

SPECIAL MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

THURSDAY, June 11, 1908

The Common Council of the City of Indianapolis met in the Council Chamber, Thursday evening, June 11, 1908, at 8:00 o'clock, in special session, President William J. Neukom in the chair, pursuant to the following call:

INDIANAPOLIS, IND., June 11, 1908.

To the Members of the Common Council:

You are hereby notified that there will be a special meeting of the Common Council in the Council Chamber, this (Thursday) evening, June 11, 1908, for the transaction of the following business:

The introduction and reference of "An Ordinance regarding certain taxes for the year 1907, and directing the re-payment of a portion thereof, collected under a disputed assessment."

Also for the consideration and passage of General Ordinance No. 52, 1908.

Yours truly,

WILLIAM J. NEUKOM,
President.

I, James McNulty, Clerk of the Common Council, do hereby certify that I have served the above and foregoing notice to each and every member of the Common Council, prior to the time of meeting, pursuant to the rules.

JAMES McNULTY,
City Clerk.

The clerk called the roll:

Present: The Hon. William J. Neukom, President of the

Common Council, and 17 members, viz: Messrs. Brown, Cottey Hamlet, Wood, Davis, Smither, Rhodes, Bangs, Uhl, Stickelman, Portteus, Donavon, Sullivan, Hofmann, Hilkene, Wright and Henry.

Absent, 3, viz: Messrs. Eppert, Hartmann and Royse.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 23—1908: An ordinance remitting certain City taxes for the year 1907, and directing the re-payment of a portion thereof collected under a disputed assessment, and making an appropriation of one thousand dollars therefor.

WHEREAS, The Common Council of the City of Indianapolis, on the 15th day of October, 1906, adopted and ordained a certain ordinance styled and designated, "Special Ordinance No. 3, 1906," entitled, "An ordinance annexing certain territory to the City of Indianapolis, defining a part of the boundary line of said City, and fixing a time when the same shall take effect."

WHEREAS, Certain parties complainants, by their complaint filed in the Superior Court of Marion County, Indiana, are seeking to prevent the enforcement of said ordinance and annexation, said cause being entitled, "George B. Yandes and others vs. City of Indianapolis," and numbered 72501, in Room 2 of said court, being thereafter transferred to Room 5 of said court; and

WHEREAS, On issues duly prepared, said court held that the complaint in said cause was insufficient in that it stated no cause of action against the defendant City of Indianapolis, and refused the filing of an amended complaint therein; and

WHEREAS, The lots and lands included in said annexed territory have been assessed for city taxes for the year 1907, and the greater part or all the first installment of City taxes for said year has been collected on said lots and lands, a portion of said taxes being paid under protest; and

WHEREAS, There is doubt of the City's right to collect taxes on said annexed territory during the pendency of an appeal in court as to such annexation proceedings; and

WHEREAS, The complainants, through their counsel, have declared it to be their intention to attempt an appeal in said cause, which appeal, in the opinion of the Law Department of said City, the plaintiff's have no right to maintain; and

WHEREAS, The Corporation Counsel of said City has secured an agreement with the persons appealing from said annexation ordinance that they will dismiss their said appeal in court, and will make no further protest or objection to said annexation, provided the City will refund the taxes by them paid on said annexed lands and lots, and cancel all unpaid installments of taxes thereon for the year 1907; and

WHEREAS, Said Corporation Counsel believes it would be right and proper to do as aforesaid, and would promote the general welfare of the City by making said compromise and ending litigation and giving opportunity for the beginning of necessary public works now hindered and delayed by said appeal from said annexation ordinance; now, therefore

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That in order to end litigation over the validity of the above designated Special Ordinance No. 3, 1906, heretofore enacted by the said Common Council, and to prevent suits against said City for the recovery of taxes claimed to be erroneously assessed and collected against said lots and lands in said annexed district for the year 1907, and to prevent such litigation from interfering with public improvements in said annexed territory, that the Controller of said City be, and he hereby is authorized and empowered to draw his several warrants on the Treasurer of said City in favor of the persons having paid City taxes on lots and lands contained within the boundary of said annexed district for the year 1907, for such amounts as each person has paid on that account, and to deliver the said warrants to the proper person upon the filing with the said Controller of a certificate by the Clerk of the Superior Court of Marion County, Indiana, showing the dismissal of the appeal and remonstrance from the said annexation ordinance herein referred to, by persons who attempted to appeal from said annexation.

SEC. 2. That one thousand dollars (\$1,000.00), or so much thereof as may be necessary, is hereby appropriated for the payment of the claims referred to in Section 1 of this ordinance.

SEC. 3. The unpaid taxes levied for the year 1907, against the lots and lands annexed to said City of Indianapolis is, by said Special Ordinance No. 3, 1906, contained within the boundary lines set forth and described in said ordinance, be and the same are hereby canceled and annulled, and the Treasurer of said City is hereby authorized and directed to make proper entry on the tax duplicate of such cancelations, upon the filing with said Controller of the certificate mentioned in Section 1 of this ordinance.

SEC. 4. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time and referred to the Committee on Finance.

REPORTS FROM STANDING COMMITTEES.

None.

On motion of Mr. Stickelman, the Common Council at 8:35 o'clock P. M., adjourned.

John I. Neukom

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President.

ATTEST:

James M. Kullit

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City Clerk.

