

REGULAR MEETING.

Monday, June 5, 1922.

The Common Council of the City of Indianapolis met at the Council Chamber, Monday evening, June 5, 1922, at 7:30 o'clock in regular session, President Theodore J. Bernd in the chair.

Present: The Hon. Theodore J. Bernd, President of the Common Council, and seven members. viz.: Messrs. Bramblett, Euchanan, Clauer, King, Ray, Thompson and Wise.

Absent: Mr. Claycombe.

Mr. Bramblett moved that the reading of the Journal be dispensed with. Carried.

COMMUNICATIONS FROM THE MAYOR.

May 23, 1922

To the President and Members of the Common Council, Indianapolis:
Gentlemen—I have approved, signed and delivered to John W. Rhodehamel, City Clerk, the following Ordinances:

Special Ordinance No. 9, 1922, an ordinance annexing to the City of Indianapolis, State of Indiana, certain territory contiguous to said City, and fixing the time when the same shall take effect.

Appropriation Ordinance No. 15, 1922, an Ordinance appropriating the sum of One Thousand Nnine Hundred and Fifty (\$1,950.00) to a fund to be known as "Repair of Kentucky Avenue Sewer at its Outlet Fund," under the Department of Public Works, and declaring a time when the same shall take effect.

General Ordinance No. 43, 1922, an ordinance to amend Clause D of Section 324 and Section 326 of the Codified Code.

General Ordinance No. 44, 1922, an Ordinance to amend Section 324 of General Ordinance No. 12, 1917, entitled "An Ordinance concerning the government of the City of Indianapolis, providing penalties for its violation and, with stated exceptions, repealing all former ordinances," and providing the time when the same shall take effect.

General Ordinance No. 45, 1922, an ordinance authorizing the sale of Eighty (80) bonds of Five Hundred (\$500.00) Dollars each of the City of Indianapolis, payable from the general revenues and funds of said city, or from the sinking funds of said city, or as may be required by law.

General Ordinance No. 46, 1922, an ordinance to amend Section 1 of General Ordinance No. 96, passed by the Common Council of the

City of Indianapolis, on December 19, 1921, and approved by the Mayor on December 21, 1921.

General Ordinance No. 47, 1922, being an ordinance providing for a license fee to be paid to the City Controller of the City of Indianapolis on each pump used or operated for the purpose of the sale of gasoline, gasoline blend, or any substitute therefor, used for providing motive power for automobiles or other motor vehicles to the public at public filling stations, garages, or any other place where the same are kept for sale to the public at retail, fixing a time when the same shall be paid and the term thereof, providing for an issuing fee, declaring a time when the same shall take effect, and providing for a penalty for the violation thereof.

General Ordinance No. 48, 1922, an ordinance transferring a certain sum of money from certain funds and reappropriating the same to certain funds under the Department of Public Works of the City of Indianapolis, Indiana, and declaring a time when the same shall take effect.

General Ordinance No. 51, 1922, an ordinance authorizing the sale of certain articles of personal property owned by the City of Indianapolis for the use and benefit of the Sanitary District of Indianapolis, and now in the possession and control of said Sanitary District and the Board of Sanitary Commissioners thereof.

Very truly yours,

LEW SHANK,
Mayor.

To the President and Members of the Common Council, City of Indianapolis:

May 24, 1922.

Gentlemen—Special Ordinance No. 8, 1922, passed May 15, 1922, has been vetoed by me upon the recommendation of the City Civil Engineer. The description included in Section 2 of this ordinance is in error and the ordinance is therefor invalidated.

When this description was written by the City Engineer, the records in his office showed the corporation line of Beech Grove to be north of Raymond Street. This, however, has been discovered to be in error, and a new ordinance including the proper description is being forwarded by the City Engineer for your attention.

Yours very truly,

S. L. SHANK,
Mayor.

REPORTS FROM CITY OFFICERS.

From the City Controller:

June 5, 1922.

..To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—I hand you herewith Appropriation Ordinance No. 16, 1922, same being an ordinance making an appropriation of Sixty (\$60) to the Department of Finance of the City of Indianapolis, Indiana, for the purpose of refunding to S. G. Joseph, representative of the L. J. Heth shows, the sum of Sixty (\$60.00) Dollars for

license No. 191, 1922, on account of said L. J. Heth Show Company having cancelled this engagement in Indianapolis.

I submit the above mentioned ordinance and recommend its passage.

Respectfully,
JOS. L. HOGUE,
City Controller.

June 5, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Ind.

Gentlemen—I hand you herewith Appropriation Ordinance No. 17, 1922.

This Ordinance is drawn in accordance with a contract entered into between the City and State Industrial Board on June 6th, 1921. Under the said contract the city was to pay an amount not exceeding Six Thousand Dollars annually in money and provide rooms in which to conduct the Free Employment Bureau.

But recently Mr. Riley of the Industrial Board has arranged a new budget of expenses. Under the new arrangement the city is to furnish the rooms, lights, heat, telephone, etc., and pay not to exceed Three Thousand Five Hundred (\$3,500.00) Dollars in money per annum.

This ordinance provides for an appropriation of One Thousand Eight Hundred and Sixty-one Dollars and Fifty-eight Cents (\$1,861.58), which is the city's share for the remaining seven (7) months of the year of 1922 when the city's budget is set up for 1923 the city's annual amount of Three Thousand Five Hundred (\$3,500.00) Dollars can be provided for.

I respectfully recommend the passage of the above mentioned Ordinance.

Respectfully yours,
JOS. L. HOGUE,
City Controller.

June 2, 1922.

Hon. Joseph L. Hogue, City Controller, Indianapolis:

Dear Sir—Herewith please find Appropriation Ordinance No. 17, 1922.

This Ordinance is drawn in accordance with a contract entered into between the city and State Industrial Board on June 6th, 1921. Under the said contract the city was to pay an amount not exceeding Six Thousand Dollars annually in money and provide rooms in which to conduct the Free Employment Bureau.

But recently Mr. Riley of the Industrial Board has arranged a new budget of expenses. Under the new arrangement the city is to furnish the rooms, lights, heat, telephone, etc., and pay not to exceed Three Thousand Five Hundred (\$3,500.00) Dollars in money per annum.

This Ordinance provides for an appropriation of One Thousand Eight Hundred and Sixty-one Dollars and Fifty-eight Cents (\$1,861.58), which is the city's share for the remaining seven (7) months of the year 1922, when the city's buget is set up for 1923 the city's annual amount of Three Thousand Five Hundred (\$3,500.00) Dollars can be provided for.

Will you please recommend the passage of this ordinance by the Common Council.

Respectfully submitted.

TAYLOR E. GRONINGER,
Corporation Counsel.

June 5, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—I hand you herewith Appropriation Ordinance No. 18, 1922, the same being an ordinance appropriating the sum of Three Thousand Seven Hundred and Two Dollars and Nine cents (\$3,702.09) to the Department of Public Works for the purpose of paying the appraiser's fees, attorney's fees and costs in Cause No. 2190, Marion Circuit Court.

The appraiser's fees and attorney fee were allowed by said Marion Circuit Court after a hearing on the same.

The ordinance sets out fully the various steps taken in this case, and is self-explanatory.

I submit the above mentioned ordinance and respectfully recommend its passage.

Respectfully yours,

JOS. L. HOGUE,
City Controller.

June 5, 1922.

Hon. Joseph L. Hogue, Controller of the City of Indianapolis:

Dear Sir—Herewith please find Appropriation Ordinance No. 18, 1922, the same being an ordinance appropriating the sum of Three Thousand Seven Hundred and Two Dollars and Nine cents (\$3,702.09) to the Department of Public Works for the purpose of paying the appraiser's fees, attorney's fees and costs in Cause No. 2190, Marion Circuit Court.

The appraiser's fees and attorney fee were allowed by said Marion Circuit Court after a hearing on the same.

The ordinance sets out fully the various steps taken in this case, and is self-explanatory.

Will you please recommend the passage of this ordinance?

Very truly yours,
TAYLOR E. GRONINGER,
Corporation Counsel.

June 5, 1922.

To the President and Members of the Common Council, City of Indianapolis:

Gentlemen—I herewith hand you copies of appropriation ordinance No. 19, 1922, authorizing the appointment of a Committee by the President of the Common Council of the City of Indianapolis to consist of three (3) members of the Common Council to investigate traffic conditions in other cities, and appropriating the sum of Two Hundred and Fifty (\$250.00) with and out of which to pay the expenses of said committee.

I respectfully recommend the passage of this ordinance.

Yours truly,
JOS. L. HOGUE,
City Controller.

June 5, 1922.

Mr. Joseph L. Hogue, City Controller, City:

Dear Sir—I am herewith enclosing you appropriation ordinance No. 19, 1922, authorizing the appointment of a Committee by the President of the Common Council of the City of Indianapolis to consist of three (3) members of said Common Council to investigate traffic conditions in other cities, and appropriating the sum of Two Hundred and Fifty (\$250.00) Dollars with and out of which to pay the expenses of said Committee. Will you please recommend the passage of this ordinance?

Yours truly,
WM. T. BAILEY,
Asst. City Attorney.

June 5, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—I hand you herewith General Ordinance No. 52, 1922, amending Section 4 of General Ordinance No. 70, 1921, amending Section 294 and other Sections of General Ordinance No. 12, 1917.

I respectfully recommend the passage of the above mentioned Ordinance.

Respectfully yours,
JOS. L. HOGUE,
City Controller.

June 1, 1922.

Joseph L. Hogue, City Controller, City of Indianapolis:

Dear Sir—We are handing you herewith General Ordinance No. 52, 1922, amending Section 4 of General Ordinance No. 70, 1921, amending Section 294 and other Sections of General Ordinance No. 12, 1917, and ask that you transmit same to the Common Council for passage.

Yours very truly,
BOARD OF PUBLIC SAFETY,
OSCAR O. WISE,
Executive Secretary.

June 1, 1922.

Board of Public Safety, Indianapolis, Indiana:

Honorable Gentlemen—I am handing you herewith General Ordinance No. 52, 1922, amending Section 4 of General Ordinance No. 70, 1921, amending Section 294 and other Sections of General Ordinance No. 12, 1917, and ask that you transmit same to the Common Council for passage.

Very truly yours,
FRANCIS F. HAMILTON,
Commissioner of Buildings.

June 5, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—I herewith hand you a communication from the Board of Public Works, asking for the passage of an Ordinance transferring and reappropriating the sum of Three Thousand Five

Hundred (\$3,500.00) Dollars from the "Road Oil Fund" in the Street Commissioners Department of the Board of Public Works to the "Unimproved Street Fund" in the Street Commissioners Department of the Board of Public Works.

I respectfully recommend the passage of this ordinance.

Yours very truly,

JOS. L. HOGUE,
City Controller.

May 22, 1922.

Mr. Joseph L. Hogue, City Controller, City of Indianapolis, Indiana:

Dear Sir—I am directed by the Board of Public Works to submit for your approval and transmission to the Common Council an ordinance transferring and reappropriating certain funds the sum of Three Thousand Five Hundred (\$3,500.00) Dollars from the "Road Oil Fund" in the Street Commissioners Department of the Board of Public Works to the "Unimproved Street Equipment Fund" in the Commissioners Department of the Board of Public Works.

Yours very truly,

GEO. O. HUTSELL,
Clerk, Board of Public Works, City of Indianapolis.

May 3, 1922.

To the Honorable Board of Public Works City:

Gentlemen—The prolonged rainy season has greatly retarded the Street Oiling activities so that a considerable saving in Road Oil funds will be recorded. This money saved is badly needed in procuring equipment for the Unimproved Street Department of this office, at present hampered because of lack of appropriation .

The undersigned petitions therefore to transfer Thirty five Hundred Dollars from the Road Oil Fund to a "Unimproved Street Equipment Fund" to permit factory overhauling of equipment where needed.

Respectfully yours,

MARTIN J. HYLAND,
Street Commissioner.

Approved May 5, 1922.

C. E. COFFIN,
W. H. FREEMAN,
M. J. SPENCER,
Board of Public Works.

June 5, 1922.

To the President and Members of the Common Council, City of Indianapolis:

Gentlemen—I hand you herewith a communication from the Board of Public Works asking for the passage of an ordinance pertaining to the transfer and reappropriation of the sum of Four Hundred Sixty-seven and 68/100 (\$467.68) Dollars from the Electric Gas and Vapor Lights Fund of the Department of Public Works to the Erroneous Assessment Fund of the Department of Public Works for the purpose of paying the judgment recovered by Hugo Wuelfing against the City of Indianapolis on November 3rd, 1921, in Cause No. 33231 in the Marion Circuit Court.

I respectfully recommend the passage of this ordinance.

Yours truly,

JOS. L. HOGUE,
City Controller.

June 5, 1922.

Mr. Joseph L. Hogue, City Controller, City:

Dear Sir—I am directed by the Board of Public Works to submit for your approval and transmission to the Common Council an ordinance pertaining to the transfer and reappropriation of the sum of Four Hundred Sixty seven and 68/100 (\$467.68) Dollars from the Electric Gas and Vapor Lights Fund of the Department of Public Works to the Erroneous Assessment Fund of the Department of Public Works for the purpose of paying the judgment recovered by Hugo Wuelfing against the City of Indianapolis on November 3rd, 1921, in Cause No. 33231 in the Marion Circuit Court.

Yours truly,
GEO. O. HUTSELL,
Clerk, Board of Public Works.

From the Board of Public Works:

June 5, 1922.

Mr. John Rhodehamel,
City Clerk,
City of Indianapolis, Ind.

Dear Sir—I am submitting herewith for transmission to the Common Council, a contract between the Board of Public Works and the Indianapolis Light & Heat Company, for the right to lay and maintain a switch and side track along Northwestern Avenue.

Very truly yours,
GEO. O. HUTSELL,
Clerk, Board of Public Works.

May 31, 1921.

Mr. John W. Rhodehamel,
City Clerk,
City of Indianapolis.

Dear Sir—I hand you herewith for transmission to the Common Council, Twelve (12) copies of an ordinance, and communications therewith, pertaining to the permanent improvement of Forty-third Street from the east property line of Meridian Street to the west property line of Central Avenue.

Yours truly,
JAMES M. OGDEN,
City Attorney.

May 31, 1921.

Mr. James M. Ogden,
City Attorney,
City of Indianapolis.

Dear Sir—The Board of Public Works orders that you prepare an ordinance for the permanent improvement of Forty-third Street, from the east property line of Meridian Street to the west property line of Central Avenue, as provided by Improvement Resolution No. 10212.

Yours very truly,
GEO. O. HUTSELL,
Clerk, Board of Public Works.

June 5, 1922.

Mr. John W. Rhodehamel,
City Clerk,
City of Indianapolis.

Dear Sir—I am directed by the Board of Public Works to hand you for transmission to the Common Council, Twelve (12) copies of an ordinance and communications therewith pertaining to the sale of certain personal property belonging to the City of Indianapolis.

Yours truly,
GEO. O. HUTSELL,
Clerk, Board of Public Works.

From the City Civil Engineer:

May 25, 1922.

John W. Rhodehamel,
City Clerk,
City of Indianapolis.

Dear Sir—There is attached fifteen copies of a Special Ordinance for the annexation of certain territory in the vicinity of Sherman Drive, Raymond Street, Keystone Avenue and Minnesota Street. This territory is needed as it will be included in the district assessment on the Keystone Avenue Main Sewer.

Special Ordinance No. 8, which was passed May 15, 1922, was to take care of this district, but through an error in the description, the ordinance is invalid, and the attached ordinance is being submitted with a request that it be introduced in the Council for their consideration.

Yours very truly,
J. L. ELLIOTT,
City Civil Engineer.

REPORT FROM STANDING COMMITTEES.

From the Committee on Finance:

Indianapolis, Ind., June 5, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Public Safety, to whom was referred Appropriation Ordinance No. 13, 1922, entitled, "An ordinance appropriating the sum of Twenty-one Thousand One Hundred and Thirty-six Dollars and Thirteen Cents (\$21,136.13) to the Department of Public Safety out of the funds of the City of Indianapolis for the purpose of reimbursing the various funds of said Department of Public Safety, for bills, debts and obligations which accrued against said funds during the year 1921, which were unpaid on December 31, 1921, and have since been paid out of said funds of said Department and fixing a time when the same shall take effect," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

BEN H. THOMPSON,
JOHN E. KING,
I. L. BRAMBLETT,
H. W. BUCHANAN,

Mr. King moved that the report of the Committee be concurred in. Carried.

From the Committee on Parks:

Indianapolis, Ind. June 5, 1922.

To the President and Members of the Common Council of the City of Indianapolis, Indiana:

Gentlemen—We, your Committee on Parks, to whom was referred Special Ordinance No. 11, 1922, entitled, "An ordinance authorizing the sale, alienation and conveyance of Real Estate by the Board of Park Commissioners," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

I. L. BRAMBLETT,
H. W. BUCHANAN,
W. E. CLAUER,
JOHN E. KING,
OTTO RAY,

Mr. Bramblett moved that the report of the Committee be concurred in. Carried.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller:

APPROPRIATION ORDINANCE NO. 16, 1922.

AN ORDINANCE making an appropriation of Sixty (\$60.00) Dollars, to the Department of Finance, for the purpose of refunding to Mr. S. G. Joseph, representative for the L. J. Heth Shows, the sum of Sixty (\$60.00) Dollars, paid for License to exhibit in the City of Indianapolis, Indiana, during the week of May 29, 1922.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That there be and hereby is, appropriated to the Department of Finance, the sum of Sixty (\$60.00) Dollars, to be known as the "Refund of License Fund," for the purpose of refunding to S. G. Joseph, representative for the L. J. Heth Shows, for License No. 191, 1922, to operate carnival at the corner of Tremont Avenue and West Michigan Street, in the City of Indianapolis, Indiana, during the week of May 29, 1922, said engagement having been cancelled by the L. J. Heth Show Company.

Sec. 2. 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.

By the City Controller:

APPROPRIATION ORDINANCE NO. 17, 1922.

AN ORDINANCE, appropriating the sum of Eighteen Hundred Sixty-one Dollars and Fifty-eight Cents (\$1,861.58), to the Department of Public Works of the City of Indianapolis, Indiana, for the purpose of paying the City's portion of the expense of conducting a Free Employment Bureau, during the balance of the year 1922, as provided in a contract entered into on the 6th day of June, 1921, by and between the City of Indianapolis, by and through its Board of Public Works, and the Industrial Board of Indiana, which contract was ratified, confirmed and approved by General Ordinance No. 39, 1921, and fixing a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That there be and is hereby appropriated to the Department of Public Works of the City of Indianapolis, Indiana, the sum of Eighteen Hundred and Sixty-one Dollars and Fifty-eight Cents (\$1,861.58), to pay the City's portion of the expense during the balance of the year 1922, of conducting the Free Employment Bureau as provided in the contract approved by the Common Council of the City of Indianapolis, in General Ordinance No. 39, 1921.

Sec. 2. 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.

By the City Controller:

APPROPRIATION ORDINANCE NO. 18, 1922.

AN ORDINANCE, appropriating the sum of Three Thousand, Seven Hundred and Two Dollars and Nine Cents (\$3,702.09) to the Department of Public Works for the purpose of paying the costs in the proceedings in the Marion Circuit Court No. 2,190, calling for the building of the Washington Boulevard Main Sewer, both within and without the corporate limits of the City of Indianapolis, and providing a time when the same shall take effect.

WHEREAS, the Board of Public Works of the City of Indianapolis on the 31st day of August, 1921, finally adopted improvement resolution No. 10,002, calling for the building of the Washington Boulevard Main Sewer from 51st Street to Winthrop Avenue with appurtenances thereto, in and along certain other streets connecting therewith, and,

WHEREAS, on the 7th day of September, 1921, the Board of Public Works filed with the Marion Circuit Court, a copy of all the proceedings had before said Board in the matter of said improvement under said resolution No. 10,022 and prayed that the Court set a day for hearing and determine whether said improvement should be made as proposed, all as required by law, and which said proceeding was docketed in said Court as Cause No. 2,190, and,

WHEREAS, on the first day of October, 1921, said Court held said hearing and ordered that said Main Sewer be constructed in accordance with the plans and specifications and in all things as set forth and described in said resolution, No. 10,022, by said Board of Public Works, and,

WHEREAS, as provided by law, said Board of Public Works advertised for and received bids for said improvement and on the 19th day of October, 1922, awarded the contract for the construction of said Main Sewer to the lowest and best bidder, namely, Columbia Construction Company for the sum of \$107,694.00, and,

WHEREAS, on the — day of October, 1921, said Board of Public Works filed its report with said Court setting forth the fact that it had awarded said contract as aforesaid and prayed that the Court appoint three competent disinterested persons residing within the said County as assessors to be known as the Board of Assessors for said improvement, to inspect the line of said improvement and the properties within such district and estimate and assess the benefits against each piece of property to be benefited by said work and award damages to each piece of property to be injuriously affected thereby, which said properties to be assessed are both within and without the corporate limits of the City of Indianapolis.

WHEREAS, on the — day of October, 1921, the Marion Circuit Court approved said report of said Board of Public Works and appointed Frank J. Noll, Jr., Albert J. Hueber and Harold H. Hunter as the Board of Assessors, and,

WHEREAS, said Board of Assessors under the direction of said Court has made said assessments and done all things as required by law and did make its final assessment roll and final report on the 25th day of April, 1922, and filed the same with said Court which said final report and final assessment roll were finally approved by said Court and said Court on said date by proper order made an allowance of \$900.00, each to said Board of Assessors and their attorney, namely, Harry E. Yockey, theretofore appointed by the Court, amounting to a total of \$3,600.00, which said allowances were taxed as costs of the proceedings by the Court, and,

WHEREAS, by order of Court in said proceedings there was taxed the following additional costs to-wit: Clerk \$4.75, Docket \$2.00, Indianapolis Commercial for advertising \$44.60, Clerk, for certified copies of final assessment roll to the Department of Finance of the City of Indianapolis and the Treasurer of Marion County, Indiana, \$1.00, and Star Publishing Company for advertising, \$49.74, making a total of \$102.09, and,

WHEREAS, said improvement has been completed and finally accepted by said Board of Public Works and all things necessary to be done have been done and completed and said total amount of costs finally taxed by the Court in said proceedings as aforesaid for \$3,702.09.

NOW, THEREFORE:

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That there be and is hereby appropriated the sum of \$3,702.09 to the Department of Public Works of the City of Indianapolis, for the purpose of paying said total costs in said proceeding in the Marion Circuit Court, Cause No. 2,190 as hereinbefore set out and enumerated.

Sec. 2. 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.

By the City Controller:

APPROPRIATION ORDINANCE NO. 19, 1922.

AN ORDINANCE, authorizing the appointment of a committee by the President of the Common Council of the City of Indianapolis, to consist of three (3) members of said Common Council to investigate traffic conditions in other cities, and appropriating the sum of Two Hundred and Fifty (\$250.00) Dollars with, and out of which to pay the expense of said committee, providing a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That the President of the Common Council of the City of Indianapolis, be and is hereby authorized to appoint a committee of three (3) members of the Common Council to investigate traffic conditions in other cities.

Sec. 2. That there be and is hereby appropriated the sum of Two Hundred and Fifty (\$250.00) Dollars, with and out of which to pay the expenses of said committee in making said investigation.

Sec. 3. 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.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the City Controller:

GENERAL ORDINANCE NO. 32, 1922.

AN ORDINANCE, amending Section 4, of General Ordinance No. 70, 1921, amending Section 294 and other Sections of General Ordinance No. 12, 1917, and declaring a time when same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That Section 4, of General Ordinance No. 70, 1921, amending Section 294 and other sections of General Ordinance No. 12, 1917, be and the same is hereby amended to read as follows:

Section 4. That Section 294 of General Ordinance No. 12, 1917, be and the same is hereby amended to read as follows:

Section 294—FOURTH-CLASS BUILDINGS. (a) No building of the fourth-class shall be built over two and one-half (2½) stories high. (b) Iron clad brick or stone veneer and stucco buildings over

a wood frame work shall be considered as fourth-class under this code.

Section 2. 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 Public Safety.

By the City Controller:

GENERAL ORDINANCE NO. 53, 1922.

AN ORDINANCE transferring and re-appropriating certain funds under the Department of Public Works, and declaring a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That there be and is hereby transferred from the "Road-oil-fund" under the Department of Public Works, the sum of Three Thousand Five Hundred (3,500.00) Dollars and that the same be and is hereby re-appropriated to the "Unimproved-Street-Equipment fund" in the Street Commissioners Department of the Board of Public Works.

Section 2. THAT WHEREAS, an emergency exists for the transfer and re-appropriation herein made, 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 Public Works.

By the City Controller:

GENERAL ORDINANCE NO. 54, 1922.

AN ORDINANCE transferring a certain sum of money from certain funds, and re-appropriating the same to certain funds under the Department of Public Works of the City of Indianapolis, Indiana, for the purpose of paying the amount of a certain judgment and costs recovered on a certain reduced assessment in the Marion Circuit Court in an appeal from the assessment made by the Board of Public Works, and declaring a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That the sum of Four Hundred and Sixty-seven Dollars and Sixty-eight cents (\$467.68) be and the same is hereby transferred from the Electric, Gas and Vapor Lights Fund of the Department of Public Works, and that the same be and is hereby appropriated and transferred to the Erroneous Assessment Fund of the Department of Public Works for the purpose of paying the judgment recovered by Hugo Wuelfing against the City of Indianapolis, on November 3rd., 1921, in censor No. 23,251 in Marion Circuit Court on a reduced assessment for Four Hundred and Sixty Dollars and Seventy-eight

cents (\$460.78), same being an appeal from an assessment made by the Board of Public Works, and also for paying the cost in said action assessed at Six Dollars and Ninety cents (\$6.90), making a total of Four Hundred and Sixty-seven Dollars and Sixty-eight cents (\$467.68)

Section 2. 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 Public Works.

By the Board of Public Works:

SWITCH CONTRACT

GENERAL ORDINANCE NO. 55,1922.

AN ORDINANCE approving a certainn contract granting The Indianapolis Light and Heat Company the right to lay and maintain a sidetrack or switch on and across Northwestern Avenue, according to blue print attached in the City of Indianapolis, Ind.

WHEREAS, hertofore, to-wit: on the fifth day of June, 1922, The Indianapolis Light and Heat Company, filed its petition before the Board of Public Works of the City of Indianapolis, as follows:
To the Board of Public Works,

City of Indianapolis

Gentlemen—The Indianapolis Light and Heat Company respectfully petition your Honorable Board to grant it the privilege and right to lay and maintain a switch on and over Northwestern Avenue, all as more fully set out in detail herein, and as shown by blue print filed herewith.

NOW, THEREFORE, this agreement made and entered into this fifth day of June 1922, by and between Indianapolis Light and Heat Company of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

Witnesseth: That the party of the first part, being desirous of securing a right of way for a sidetrack or switch from on and over Northwestern Avenue in the City of Indianapolis, which is more specifically described as follows:

Starting at a point eight hundred and fifty (850) feet North West of the West Side of Northwestern Avenue and continuing in a direction South East eighty-two (82) feet across Northwestern Avenue and parallel to and thirteen (13) feet from center of track to center track South West of the old Chicago Division Main Track of the Cincinnati, Cleveland and St. Louis Railroad Company, thence to a point one hundred and thirty-five (135) feet South East where said track joins the present switch entering the property of the Indianapolis Light and Heat Company, all as more fully shown by blue print attached hereto and made a part of this petition, hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, he will lay, construct and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise and shall at all

times, be subject to the orders of the Board of Public Works of the City of Indianapolis.

(2) Said track and switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approved. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board, and shall be made to conform in all respects with any ordinance passed by the Common Council or with any resolution or resolutions made by said Board, for the elevation or depression of said tracks.

(3) The crossing where said track intersects Northwestern Avenue shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon, except for such time as may be absolutely necessary in moving them back and forth and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any good cause affecting the interest of the City or the public welfare, to take up and remove said track, and upon said party's failure to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair or remove same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violations of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this contract, provided, however, that the same may be terminated by said Board as hereinbefore set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporation," approved March 6, 1905, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional sidetrack or switch across Northwestern Avenue in the City of Indianapolis, all as shown by the drawing

attached hereto, filed herewith and for greater certainty marked "Ehibit A." This Contract shall be null and void unless Switch is completed within one year of the date of approval by the Common Council.

IN WITNESS WHEREOF, we have hereunto set our hands this fifth day of June, 1922

INDIANAPOLIS LIGHT AND HEAT COMPANY

By Thomas A. Wynne, President,
Party of the First Part.

Witness:

E. G. Ralston.

CITY OF INDIANAPOLIS

By

CHARLES E. COFFIN, President
W. H. FREEMAN,
M. J. SPENCER,

Board of Public Works, Party of the Second Part.

AND, WHEREAS, Said contract has been submitted by the Board of Public Works to the Common Council of the City of Indianapolis, for its consideration and action, now, therefore,

Section 1. Be it ordained by the Common Council of the City Indianapolis, Indiana, that such contract above set forth be, and the same is hereby in all things confirmed and approved.

Section 2. 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 Public Works.

By the Board of Public Works:

GENERAL ORDINANCE NO. 56, 1922.

AN ORDINANCE ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve Forty-third Street from the east property line of Meridian Street to the west property line of Central Avenue, and by virtue of Improvement Resolution No. 10212 of the Board of Public Works, and declaring a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That WHEREAS the Board of Public Works of the City of Indianapolis, Indiana, in the manner prescribed by law, adopted on the 10th day of April, 1922 advertised the same as required by law, and confirmed without modification on the first day of May, 1922, Improvement Resolution No. 10212 of the Board of Public Works for the permanent improvement of Forty-third Street from the east property line of Meridian Street to the west property line of Central Avenue in the City of Indianapolis, and

WHEREAS, within ten days after the confirmation of said resolution a majority of the resident freeholders abutting on said street filed their remonstrance before said Board of Public Works remonstrating against said improvements.

NOW, THEREFORE be it ordained by the Common Council of the City of Indianapolis, Ind., that the Board of Public Works of

the City of Indianapolis, Ind., be, and the same is hereby ordered to improve said Forty-third Street from the east property line of Meridian Street to the west property line of Central Avenue, all in accordance with Improvement Resolution No. 10212 of the Board of Public Works.

Section 2. This ordinance shall be in full force and effect from and after its passage.

Which was read a first time.

Mr. King moved that the rules be suspended and General Ordinance No. 56, 1922, be placed upon its passage.

The roll was called and the rules were suspended by the following vote:

Ayes, 8, viz.: Messrs. Bramblett, Buchanan, Clauer, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. King called for General Ordinance No. 56, 1922, for second reading. It was read a second time.

Mr. King moved that General Ordinance No. 56, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 56, 1922, was read a third time and passed by the following vote:

Ayes, 8 viz.: Messrs. Bramblett, Buchanan, Clauer, King, Ray, Thompson, Wise and President Theodore J. Bernd.

By Mr. Wise:

GENERAL ORDINANCE NO. 57, 1922.

AN ORDINANCE regulating and locating markets, declaring a nuisance, providing for its abatement, and declaring an emergency.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That it shall be unlawful for any person, firm or corporation, hereafter, to erect a market house, or market place or conduct, operate or maintain a public or private market for the sale of food products in the City of Indianapolis, except as hereinafter provided.

Sec. 2. No market house or market place for the sale of food stuffs or products shall be hereafter erected, maintained or operated within five hundred (500) feet of a private residence, apartment house or premises used exclusively for residence purposes.

Sec. 3. A market house or market place as described herein is hereby defined as a public or private place wherein stands or stalls are rented or leased for a valuable consideration for the purpose of selling and displaying for sale any food stuffs, food products, meats, fish, poultry, eggs, or vegetables, to the general public.

Sec. 4. Every market house or market place so erected, operated or maintained in violation of this provision of the ordinance is hereby declared to be a nuisance; and it shall be lawful for any owner of a lot or premises, opposite or adjacent to such market place, or house, to abate and remove the same and he may, by proper action recover of and from any person violating any of the provisions of this ordinance the amount of money expended by him in and about the abatement and removal of the same.

Sec. 5. WHEREAS, an emergency exists for the immediate taking effect of this ordinance, the same is now declared to be in full force and effect from and after its passage.

Which was read a first time.

Mr. Wise moved that the rules be suspended and General Ordinance No. 57, 1922, be placed upon its passage.

The roll was called and the rules were suspended by the following vote:

Ayes, 8, viz.: Messrs. Bramblett, Buchanan, Clauer, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Wise called for General Ordinance No. 57; 1922, for second reading. It was read a second time.

Mr. Wise moved that General Ordinance No. 57, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 57, 1922, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Bramblett, Buchanan, Clauer, King, Ray, Thompson, Wise and President Theodore J. Bernd.

By the City Civil Engineer:

SPECIAL ORDINANCE NO. 12, 1922.

AN ORDINANCE annexing certain territory to the City of Indianapolis, Indiana, and defining a part of the boundary line of said City, and fixing a time when the same shall take effect.

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That the City of Indianapolis be and the same is hereby extended so as to include the following described contiguous territory all of which is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, in Marion County, Indiana.

Sec. 2. Beginning on the present corporation line at the intersection of Minnesota Street and South Sherman Drive; thence south with the center line of South Sherman Drive to the center line of Raymond Street; thence west along the center line of Raymond Street to the center line of Bethel Avenue; thence northwest with the center line of Bethel Avenue to the center line of Canby Street; thence south with the center line of Canby Street to the center line of Raymond Street; thence west with the center line of Raymond Street to the center line of Keystone Avenue; thence north with the center line of Keystone Avenue to the present corporation line; thence north, east, south, east, north and east with the present corporation line to the point or place of beginning.

Sec. 3. 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 Parks.

From the Board of Public Works:

SPECIAL ORDINANCE NO. 13, 1922.

AN ORDINANCE, authorizing the sale of certain personal property of the City of Indianapolis, by and through its Board of Public Works, and declaring a time when the same shall take effect.

WHEREAS, on the 10th day of April, 1922, under and pursuant to Property Sale Resolution N. 2 of the Year 1922, of the Board of Public works of the City of Indianapolis, Indiana, said Board resolved that certain personal property belonging to the City of Indianapolis, and under the care and custody of said Board was and is no longer needed and no longer fit for the purpose for which it was intended, and that a petition be filed in the Marion Circuit Court for the appointment of appraisers to appraise the same, and that such other proceedings be had toward the sale thereof, which said property is hereinafter set out in said appraisers' report; and

WHEREAS, said City of Indianapolis, by and through its Board, filed in the Marion Circuit Court, on the 29th day of April, 1922, its petition for the appointment of said appraisers to appraise said property; and

WHEREAS, said Court on the 29th day of April, 1922, appointed three (3) disinterested freeholders of the City of Indianapolis, none of whom is an officer or employe of said City of Indianapolis, as appraisers, to make an appraisalment and sworn valuation of said

property and make a return thereof to the Mayor of the City of Indianapolis; and

WHEREAS, said appraisers did make a sworn valuation and appraisal of said property, and made return thereof to the Mayor of the City of Indianapolis; and

WHEREAS, the Mayor of the City of Indianapolis, did on the 3rd day of June 1922, approved in writing said sworn valuation and appraisal, which said sworn valuation and appraisal of said appraisers, and said approval thereof by the Mayor of the City of Indianapolis is in the words and figures as follows, to-wit:

"To the Mayor of the City of Indianapolis, Indianapolis, Indiana:

Dear Sir—The undersigned, being duly sworn on oath, depose and say:

That having been duly appointed by the Judge of the Marion Circuit Court in and for said County and State aforesaid, to make appraisements and sworn valuation of certain personal properties inventoried by the City of Indianapolis by and through its Board of Public Works, under and by virtue of Property Sale Resolution No. 2, of said Board for the purpose of making sale of the same, we do now hereby, honestly and truly, appraise such property as being of the fair and reasonable value herein indicated as follows:

ASPHALT PLANT

(2) Two Iroquois Surface Burners, \$10.00 each.....	\$ 20.00
(4) Four Iroquois Tar Kettles, in use.....	
(2) Two Tool Heaters, in use.....	
(1) Plow Hand, in use.....	
(1) One Oil Pump Garden City Pan, not at plant.....	
(1) One Stone Rust Kettle, not at plant.....	
(1) One Iron Pump, in use.....	
(1) One Brass Hand Pump, not at plant.....	
Boiler Flues, in use.....	

SHELBY STREET BARNS—IN CARE OF STREET COMMISSIONER.

(2) Two Kelly Trucks, Nos. 29 and 30, \$500.00 each.....	1,000.00
(1) One Overland Roadster, No. 12.....	40.00

CITY YARDS

Old Iron and Auto Parts.....	76.00
------------------------------	-------

CITY HOSPITAL

(60) Sixty Barrels	12.00
(20) Twenty Boxes	10.00

MUNICIPAL GARAGE

(106) Tires (junk), \$10.00, and 184 Tubes (junk), \$5.00....	15.00
(1) One Ford Roadster, 1914, No. number.....	75.00
(1) One Maxweel Truck, No. 68.....	175.00
(1) One Elgin Sweeper, No. 76, Serial No. 5371.....	500.00
(1) One Elgin Sweeper, No. 77, Serial No. 5366.....	500.00
(1) One Maxwell Truck, No. 71, Serial No. 243067.....	175.00
(1) One Maxwell Truck, No. 69, Serial No. 230825.....	175.00
(1) One Maxwell Truck, No. 65, Serial No. Plain.....	175.00
(1) One Maxwell Truck, No. 66, Serial No. 231917.....	175.00
(1) One Maxwell Truck, No. 70, Serial No. Plain.....	175.00
(1) One Maxwell Truck, No. 78, Serial No. 258792.....	175.00
(1) One Maxwell Truck, No. 67, Serial No. Plain.....	175.00

	(1) One Dixie Magneto	
	(1) One Remy Magneto	
	(1) Two Coil Boxes	
	(2) Two Switch Boxes	
	(8) Eight Generators	
	(2) Two Armatures	
	All	50.00
(1)	One pile of junk, consisting of motor parts about 2,500 lbs.	8.00
(2)	Two cars from Recreation Department, as follows:	
(1)	One Reo Truck	125.00
(1)	One Lexington Touring Car	25.00

CITY VETERINARY DEPT.

(1)	One Mule, Maud	\$ 25.00
(1)	One Mule, Dick	25.00
(1)	One Mule, Goldie	25.00

STREET CLEANING DEPT.

(1)	One, One Horse Buggy	3.00
(1)	One Patrol Wagon (two horse drawn)	25.00
(1)	One lot of Scrap Iron	5.00
(1)	One lot of Horse Collars from Fire Department	25.00
(1)	One 400 gallon Water Tank	100.00
(1)	One lot of Double Harness	25.00
(1)	One lot of old Mule Shoes	5.00
(1)	One Single Surrey	5.00
(2)	Two Iron Dump Beds, \$10.00 each	20.00
(3)	Three Sprinkling Tanks, \$125.00 each	375.00
(7)	Seven Old Tank Wagons, \$250.00 each	1,750.00
(8)	Eight Squeeges, \$250.00 each	2,000.00
(5)	Five Large Wagon Wheels, \$1.25 each	6.25
(1)	One Maxwell Truck, No. 68 duplicates	
(21)	Twenty-one Iron Oil barrels, 52 gal. each, doesn't belong to City.	
(2)	Two Good Barrels, 52 Gallons each, \$.75 each	1.50
(1)	One Lot Wire Rope50

Total\$8,277.25

Respectfully submitted,
 HENRY W. KRAEMER
 TIMOTHY W. SEXTON
 PATRICK J. CAHALANE
Appraisers.

State of Indiana, County of Marion, SS:

Subscribed and sworn to before me a Notary Public in and for the above County and State, this 1st day of June, 1922.

BENNE M. REID, *Notary Public.*

My Commission expires the 15th day of June, 1925.

I, Samuel Lewis Shank, Mayor of the City of Indianapolis, Indiana, do hereby approve the foregoing proceedings and contemplated sale of the properties herein inventoried, and also approve the appraisements and sworn valuation made by the said appraisers.

Dated this 3rd day of June, 1922.

S. L. SHANK,
Mayor.

City of Indianapolis.

NOW THEREFORE,

Be it Ordained by the Common Council of the City of Indianapolis, Indiana:

Section 1. That the City of Indianapolis, by and through its said Board of Public Works is hereby authorized to sell said property hereinbefore set out in said appraisers' sworn valuation and appraisal for cash at public or private sale for not less than its full said appraised value. Such sale shall be upon such notice, if any, as said Board shall determine, or may have determined, and said property may be sold separately or in one lot.

Sec. 2. 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 Public Works.

ORDINANCES ON SECOND READING.

Mr. Thompson called for Appropriation Ordinance No. 13, 1922, for second reading. It was read a second time.

Mr. Thompson moved that Appropriation Ordinance No. 13, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 13, 1922, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Bramblett, Buchanan, Clauer, King, Ray, Thompson, Wise and President Theodore J. Bernd.

Mr. Bramblett called for Special Ordinance No. 11, 1922, for second reading. It was read a second time.

Mr. Bramblett moved that Special Ordinance No. 11, 1922, be ordered engrossed, read a third time and placed upon its passage. Carried. -

Special Ordinance No. 11, 1922, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Bramblett, Buchanan, Clauer, King, Ray, Thompson, Wise and President Theodore J. Bernd.

June 5, 1922]

CITY OF INDIANAPOLIS, IND.

279

On motion of Mr. Clauer, the Common Council at 8:55 o'clock p. m. adjourned.

Theo. J. Bernd

President.

Attest:

John N. Rhodehamel

City Clerk.