

Fruit Companies will be proportionately more expensive than would be the case if the whole driveway were paved at once.

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2. If any paving at all is to be done certain drainage and catch-basins must be constructed, and if the Lanasa Company's portion is not paved and the rest is, then that Company will get the benefit of this drainage without bearing any part of its cost.

3. The driveway is of considerable importance to the City, because it is that which makes the grants valuable by furnishing access to them. Therefore, the City desires this driveway to be constructed and paved as soon as possible, in order that it may be in a better position to lease the unleased portions of the pier.

4. If the Lanasa Company's portion is not paved, then only half of the driveway will be paved at that point, which will be unsightly, will tend to cause damage to the other half which is paved, through the percolations of water, etc., and will result in a partially incomplete driveway.

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It seems to me that under reasons Nos. 3 and 4, it may fairly be said that the public interests require the whole driveway to be paved, and paved as soon as possible. The only difficulty about the matter arises from the fact that the ordinances do not provide that the City shall do the paving at the expense of the grantees, but do provide that the grantees shall do the paving.

I think, however, that it is a proper construction of this provision to hold that when the public interests require the paving to be done, then if the grantees after reasonable notice do not comply with their covenants and do the paving themselves, the City may proceed to do it at their expense. For the reasons already given, I think it can fairly be said that the public interests do require the whole driveway to be paved at once, and I think that Mr. Lackey can accomplish his desire by the following procedure:

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Let the City serve a written notice upon the Lanasa Company that the public interests require the driveway to be paved, and the performance by the Lanasa Company of its covenant. And let the City then demand that the Company comply with its covenant, and commence the paving which it is obligated to do within a designated reasonable time. No notice need be given to either the Standard Oil or the Atlantic Fruit Companies, because they are willing for the City to go ahead. If the above demand is not complied with by the Lanasa Company, then I