

REGULAR MEETING

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, May 7, 1923, at 7:30 o'clock in regular session, President John E. King in the chair.

Present: The Hon. John E. King, President of the Common Council, and eight members, viz.: Messrs. Bernd, Bramblett, Buchanan, Clauer, Claycombe, Ray, Thompson and Wise.

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

COMMUNICATIONS FROM THE MAYOR

April 27, 1923.

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

Gentlemen—I have this day approved, signed and delivered to John W. Rhodehamel, City Clerk, the following ordinances:

GENERAL ORDINANCE NO. 40, 1923, an ordinance amending Section 956 of General Ordinance No. 12, 1917, and declaring a time when the same shall take effect.

GENERAL ORDINANCE NO. 42, 1923, an ordinance repealing Sub-Section 19, of Section 866 of General Ordinance No. 12, 1917, being an ordinance concerning the government of the City of Indianapolis, providing penalties for its violation, with stated exceptions and repealing all former ordinances.

GENERAL ORDINANCE NO. 44, 1923, an ordinance confirming and approving a certain contract made and entered into on the 9th day of April, 1923, by the City of Indianapolis, by and through its Board of Public Works with the approval of its Mayor, and the Buffalo Springfield Roller Company, of Springfield, Ohio, whereby said City is authorized to purchase from the Buffalo Springfield Roller Company one (1) Rebuilt Ten (10) Ton Kelly-Springfield Tandem Steam Roller equipped with steel rolls and separate steam steering gear for the sum of Two Thousand Nine Hundred and Ninety (\$2,290) Dollars, and declaring a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 16, 1923, an ordinance appropriating the sum of One Thousand Three Hundred and Sixty-nine Dollars and Ninety-one (\$1,369.91) Cents, to the fund of "Compensation to Injured City Employees" in the Department of Law for the payment of a claim against the City of Indianapolis, being Claim No..... before the Industrial Board of Indiana.

SPECIAL ORDINANCE NO. 8, 1923, an ordinance disannexing and throwing out of the corporate limits of the City of Indianapolis certain unplatted ground now a part of the City of Indianapolis.

Very truly yours,

LEW SHANK,
Mayor.

REPORTS FROM CITY OFFICERS

From the City Controller:

May 7, 1923.

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

Gentlemen—I hand you herewith a communication from the City Clerk asking for an appropriation of Three Hundred Dollars to the City Clerk's Office Salary Fund, to pay the increase in salary of the third assistant City Clerk, which salary was increased after the budget for 1923 was adopted, and no appropriation has since been made.

I submit also an ordinance for this appropriation and respectfully recommend its passage.

Very truly yours,

JOSEPH L. HOGUE,
City Controller.

May 5, 1923.

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

Dear Sir—I am enclosing herewith copies of an ordinance appropriating the sum of Three Hundred Dollars to the Salary Fund of the City Clerk's Office. This appropriation is necessary to pay the increase of Three Hundred Dollars per year granted to the Third Assistant City Clerk in October, 1922, and which was not included in the budget for 1923.

Would you please present this ordinance, with a recommendation for passage of same, to the Common Council at its next meeting?

Very truly yours,

JOHN W. RHODEHAMEL,
City Clerk.

May 7th, 1923.

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

Gentlemen—I hand you herewith a communication from the Board of Public Works asking for the passage of an ordinance authorizing the appropriation of Twenty-five Thousand (\$25,000.00) Dollars from the General Fund to a fund to be created and known as a "Special Survey and Improvement Fund."

This is to provide a fund to be used in making a survey and plans for a bridge and artificial lake and matters incident thereto in the vicinity of Thirty-eighth street and the Canal.

I respectfully recommend the passage of this ordinance.

Very truly yours,

JOS. L. HOGUE,
City Controller.

May 7th, 1923.

Mr. Jos. L. Hogue,
City Controller,
City.

Dear Sir—I am directed by the Board of Public Works to submit for your approval the transmission to the Common Council an ordinance authorizing the appropriation of Twenty-five Thousand (\$25,000.00) Dollars from the General Fund to a fund to be created and known as "A Special Survey and Improvement Fund."

This is to provide a fund to be used in making a survey and plans for a bridge and artificial lake and matters incident thereto in the vicinity of Thirty-eighth street and the Canal.

Yours truly,

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

May 4th, 1923.

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

Gentlemen—I hand you herewith a communication from the Board of Public Works asking for the passage of an ordinance authorizing a bond issue of Three Hundred Thousand (\$300,000.00) Dollars for a street resurfacing fund for the year 1923, to be used in resurfacing certain streets of the City of Indianapolis as provided for in Chapter 25, Acts of 1923, of the General Assembly of the State of Indiana, at pages 78 to 82, inclusive in said Acts of 1923.

I respectfully recommend the passage of this ordinance.

Yours truly,

JOS L. HOGUE,
City Controller.

May 4th, 1923.

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 authorizing a bond issue of Three Hundred Thousand (\$300,000.00) Dollars to a fund to be created and known as the "Street Resurfacing Fund."

This is to provide a fund for resurfacing streets in the City of Indianapolis during the year 1923, as provided for in Chapter 25, Acts of 1923, of the General Assembly of the State of Indiana, at pages 78 to 82 inclusive in said Acts of 1923.

Yours truly,

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

From the Board of Public Works:

April 25, 1923.

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

Dear Sir—I am submitting herewith for transmission to the Common Council, a contract between the Board of Public Works and

E. H. Moorman for the right to lay and maintain a switch from the Big Four tracks across Vermont street to the petitioner's property.

Very truly yours,

GEO. O. HUTSELL,
Clerk Board of Works.

April 23, 1923.

To the Board of Public Works.

Gentlemen—With return of attached petition for a switch contract filed by E. H. Moorman, for the right to lay and maintain a sidetrack or switch across Vermont street from the Big Four tracks, would recommend that same be granted, contract signed, and forwarded to the Common Council for their consideration.

Yours very truly,

J. L. ELLIOTT,
City Civil Engineer.

Approved

C. E. Coffin

W. H. Freeman

M. J. Spencer

Board of Public Works.

From the Board of Public Safety:

May 7th, 1923.

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

Dear Sir—At the request of the Board of Public Safety, I am sending you herewith copies of an ordinance providing for crossing flagmen at the intersection of South State Street and the Indianapolis Union Railway Company's tracks.

You will please transmit the same to the Common Council at the next meeting of that body.

Yours very truly,

WM. T. BAILEY,
Asst. City Attorney.

From the City Civil Engineer:

April 26th, 1923.

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

Gentlemen—There is attached twelve (12) copies of an ordinance for the annexation of some territory adjacent to the City of Indianapolis, lying north of Raymond street and west of Sherman Drive.

This annexation is requested because it includes the sewer district to be assessed for a sewer which must be constructed in Keystone avenue, south of Pleasant Run, before Keystone avenue can be paved from Minnesota street to Southeastern avenue.

The attached ordinance does not annex the ground occupied by the Township School.

Would request that this ordinance be given your favorable attention.

Yours very truly,

J. L. ELLIOTT,
City Civil Engineer.

REPORTS FROM STANDING COMMITTEES

From the Committee on Finance:

Indianapolis, Ind., May 7, 1923.

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

Gentlemen—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 19, 1923, entitled, "An Ordinance appropriating the sum of Four Thousand Six Hundred Sixty-Five (\$4,665.00) Dollars from any unexpended fund, to the City Civil Engineer's Laboratory Maintenance Fund for the purchase of one (1) R. ehle Testing Machine and necessary equipment and declaring 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
I. L. BRAMBLETT
L. D. CLAYCOMBE
THEO. J. BERND
WALTER W. WISE

Indianapolis, Ind., May 7, 1923.

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

Gentlemen—We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 18, 1923, entitled, "An Ordinance making an appropriation of Seven and 10/100 Dollars to the Department of Finance for the purpose of refunding to F. E. Wishmier the sum of Seven and 10/100 Dollars for a building permit issued April 2, 1923. Mr. Wishmier has decided not to build this building on account of the high cost of construction work and has asked for a refund on permit No. 3085," beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

BEN H. THOMPSON

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE NO. 22, 1923.

AN ORDINANCE appropriating the sum of Three Hundred (\$300.00) Dollars to the City Clerk's Office Salary Fund in the Department of Finance and fixing the 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 hereby is appropriated to the City Clerk's Office Salary Fund in the Department of Finance, the sum of Three Hundred (\$300.00) Dollars.

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 Finance.

By the City Controller:

APPROPRIATION ORDINANCE NO. 23, 1923.

AN ORDINANCE appropriating the sum of Twenty-five Thousand (\$25,000.00) Dollars to the Department of Public Works of the City of Indianapolis to a "Special Fund" hereby created and to be known as Special Survey and Improvement Fund, for the purpose of paying the survey fees, landscape fees and architects' fees, engineers' fees, boring tests and experimental work and other expenses incidental to the working out and putting on proper and feasible and possible plans, drawings and specifications for the construction of a dam, bridge and artificial lake, that will be of material benefit to said city all to be located in and across White River in the vicinity of 38th Street, and the Canal and authorizing the employment of competent and efficient experts and assistants to do the work and providing a time when the same shall take effect, said cost not to exceed Twenty-five Thousand (\$25,000.00) Dollars.

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

Section 1. The Board of Public Works of the City of Indianapolis, Indiana, is hereby authorized to employ such expert surveyors, landscape artists, engineers, experimental testers and all other competent and efficient expert and assistants, necessary to determine upon the possibility and feasibility of constructing a dam, bridge and artificial lake in and across White River in the Vicinity of 38th street and the Canal, and to cause to be prepared the plans, drawings and specifications for the construction of said improvements, if the same are found to be practical.

Section 2. That there be and is hereby appropriated the sum of Twenty-five Thousand (\$25,000.00) dollars to the Board of Public Works, of the City of Indianapolis, to a "Special Fund" hereby created and to be known as "Special Survey and Improvement Fund," for the purpose of paying said experts and assistants for the services authorized in Section one (1) of this ordinance; any surplus remaining in this fund may be expended for any other like purpose.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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. 50, 1923.

AN ORDINANCE authorizing the sale of Three Hundred (300) Bonds of One Thousand (\$1,000.00) Dollars each of the City of Indianapolis, Indiana, payable from the general revenue and funds of said city, or from the sinking fund of said city, or as may be required by law, for the purpose of procuring money to be used in the resurfacing and widening of streets and providing for the time and manner of advertising, sale of bonds and receipt of bids for the same, together with the mode and terms of sale, and appropriating the proceeds from the sale of said bonds to a fund to be created and known as the "Street Resurfacing Fund" of said City for use by the Department of Public Works of said city, and fixing a time when the same shall take effect.

WHEREAS, the General Assembly of the State of Indiana by Chapter 25 of the acts, passed at its regular session in 1923, passed an act entitled "An Act concerning the resurfacing and widening of permanently improved roadways in cities of the first class, providing for the levying of a special tax for the payment of the same, providing for the creation of a special fund and the collecting and disbursement of the same, and for the issuance of certain bonds of such cities for the payment of such resurfacing and widening during the year of 1923 and declaring an emergency." And

WHEREAS, by Section 6 of said Chapter 25 of the Acts of 1923, it is provided as follows:

"For the purpose of raising the money to pay the part or share of any city of the first class for the resurfacing of the roadway of any such street or streets under this act during the year 1923, such city shall have power and the Common Council is hereby authorized by ordinance approved by the Mayor for that purpose to make a permanent loan or loans in excess of Three Hundred Thousand (\$300,000.00) dollars at a rate of interest not exceeding six per cent per annum, payable semi-annually. The bonds of such city issued for such loan or loans shall be payable in equal series annually thereafter for a period of not exceeding five years, which loan or loans shall be made and the bonds issued and sold therefor, under the law as other permanent loans are made and as bonds are issued and sold therefor by cities of the first class. In order to provide for the payment of such bonds when they mature, it shall be the duty of the Common Council upon the recommendation of the Mayor and City Controller to levy in addition to all other taxes provided to be levied by cities of the first class for sinking fund purpose, such additional rates each year as will produce a sufficient amount to pay the principal of the bonds that may be issued under this act at the maturity thereof." And,

WHEREAS, the Board of Public Works of the City of Indianapolis has adopted a resolution requesting the Common Council of the City of Indianapolis to authorize a bond issue of Three Hundred Thousand (\$300,000.00) dollars to provide for a Street Resurfacing Fund for the year 1923 to be used in resurfacing streets of the City of Indianapolis, NOW THEREFORE,

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

Section 1. That the City Controller of said City be and is hereby authorizd for the purpose of procuring money to be used to pay said c.ty's part under the law for the purpose of resurfacing the streets of said city, to prepare and sell Three Hundred (300) new bonds of the City of Indianapolis, Marion County, of the sum of One Thousand (\$1,000.00) dollars each, which bonds shall bear date of 1923, and be numbered from one to three hundred (1 to 300) both inclusive, shall be designated as "Street Resurfacing Bonds of 1923," and shall be issued in five (5) equal annual series of Sixty Thousand (\$60,000.00) dollars each; first series shall mature on the first day of July, 1924, and one series on each first day of July thereafter to and including July 1, 1926, and shall bear interest at the rate of five (5) per cent per annum, payable semi-annually, and said installments of interest shall be evidenced by interest coupons attached to said bonds, and the first coupon attached to each of said bonds for the interest on said bonds from date of issue until the first day of July, 1924. Said bonds and interest coupons shall be negotiable and payable at the City Trust Company of Indianapolis, Indiana. Said bonds shall be signed by the Mayor and City Controller of the City of Indianapolis and attest by the City Clerk, who shall affix the seal of said city to each of said bonds and the interest coupons attached to said bonds shall be authenticated by a lithographed facsimile of the signatures of the Mayor and City Controller of said City engraved thereon, which shall for all purposes be taken and deemed to be equivalent to a manual signing thereof. Said bonds shall be prepared by the City Controller in due form, irrevocably pledging the faith and credit of the City of Indianapolis to the payment of the principal and interest stipulated therein, respectively.

It shall be the duty of the City Controller at the time of the issue and negotiation of said bonds to register in the book kept for that purpose all of said bonds so issued and negotiated in serial number, beginning with bond No. one (1), entering the date of issue, the amount of bond, the rate of interest, the date of maturity, the time and plan for payment of interest and the place of payment of principal; said bonds shall be prepared accordingly to the following forms and all blanks therein shall be properly filled in before the issue thereof:

No..... \$1,000.00

UNITED STATES OF AMERICA,
CITY OF INDIANAPOLIS,
MARION COUNTY, STATE OF INDIANA,
STREET RESURFACING BONDS OF 1923.

For value received, the City of Indianapolis in Marion County, State of Indiana, hereby promises to pay to the bearer without any relief from valuation or appraisalment laws on July first, at the City Trust Company of Indianapolis, Indiana, One Thousand (\$1,000.00) dollars in lawful money of the United States together with interest thereon at the rate of five per cent (5%) per annum from date until paid, the first interest payable on the first day of July, 1924, and interest thereafter payable semi annually on the first day of January and July respectively, on the presentation and surrender of the proper interest coupons hereunto attached and which are made a part of this bond. This bond is one of an issue of Three Hundred (300) bonds of One Thousand (\$1,000.00) dollars each numbered frow one

(1) to three hundred (300) both inclusive of date of
, 1923, issued by the City of Indianapolis pursuant to an
 ordinance passed by the Common Council of said City on the
 day of, 1923, and an act of the General Assembly
 of the State of Indiana entitled "An Act Concerning Municipal
 Corporations," approved March 6, 1905, and acts amendatory thereof
 and supplemental thereto. It is hereby certified that all things and
 acts required by laws of the State of Indiana and by ordinances
 of the Common Council of the City of Indianapolis precedent to the
 issuance of this bond have been done and performed in and about
 the authorization, appropriations, issuance, and complete execution
 of this bond, and it is further certified that this bond is within every
 limit of debt prescribed by the Constitution and Laws of the State
 of Indiana, and that the faith and credit of the City of Indianapolis,
 Indiana, is hereby irrevocably pledged to the punctual payment of
 the principal and interest of this bond according to its terms.

IN WITNESS WHEREOF the Common Council of the City of
 Indianapolis, Indiana, has caused this bond to be signed by the
 Mayor and City Controller, and attested by the City Clerk, and the
 corporate seal of said city to be hereunto affixed this as of the
 day of, 1923.

.....
 Mayor.

.....
 City Controller.

.....
 City Clerk.

Section 2. The City Controller shall, as soon as practicable
 after the passage of this ordinance advertise for bids or proposals
 for said bonds by at least one (1) insertion each week for
 two (2) weeks in two daily newspapers of general circulation, printed
 and published in the City of Indianapolis, and may otherwise advertise
 for such bids or proposals as he may deem advisable. Said advertise-
 ments shall describe said bonds with such minuteness and particu-
 larity of the City Controller may see fit, and shall set forth the
 amount of the bonds to be sold and the rate of interest they shall
 bear, that the bidder may bid all or any part of said bonds, the
 date of opening bids or proposals therefor, the right of the City
 Controller to reject any or all bids, the amount of deposit each
 bidder will be required to make, and when and where the bonds
 shall be delivered and paid for.

Section 3. Each and every bid and proposal shall be presented
 to the City Controller sealed and shall be accompanied by a duly
 certified check upon some reasonable bank in the City of Indian-
 apolis, Indiana, payable to the order of the City Treasurer or a sum
 of money which shall equal Two and One-half (2½) per centum of
 the face or par value of the bonds bid for, or proposed to be pur-
 chased. The City Controller shall continue to receive all bids or
 proposals therefor at the office of the City Controller until 12 o'-
 clock noon on the day fixed by the Controller and designated in
 the advertisement for receiving bids or proposals, at which time
 and place and between the said hour and two p. m. of said day he
 shall open said bids or proposals. The City Controller shall award
 said bonds, or if he shall see fit, a part or any number thereof, to
 the highest and best bidder therefor, but said Controller shall have
 the full right to reject any and all bids or proposals, or any part

thereof, and shall have the right to accept a part of any bid, and to award upon any bid the whole or less number of the bonds covered by such bid, he being the sole judge of the efficiency or insufficiency of any bid. He may also in his judgment and discretion award a part of said bonds to one bidder and a part to another. These provisions shall apply in the case of re-offering and re-advertisement of said bonds as hereinafter provided.

Section 4. In case the City Controller shall reject all bids submitted, or if he shall award only a part of said bonds, he shall re-advertise the bonds remaining unsold in the manner as herein prescribed for the original advertisement, but in such re-advertisement he is authorized and directed to fix the date and the time both for receiving and opening bids or proposals and for purchasers to take up and pay for the bonds which may be awarded. And he shall continue from time to time, in like manner re-advertise said bonds for sale until said bonds are sold.

Section 5. In case any bids or proposals shall not be accepted and there shall be no award of bonds thereon by the Controller he shall thereupon return to such unsuccessful bidder the certified check accompanying the same. If the Controller shall award the whole or any part of the bonds upon any bid or proposal, he shall thereupon deliver the certified check accompanying the same to the City Treasurer, who shall thereupon present the same for payment and shall be entitled to collect the same, and shall hold the proceeds collected thereon until the completion of the purchase and payment of the bonds so awarded. If, for any reason, said check shall not be paid upon presentation, such non-payment of said bonds upon the part of the purchaser, and the City, in that event, shall have the right to re-advertise said bonds for sale at once, and shall, in such event, retain said check and shall have the right to collect the same for its own use, and said check and proceeds thereof, when collected, shall be taken and deemed as agreed and liquidated damages for such breach of contract and as a payment thereof to the City. In case any successful bidder shall fail to complete the purchase of bonds so awarded, and to pay for the same within the time and manner herein required, or which may be prescribed by the City Controller, as herein provided, the proceeds of such certified check deposited by such bidder shall be taken, considered and deemed as agreed and liquidated damages for the breach of such bidder's contract of purchase, and shall be taken and deemed as a payment to the City for such damages, and shall be retained and held by such City for its use, but if such successful bidder shall complete the purchase of said bonds awarded to him pursuant to the provisions hereof and his bid and award thereon, said proceeds of said certified check shall thereupon be returned to such bidder; or, at the option of the City Controller, at the time of the completion of the sale and payment for bonds, said proceeds of said certified check may be applied and deemed a payment on account of the purchase of said bonds.

Section 6. Delivery of any bonds sold shall be made at the office of the City Treasurer of the City of Indianapolis, Indiana, upon such day or days as may be specified in the advertisement or re-advertisement for proposals, or within such time thereafter as may be fixed by the Controller, or at such time or times as may be agreed upon by the Controller and the purchaser or purchasers, and the Controller may extend the time for such delivery not more than ten (10) days after the day or days specified or agreed upon as above

provided, and the successful bidder or bidders shall take the bonds awarded to him or them and pay for the same at such place and times, and his or her refusal, neglect or omission to do so, shall be a breach of the contract of his bid or proposal, on account of which damages shall be retained or recovered as liquidated as provided in this ordinance.

Section 7. There is hereby created a special fund to be known as the "Street Resurfacing Fund."

Section 8. The full amount of the proceeds of the sale of said bonds authorized to be issued and sold by this ordinance is hereby appropriated to the Street Resurfacing Fund of said City for the use of the Department of Public Works of said City for street resurfacing and widening purposes.

Section 9. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

By the Board of Public Safety:

GENERAL ORDINANCE NO. 51, 1923.

AN ORDINANCE providing for a Crossing Watchman at the intersection of South State Street and the Indianapolis Union Railway Company's tracks; providing a penalty for the violation thereof 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. The Indianapolis Union Railway Company shall maintain crossing flagmen on the ground at the intersection of South State Street and said Company's tracks known as the Belt Railroad, said crossing flagmen shall be on duty from six o'clock a. m. until nine o'clock p. m. every day in the year.

Section 2. Any person who shall violate any of the provisions of this ordinance shall, on conviction, be fined in any sum not exceeding Two Hundred (\$200.00) Dollars.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

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

By thy Board of Public Works:

SWITCH CONTRACT

GENERAL ORDINANCE NO. 52, 1923

AN ORDINANCE approving a certain contract granting E. H. Moorman, 1011 E. Vermont street, the right to lay and maintain a sidetrack or switch from Vermont street to New York street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 12th day of April, 1923, Edward H. Moorman, 1011 E. Vermont street, Indianapolis, Indiana, Marion County, filed this petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION

To the Board of Public Works,
City of Indianapolis.

Gentlemen—I respectfully petition for the right of way for a switch at 1011 E. Vermont street, Indianapolis, Indiana.

Due to the track elevation I am compelled by the Big Four R. R. Company to vacate what was known as the old P. & E. main, which I have used for the past ten years, this track now to be used by the Big Four for a surface freight track. The switch which I am making petition for is to connect onto this surface freight track at the north side of Vermont street, and cross Vermont street and run through my ground to approximately thirty feet north of New York street, as per blue print attached.

NOW, THEREFORE, This agreement made and entered into this 12th day of April, 1923, by and between E. H. Moorman of the City of Indianapolis, Marion County, 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 C. C. C. & St. L. R. R. Co. across Vermont street, in the City of Indianapolis, which is more specifically described as follows: Sidetrack requested shall leave the C. C. C. & St. L. Ry. Co.'s old main track at a point five feet north of north line of Vermont street and run south and southeast across Vermont street, crossing the south line of Vermont street six and one-half feet east of the present Big Four P. & E. old main track, all as shown on blue print hereto attached, 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 setforth, 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 approval. 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 Vermont street 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 of public welfare, to take up and remove said track, and upon said party's failure so 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 hereinafter setforth.

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 corporations" approved March 6, 1905, and in consideration of the things hereinbefore setforth 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 Vermont street in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

This contract shall be null and void unless switch is constructed within one year from date of contract.

IN WITNESS WHEREOF, We have hereunto set our hands this 12th day of April, 1923.

Witness:

W. A. Williams

E. H. MOORMAN,
Party of the First Part
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 of Indianapolis, Indiana, that such contract above setforth 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 Mr. Thompson:

GENERAL ORDINANCE NO. 53, 1923

AN ORDINANCE repealing General Ordinance No. 114, 1922, and all amendments thereto, 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 General Ordinance No. 114, 1922, and any and all amendments thereto, be and the same are hereby repealed.

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 Law and Judiciary.

By the City Civil Engineer:

SPECIAL ORDINANCE NO. 9, 1923

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 continuous 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.

Section 2. Beginning at a point on the present corporation line, said point being the intersection of the center line of Raymond street and the center line of Canby street, thence east with the center line of Raymond street to a point, said point being the southeast corner of the south half of the west half of Section Seventeen (17) Township Fifteen (15) North Range, Four (4) East, and also the southwest corner of the property of Center Township School Number Four (4); thence north and along the east line of the west half of the above named section and also the west property line of the above named Township School to a point, said point being 4.92 chains north

of the center line of Raymond street; thence east and parallel to the center line of Raymond street and also along the north property line of the above named Township School a distance of five hundred (500) feet to a point, said point being 4.92 chains north of the center line of Raymond street; thence south and along the west property line of the above named Township School a distance of 4.92 chains to a point, said point being on the center line of Raymond street; thence east with the center line of Raymond street to the center line of Sherman Drive; thence north with the center line of Sherman Drive to the center line of Minnesota street and also the present corporation line; thence west, south, west, north, west and south with the present corporation line, to the point or place of beginning.

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 Parks.

By Mr. Wise:

SPECIAL ORDINANCE NO. 10, 1923

AN ORDINANCE creating a special fund to be known as the "City Market Fund," and setting out the source of said fund and the purposes for which it may be used, 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 created a special fund to be known as the "City Market Fund."

Section 2. That the City Controller be and is hereby directed to keep separate and distinct from every other fund all income of every nature received by the City of Indianapolis from the present City Market and all income of every nature received by the City of Indianapolis from any and all modifications and extensions of said City Market, and all income of every nature received by the City of Indianapolis from any market created or constructed in the future, and deposit all of said funds in the said "City Market Fund," which is hereby created.

Section 3. That said "City Market Fund" as above created shall be used only for the maintenance and structural upkeep of the market, and for the payment of bonds which may be hereafter issued for market buildings and market equipment, and said "City Market Fund" is hereby authorized to be used for said purposes.

Section 4. If at any time the said "City Market Fund" shall have an accumulation in excess of any of the needs or demands on said fund for market purposes the City Controller, or the Treasurer, is hereby authorized and directed to invest such surplus in short time improvement bonds, or in some other safe way, for the benefit of said "City Market Fund."

Section 5. This ordinance shall be in full force and effect on and after December 31, 1923.

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

By Mr. Claycombe:

SPECIAL ORDINANCE NO. 11, 1923

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 continuous 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.

Section 2. Beginning on the south line of Section 36, Township 17, North Range 3 East, where it intersects with the center line of Compton street and the present corporation line, thence north with the present corporation line and also the center line of Compton street to the center line of 63rd street; thence east with the present corporation line and also the center line of 63rd street, a distance of 555 feet, more or less, thence south with the present corporation line to a point, said point being on the south line of Section 36, Township 17, North Range 3 East, thence west with the south line of aforesaid section to a point or place of beginning.

Section 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.

By Mr. King:

SPECIAL ORDINANCE NO. 12, 1923

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 continuous 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.

Section 2. Beginning at a point on the present corporation line, said point being on the east line of Shelby street at its intersection with the center line of the first alley south of Martin street, thence south with the east line of Shelby street to the north line of Section Thirty-one (31) Township Fifteen (15) North Range Four (4) East, thence east with the north line of said section to the east line of the

northwest quarter of said section, thence south with the east line of said northwest quarter of said section to the south line of said northwest quarter of said section, thence west with said south line to the center line of Madison Road, thence northwest with the center line of Madison Road to the south line of Section Twenty-five (25) Township Fifteen (15) North Range Three (3) East, thence east with the south line of said section to the west line of Shelby street, thence north with the west line of Shelby street to the present corporation line, thence east and south with the present corporation line to the point or place of beginning.

Section 3. This ordinance shall be in full force and effect from and after its passage.

JOHN E. KING.

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

INTRODUCTION OF MISCELLANEOUS BUSINESS

By the Mayor:

April 30, 1923.

Mr. John E. King, President of the Common Council of the City of Indianapolis.

Dear Sir—Will you please take up with the Council the advisability of appointing a committee of three members of the Common Council to meet with Messrs. Hogue and Groninger for the purpose of considering any adjustments of city employees' salaries that might be made. This joint committee to carefully scrutinize the city's payroll and make recommendations to the Council.

Very truly yours,
S. L. SHANK,
Mayor.

On motion of Mr. Wise, President appointed the following Councilmen to serve as a committee to consider adjustments of city employees salaries: Messrs. Bernd, Wise and Clauer.

A public hearing was held on General Ordinance No. 39, 1923.

The following remonstrance was filed by Fred S. Carter, et al.:

State of Indiana, Couty of Marion, ss:
BEFORE THE INDIANAPOLIS CITY COUNCIL
GENERAL ORDINANCE NO. 39, 1923

Objections and Remonstrances of Fred L. Carter, et al.

We, the undersigned, owners of real estate lying north of Forty-sixth street and south of Forty-eighth or Forty-ninth street and west

of Carvel avenue and the Monon Railroad, hereby protest and object to so much of said ordinance as seeks to declare any portion of said real estate in the residence district, or any other district than that said real estate be declared within the industrial district and that the same may be used for industrial purposes.

That a portion of the above described real estate is also being used for industrial purposes. The lands immediately north are about to be used for that purpose while the lands immediately west and north are being used for industrial purposes.

Dated May 7, 1923.

FRED L. CARTER
EDWARD L. SELVAGE
MARY M. SELVAGE

On motion of Mr. Claycombe, General Ordinance No. 39, 1923, was referred to the City Plan Commission for further recommendations.

ORDINANCES ON SECOND READING

Mr. Thompson called for Appropriation Ordinance No. 18, 1923, for second reading. It was read a second time.

Mr. Thompson moved that Appropriation Ordinance No. 18, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 18, 1923, was read a third time and failed to pass by the following vote:

Ayes, 5, viz.: Messrs, Buchanan, Clauer, Ray, Thompson and President John E. King.

Noes, 4, viz.: Messrs. Bernd, Bramblett, Claycombe and Wise.

Mr. Thompson called for Appropriation Ordinance No. 19, 1923, for second reading. It was read a second time.

Mr. Thompson moved that Appropriation Ordinance No. 19, 1923, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 19, 1923, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bernd, Bramblett, Buchanan, Clauer, Claycombe, Ray, Thompson, Wise and President John E. King.

By Mr. Thompson:

Indianapolis, Ind., May 7, 1923.

Mr. President:

I move that Appropriation Ordinance No. 11, 1923, be amended by striking out the words and figures \$22,710.99 wherever the same appear in said ordinance and inserting in lieu thereof the following words and figures: \$9,693.00.

BEN H. THOMPSON, Councilman.

Mr. Thompson moved that Appropriation Ordinance No. 11, 1923, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 11, 1923, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Bernd, Bramblett, Buchanan, Clauer, Claycombe, Ray, Thompson, Wise and President John E. King.

On motion of Mr. Wise, the Common Council, at 9:30 o'clock p. m., adjourned.

John E. King

Attest:

President.

John N. Rhodehamel

City Clerk.