which laid out Remington avenue, including the portion now desired as a public highway.

Mr. Driscoll reports to me that he has examined this agreement and finds that it provides among other things that the street should be ninety-six feet wide, that forty feet of the center should be used for carriages, the pavement to be fourteen feet wide the remaining fourteen feet on each side to be enclosed by the proprietors of the adjacent ground and to be used for shrubbery and like ornamental purposes, but not for buildings. This language it seems does not constitute a dedication.

If however the street is now laid out and physically opened and is approved by the Topographical Survey, the City might accept the same by ordinance, pursuant to Chapter 582 of 1908 as amended by Chapter 59 of 1912, which acts provide that when any highway, road lane or alley opens into a public street and remains open for a period of one year or more, it shall be conclusively presumed that the same has been dedicated and may at any time thereafter be accepted by the City.

I trust the above will give you the information which you desire with reference to the application which has been made to you.

Respectfully yours,
(Signed) Roland R. Marchant,
City Solicitor.

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