

BOX
18
FOLDER
199

Streets-Change of Grade

1910-1913

Change of Grade
Commission

February 25, 1910.

Dear Sir:

Your favor of February 23rd is at hand, and I thank you very much for it. You have put your finger on a grievance of long standing here which I am trying to have corrected. These awards go unpaid for years and draw interest at six per cent. If the owner of the award needs the money he generally has to sell the claim at a discount. If you will have your friend who is in this evil case to the extent of \$50,000, as you say, write to me all the particulars I will make his case an example.

Very truly yours,

W. H. Ayer

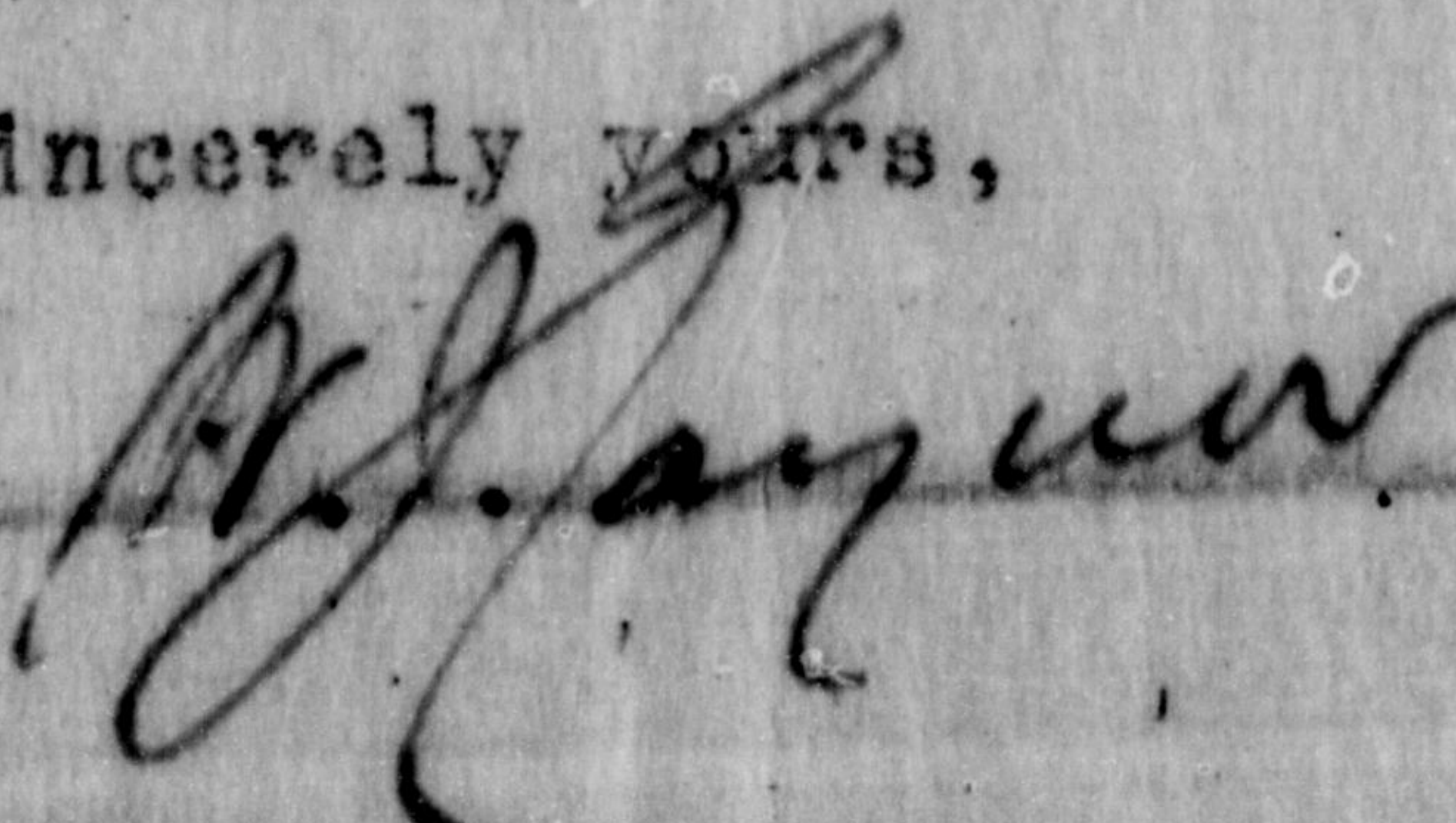
George T. Patterson, Esq.,
care Darr & Moore,
274, Main Street,
Springfield, Mass.

July 7, 1910, m

Dear Judge Dickey:

I am fortunate in being able to induce you to accept the place of president of change of grade damage commission after your distinguished services as Justice of the Supreme Court. I am appointing you and your associates to sit day by day as a court to bring the work and large expense of this commission to an end. It was created in 1893 to make awards for damage, if any, caused by certain street grade changes, and has been stringing the work along ever since. Any court could have done the work in a year. I am now committing it to you to finish it and have the commission go out of existence during my term of office.

Sincerely yours,



Hon. William D. Dickey,
1314, Albemarle Road,
Brooklyn, N. Y.

June 22, 1911.k

Dear Judge Dickey:

I am exceedingly gratified by your letter of yesterday informing me that the Change of Grade Damage Commission which I appointed, and of which you are Chairman, ^{has} disposed of 575 cases, leaving only 250 cases to be disposed of. I feel that I should express my commendation of such efficient work. When I appointed you and your two associates it was with the understanding that before my term of office had expired you would be through with all the work, so that the commission might expire. You have proceeded with even more expedition than I asked for.

Sincerely yours,

W. A. Gaynor
Mayor.

Hon. William D. Dickey,
Chairman Change of Grade
Damage Commission,
New York City.

April 24th, 1913. s

Dear Judge Dickey:

I was glad when I learned that the Governor signed your bill. Your letter of April 22nd is at hand. You know when I appointed you on the Damage Commission that I did so out of my great desire to get through with the work of the commission and close it up. If you can stay on it in any way and carry that out for me I shall be under still greater obligation to you than I am now. My heart is set on the matter, and I fear that I may not get another man to stick to my wishes so closely as you have done. I wish you would let it run on awhile and maybe nobody will say anything about it one way or the other.

Sincerely yours,

W. J. Gaynor
Mayor.

Hon. William D. Dickey,
1314, Albemarle Road,
Brooklyn, N.Y.

Jan. 29, 1913.k

Dear Judge Dickey:

Your letter gives me welcome news. I want it closed up by July 1st at the latest, and when you march by in the Fourth of July parade the sight of you will renew my gratitude to you for the way in which you have carried out the work of this commission.

Sincerely yours,

R. J. Layton
Mayor.

Hon. William D. Dickey,
Chairman Change of Grade
Damage Commission,
New York City.

June 26th, 1913.

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In the matter of the change of grade of Park Avenue and 34th Street.

The continuation of 4th Avenue from 34th Street to 2nd Street is called Park Avenue. Park Avenue has a history, and almost a literature, all its own. The 4th Avenue surface cars enter a tunnel at 34th Street, and that tunnel runs under Park Avenue to 40th Street. The tunnel was formerly an open cut, but was covered over, and a park, 40 feet wide, was laid out through the centre of Park Avenue from 34th Street to 40th Street over this tunnel. It was laid out by the Common Council in 1851, sanctioned by the Legislature, which provided funds for it, and has continued a park ever since, and is under the jurisdiction and care of the Park Commissioner. The proposition before me is to close the entrance to the tunnel between 33rd and 34th Streets, fill in and make 4th Avenue continuous from curb to curb in that block, lower 34th Street six feet, run the said surface cars up to and over 34th Street at grade, and then at the north side of 34th Street to have the cars dip down again into the tunnel.

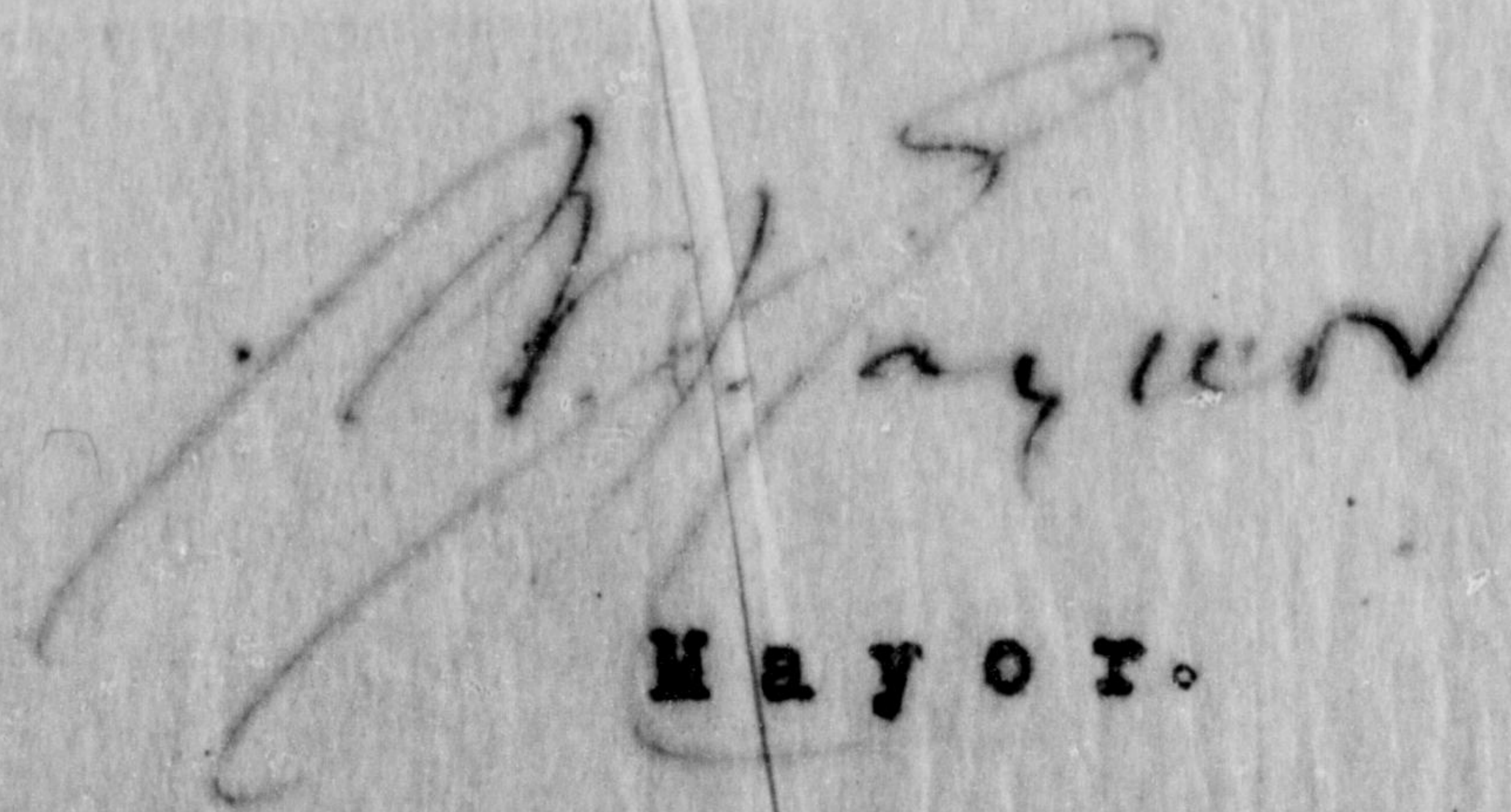
To do this the park in the centre of Park Avenue from 34th to 35th Street, for nearly the whole length, has to be ripped out, thus leaving an open cut between 34th and 35th Streets. The damage which would be done to property by carrying out this scheme is manifest. The lowering of the grade of 34th Street six feet will leave the houses on 34th Street for a considerable distance on either side of Park Avenue above the new street grade. On the other hand the lowering of the grade of 4th Avenue south of 34th Street will leave the property on the west side of 4th Avenue above the new grade. The owners of the property in each case will be entitled to damages for the change of grade. And then the ripping out of the park in the centre of the street between 34th and 35th Streets will obviously damage the property on each side of Park Avenue. Such property is now dwellings of a fine character. The present grade, the covering of the tunnel, the establishing of the park, were all done to make the property on either side fine residential property. The existing grades cannot be changed, and the park done away with, without seriously affecting the value of the adjoining properties. The cost to the city would be great. We all know the disposition of commissioners of appraisal to give large damages under

such conditions.

And if this thing be done, I am not able to see what is gained by it. Why should the surface road in 4th Avenue be run up to and over 34th Street only to immediately go down again into the tunnel under Park Avenue? Why is it not better to have such road enter the tunnel between 33rd and 34th Streets as it does now? But it is said that passengers on the said 4th Avenue surface road have to go up a flight of steps to 34th Street in order to change cars to the surface road on that street, or to change from the 34th Street to the 4th Avenue cars they have to go down the same flight of stairs, and that this inconvenience would be done away with. But this gain is more imaginative than real. All over the city we go up and down flights of steps to and from the subways and the overhead roads and think nothing of it. The other alleged gain is that we will have 4th Avenue entirely surfaced over and in use between 34th Street and 33rd Street instead of having the cut which is there now approaching the tunnel. I do not see that this amounts to much. North of 34th Street only the two sides of Park Avenue are available for travel, there being a park in the centre. All that is needed is the continuation of these two sides of Park Avenue down into 4th Avenue on each side. Now only the west side is continued down into 4th Avenue, but plans before

me show that the east side of Park Avenue can also be continued down into 4th Avenue, so that there can be a continual tide of travel on both sides of the street.

I have been opposed to this change all along, but was very desirous of giving assent thereto in order to be in harmony with the Board of Estimate and Apportionment, but on serious reflection I am convinced that I should not do so. In addition to the reasons which I have stated, nothing is more manifest than that this city must now avoid all expenditure which is ^{not} absolutely unnecessary, for the relief of the real estate of the city, which is burdened with the great bulk of all of our expenditures.


Mayor.