

REGULAR MEETING.

The Common Council of the City of Indianapolis met in the Council Chamber Monday evening, July 21, 1924, at 7:30 o'clock in regular session, President Walter W. Wise in the chair.

Present the Hon. Walter W. Wise, President of the Common council and six members, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Thompson and Ray.

Absent, Messrs. Clauer and King.

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

COMMUNICATIONS FROM THE MAYOR.

July 12, 1924.

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

Gentlemen:

I have today approved, signed and delivered to John W. Rhodhamel, City Clerk, the following ordinances:

General Ordinance No. 55, 1924, an ordinance transferring the sum of Two Thousand (\$2,000.00) Dollars from the Municipal Garage Maintenance and Repair Fund of the Board of Public Works and reappropriating the same to the Special Utility Fund in the Department of Law, and declaring a time when the same shall take effect.

General Ordinance No. 66, 1924, an ordinance transferring the sum of Eighty-six and 38/100 (\$86.38) Dollars from the Miscellaneous Expense Fund of City Offices in the Department of Finance, to the Memorial Day Expense Fund, and declaring a time when the same shall take effect.

General Ordinance No. 67, 1924, an ordinance transferring the sum of Four Thousand (\$4,000.00) Dollars from a fund known as the "Brick Block Repair Department, Salaries and Wages" fund in the City Civil Engineer's Department, in the Department of Public Works, and reappropriating the same to the City Civil Engineer's Office Salaries, in the Department of Public Works, and declaring a time when the same shall take effect.

General Ordinance No. 69, 1924, an ordinance transferring the sum of Five Hundred (\$500.00) Dollars from the City Civil Engineer's Electric Gas and Vapor Lights Fund, in the Department of Public Works, to a fund in the City Civil Engineer's Department in the Department of Public Works, known as the City Civil Engineer's Laboratory and Maintenance and Suply Fund, and declaring a time when the same shall take effect.

General Ordinance No. 70, 1924, an ordinance transferring the sum of Eighteen Hundred (\$1,800.00) Dollars from the Walk and Curb Repair Department Salary and Wages Fund in the City Civil

Engineer's Department, in the Department of Public Works, to the City Civil Engineer's Inspector and Salaris Fund, in the Department of Public Works and reappropriating the same to the latter fund, and declaring a time when the same shall take effect.

General Ordinance No. 71, 1924, an ordinance transferring the sum of Three Thousand and Ninety (\$3,090.00) Dollars from a fund known as the "Street and Alley Improvement Assessments Fund," in the City Civil Engineer's Department, in the Department of Public Works and reappropriating the same to the City Civil Engineer's Office Salaries, in the Department of Public Works, and declaring a time when the same shall take effect.

General Ordinance No. 72, 1924, an ordinance regulating traffic on Kentucky avenue from and including Georgia street to Oliver avenue, providing a penalty for the violation thereof, and fixing a time when the same shall take effect.

General Ordinance No. 74, 1924, an ordinance amending Sub-Section H of Section 4 of General Ordinance No. 37, 1923, and declaring a time when the same shall take effect.

General Ordinance No. 75, 1924, an ordinance prohibiting parking of vehicles on the south side of East New York street from Oxford street to Belt R. R. track, providing a penalty for the violation thereof, and fixing a time when the same shall take effect.

General Ordinance No. 90, 1924, an ordinance compelling the Monon Railroad Company to provide and maintain a crossing flagman at the intersection of their railroad tracks where the same crosses Forty-ninth street in the City of Indianapolis, Indiana, providing a penalty for failure to comply with the same, and declaring a time when the same shall take effect.

Appropriation Ordinance No. 11, 1924, an ordinance appropriating the sum of Two Thousand Seven Hundred and Fifty (\$2,750.00) Dollars from any unappropriated funds to a fund to be created and known as the "Ralph Hill Fountain Base Fund," in the Department of Public Works, for the purpose of paying for the base, cement walk, plumbing, tile work and setting of the granite bowl for the Ralph Hill Fountain to be located in Fountain Square, and declaring a time when the same shall take effect.

Very truly yours,
LEW SHANK,
Mayor.

July 12, 1924.

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

Gentlemen:

I return herewith without my signature General Ordinance No. 77, 1924, an ordinance fixing the time of the opening and closing of petty loan offices, pawnshops and jewelry stores and prohibiting the doing business on Sundays in those places of business.

I do not believe that any ordinance regulating the opening of shops is the proper thing to do. I think the law regulating anything of that kind should affect all stores alike. I believe the pawn brokers' business to be as legitimate as any other business.

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

By Mr. Bramblett:

Mr. President:

I move that General Ordinance No. 77, 1924, be repassed over the Mayor's veto.
I. L. BRAMBLETT.

The roll was called and General Ordinance No. 77, 1924, was passed over the veto of the Mayor by the following vote:

Ayes, 7, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Ray, Thompson and President Walter W. Wise.

REPORTS FROM CITY OFFICERS.

From the City Controller:

July 21st, 1924.

To the Honorable 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 or an ordinance appropriating the sum of Three Hundred (\$300.00) Dollars from any unappropriated funds to the "Ralph Hill Fountain Base Fund," in the Department of Public Works.

I respectfully recommend the passage of this ordinance.

Yours truly,

JOS. L. HOGUE,
City Controller.

July 21st, 1924.

Mr. Jos. 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 appropriating the sum of Three Hundred (\$300.00) Dollars from any unappropriated funds to the "Ralph Hill Fountain Base Fund" in the Department of Public Works.

Yours truly,

ELMER WILLIAMS,
Clerk Board of Public Works.

July 21st, 1924.

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

Gentlemen:

I enclose herewith letter from the Department of Public Works with estimates by the City Civil Engineer, requesting the issue of

\$900,000.00 of bonds to meet the city's share of a part of the cost of the work of flood prevention, as contemplated by Declaratory Resolution No. 11,614.

I recommend the bond issue, the tax levy and appropriation of the proceeds to this purpose and inclose ordinance providing for same and recommend its passage.

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

July 21st, 1924.

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

Dear Sir:

I am directed by the Board of Public Works to request that you recommend to the Common Council the passage of an ordinance authorizing a bond issue of \$900,000.00 to cover the city's share of a part of the cost of the work of flood prevention, as contemplated under Declaratory Resolution No. 11,614.

Very truly yours,
ELMER WILLIAMS,
Clerk Board of Public Works.

Indianapolis, July 18th, 1924.

To the Board of Public Works:
Gentlemen:

The following is the revised estimate of the cost of the proposed work of flood prevention as contemplated by Declaratory Resolution No. 11,614:

| | |
|---|---------------|
| Oliver Avenue Bridge Contract | \$ 487,336.00 |
| Kentucky Avenue Bridge Contract | 635,000.00 |
| Land and Buildings to be Apropriated (appraiser's estimate) | 492,806.75 |
| Concrete Retaining Wall and Extension of Pogues Run Drain | 707,420.00 |
| Channel Excavation and Levee Construction | 700,492.00 |

Total\$3,013,054.75

Of this amount 10 per cent, or \$301,305.47, will be paid for by assessment of property benefited; 45 per cent, or \$1,355,874.64, is to be raised by the City by bond issue; 45 per cent, or \$1,355,874.64, is to be raised by the county.

This estimate, according to law, is to be submitted to the City Controller, who will prepare an ordinance authorizing a tax and bond issue for the city's portion of the above amount.

As only the work contemplated by the first two items of the estimate will be undertaken at this time, and, as it is necessary, therefore, to acquire the land and buildings to be appropriated, would recommend that the City Controller be requested to prepare an ordinance authorizing a bond issue of \$900,000.00 covering the city's 45 per cent of that part of the work contemplated at this time.

July 21, 1924]

CITY OF INDIANAPOLIS, IND.

403

Would also recommend that the City Controller be requested to communicate with the County Auditor and the County Commissioners in regard to the county's portion of the cost.

Respectfully submitted,
F. C. LINGENFELTER,
City Civil Engineer.

Approved July 21, 1924.

C. E. Coffin
W. H. Freeman
M. J. Spencer
Board of Public Works.

July 21st, 1924.

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

Gentlemen:

I hand you herewith copies of General Ordinance 1924, asking for a Temporary Loan of \$500,000 for the Finance Department of the City of Indianapolis, asking for an appropriation of \$510,000 to pay same when due, in anticipation of current revenues.

I recommend the passage of the above mentioned ordinance.

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

July 7, 1924.

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

Gentlemen:

I hand you herewith a communication from the Board of Public Works asking for the passage of an ordinance transferring the sum of \$70.75 from the office of the Street Commissioner Equipment and Supplies Fund in the Street Commissioner's Department in the Department of Public Works to a fund to be created and known as the "Britton and Stuvell Company Fund," in the Department of Public Works for the purpose of paying the Britton and Stuvell Company, plumbers, for unstopping and repairing a faulty sewer on Bellevue avenue.

I respectfully recommend the passage of this ordinance.

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

July 7, 1924.

Mr. Jos. 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 transferring the sum of \$70.75 from the office Street Commissioner Equipment and Supplies Fund in the Street Commissioner's Department in the Department of Public Works to a fund to be created herein and known as the "Britton & Stuvell Company Fund," in the Department of Public Works for the purpose of paying the Britton & Stuvell Com-

pany, plumbers, for unstopping and repairing a faulty sewer in Bellevue avenue.

Yours truly,
ELMER WILLIAMS,
Clerk Board of Public Works.

July 7, 1924.

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

Gentlemen:

At the request of the Board of Public Safety I am sending you herewith copies of an ordinance providing for the transfer and reappropriation of the sum of Six Hundred (\$600.00) Dollars from a fund in the Police Department, under the Department of Public Safety, known and designated by General Ordinance No. 12, 1924, approved by the Mayor February 18, 1924, as the "New Addressograph and Typewriter Fund" to a fund in the same department to be created and known as the "Fund for the purchase of a Multigraph Machine," for the use of the Police Department.

I respectfully recommend the passage of this ordinance.

Very truly yours,
JOS. L. HOGUE,
City Controller.

July 7, 1924.

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

Dear Sir:

The Board of Public Safety respectfully requests that you recommend to the Common Council the passage of an ordinance transferring and reappropriating the sum of Six Hundred (\$600.00) Dollars from a fund in the Police Department under the Department of Public Safety known and designated by General Ordinance No. 12, 1924, approved by the Mayor February 18, 1924, as the "New Addressograph and Typewriter Fund," to a fund in the same department to be created and known as the "Fund for the purchase of a Multigraph Machine for the use of the Police Department." You will find hereto attached copies of an ordinance providing for the same.

Very truly yours,
BOARD OF PUBLIC SAFETY,
By Oscar O. Wise,
Executive Secretary.

July 21st, 1924.

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

Gentlemen:

At the request of the Board of Public Safety I am handing you herewith for passage an ordinance transferring the sum of One Thousand (\$1,000.00) Dollars from the "Emergency Police Fund" of the Police Department under the Department of Public Safety and reappropriating the same to the "Motorcycle Repairs, Tires and Tubes and Ice Fund," in the same department.

I respectfully recommend the passage of this ordinance.

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

July 21st, 1924.

Mr. Jos. L. Hogue,
City Controller,
City.
Dear Sir:

I am directed by the Board of Public Safety to submit for your approval and transmission to the Common Council an ordinance transferring the sum of One Thousand (\$1,000.00) Dollars from the "Emergency Police Fund" of the Police Department under the Department of Public Safety and reappropriating the same to the "Motorcycle Repairs, Tires and Tubes and Ice Fund" in the same department.

Yours truly,
BOARD OF PUBLIC SAFETY,
By Oscar O. Wise,
Executive Secretary.

From the Board of Public Works:

July 21st, 1924.

Mr. J. W. Rhodehamel, City Clerk,
Indianapolis, Indiana.
Dear Sir:

We hand you herewith for transmission to the Common Council switch contract between Jesse C. Moore and the City of Indianapolis, by its Board of Public Works, for the right to lay and maintain a sidetrack across West Seventeenth street, between Mill street and the first alley east of Mill street.

Very truly yours,
BOARD OF PUBLIC WORKS,
Elmer Williams, Clerk.

Indianapolis, July 21st, 1924.

To the Board of Public Works:
Gentlemen:

With return of the attached petition of Jesse C. Moore for a switch contract to lay and maintain a sidetrack across West Seventeenth street, between Mill street and the first alley east of Mill street, would recommend that the same be granted, approved and forwarded to Council for ratification.

Approved July 21, 1924.
C. E. Coffin
W. H. Freeman
M. J. Spencer.
Yours truly,
F. C. LINGENFELTER,
City Civil Engineer.

Mr. J. W. Rhodehamel, City Clerk,
Indianapolis, Indiana.
Dear Sir:

We hand you herewith for transmission to the Common Council an ordinance for the annexation of certain territory to the City of Indianapolis for the extension of Thirtieth street sewer.

Very truly yours,
BOARD OF PUBLIC WORKS,
E. Williams, Clerk.

Indianapolis, July 21, 1924.

To the Board of Public Works:
Gentlemen:

I hand you herewith twelve copies of an ordinance for the annexation of certain territory to the City of Indianapolis for the extension of the Thirtieth street sewer.

F. C. LINGENFELTER,
City Civil Engineer.

Approved:

C. E. Coffin
W. H. Freeman
M. J. Spencer
Board of Public Works.

July 21st, 1924.

Mr. J. W. Rhodehamel, City Clerk,
Indianapolis, Indiana.

Dear Sir:

We hand you herewith an ordinance for the annexation of certain territory to the City of Indianapolis in order that certain improvements may be made in accordance with request of property owners in that territory.

Please submit same to the Common Council for their action thereon.

Very truly yours,
BOARD OF PUBLIC WORKS,
E. Williams, Clerk.

Indianapolis, July 21st, 1924.

To the Board of Public Works:
Gentlemen:

I hand you herewith twelve copies of an ordinance for the annexation of certain territory to the City of Indianapolis in order that certain improvements may be made in accordance with attached request of The Spann Company.

Yours truly,
F. C. LINGENFELTER,
City Civil Engineer.

Approved:

C. E. Coffin
W. H. Freeman
M. J. Spencer
Board of Public Works.

From the City Plan Commission:

July 21, 1924.

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

Gentlemen:

The City Plan Commission has had under consideration the following amendments to General Ordinance No. 114, 1922, and hereby submits same to your honorable body with the recommendation that they be passed as submitted:

A special ordinance zoning territory recently annexed to the City of Indianapolis, located north of 16th street and west of White River.

A general ordinance changing territory located—1st, At the southeast and southwest corners of 30th and Martindale streets. 2nd, 12 lots on 57th street, between Washington Boulevard and Central avenue, and 3rd, at the northeast corner of Roosevelt avenue and Caroline street. (also known as Cooper avenue).

Respectfully submitted,
CITY PLAN COMMISSION,
R. A. Jaenisch, Secretary.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller:

APPROPRIATION ORDINANCE NO. 13, 1924.

AN ORDINANCE appropriating the sum of Three Hundred (\$300.00) Dollars from any unappropriated funds to the "Ralph Hill Fountain Base Fund," in 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 the sum of Three Hundred (\$300.00) Dollars is hereby appropriated from any unappropriated funds to a fund known as the "Ralph Hill Fountain Base Fund," in the Department of Public Works, said amount to be applied on the Ralph Hill Fountain, to be located in Fountain Square.

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

Which was read a first time

Mr. Thompson moved that the rules be suspended and Appropriation Ordinance No. 13, 1924, be placed upon its passage.

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

Ayes, 7, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Ray, Thompson and President Walter W. Wise.

Mr. Thompson called for Appropriation Ordinance No. 13, 1924, for second reading. It was read a second time.

Mr. Thompson moved that Appropriation Ordinance No. 13, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 13, 1924, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Ray, Thompson and President Walter W. Wise.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the City Controller:

GENERAL ORDINANCE NO. 92, 1924.

AN ORDINANCE authorizing the sale of Nine Hundred (900) Bonds of One Thousand (\$1,000.00) Dollars each of the City of Indianapolis, payable from the general revenues 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 Flood Prevention Work thereunto appertaining, and providing for the time and manner of advertising, sales of bonds and the receipt of bids for the same, together with the mode and terms of sale, levying a tax for the payment of said bonds, and fixing a time when the same shall take effect.

WHEREAS, the General Assembly of the State of Indiana by Act of March 6th, 1915, has made provision for Flood Prevention by the City of Indianapolis, and,

WHEREAS, it is deemed necessary and proper for the best interests of the City of Indianapolis and the inhabitants thereof to proceed with additional work of flood prevention pursuant to said state law, and,

WHEREAS, there is not now and will not be sufficient funds in the treasury of the City of Indianapolis with which to meet the aforesaid expenditures for such public welfare and it being necessary for the City of Indianapolis to borrow the sum of Nine Hundred Thousand (\$900,000.00) Dollars in order to procure such a fund to be devoted to such purposes, and to issue and sell its bonds in such amount, payable from the general revenues and funds of said city, or from the sinking fund, or as may be required by law, therefore,

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

Section 1. That the City Controller be and is hereby authorized for the purpose of procuring money to be used for the purpose of Flood Prevention for the City of Indianapolis, to prepare, issue and sell Nine Hundred (900) new bonds of the City of Indianapolis, Marion County, Indiana, of the sum of One Thousand (\$1,000.00) Dollars each, which bonds shall bear date of, 1924, and shall be numbered from One (1) to Nine Hundred (900) both inclusive; shall be designated as "Flood Prevention Bonds of 1924," and shall

bear interest at the rate of 4½% per annum, payable semi-annually on the 1st day of January and the 1st day of July, of each year of the period of said bonds, and said installment of interest shall be evidenced by interest coupons attached to said bonds. Thirty of said bonds shall mature and be payable at the rate of Thirty Thousand (\$30,000.00) Dollars in each year for thirty (30) consecutive years, beginning in the year 1926 and ending in the year 1956. The first coupon attached to each bond shall be for the interest on said bond from the date of issue until the 1st of July, 1925, said bondss and interest coupons shall be negotiable and payable at the City Treasurer's office at the City of Indianaolis, at Indianapolis, Indiana. Said bonds shall be signed by the Mayor and the City Controller of said city of Indianapolis and attested by the City Clerk, who shall affix the seal of said city to each of said bonds and interest coupons attached to said bonds shall be authenticated by a lithographic fac simile 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 Band No. 1, giving also the date of their issuance, their amount, date of maturity, rate of interest and the time and place where said interest shall be payable, said bonds shall be substantially in the following form, all blanks for numbers and dates to be properly filled in before the issuance thereof:

No..... \$1,000.00

UNITED STATES OF AMERICA
CITY OF INDIANAPOLIS
MARION COUNTY, STATE OF INDIANA,
FLOOD PREVENTION BONDS OF 1924.

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 the day of, 192...., at the City Treasurer's Office of the City of Indianapolis at the City of Indianapolis, One Thousand (\$1,000.00) Dollars in lawful money of the United States of America, together with interest thereon at the rate of 4½ per cent per annum from date until paid. The first interest payable on the 1st day of July, 1925, and the interest thereafter payable semi-annually on the 1st day of January and July, respectively, upon 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 Nine Hundred (900) Bonds of One Thousand (\$1,000.00) Dollars each, numbered from One (1) to Nine Hundred (900), both inclusive, of date of....., 1924, issued by said City of Indianapolis, pursuant to an ordinance passed by the Common Council of the City of Indianapolis on the....., 1924, and an Act of the General Assembly of the State of Indiana,, entitled, "An Act Concerning Municipal Corporations," approved March 6th, 1905, and all acts amendatory thereof and supplemental thereto.

It is hereby certified that all conditions, acts and things essential to the validity of this bond exists, have hapened, and have been done, and that every requirement of the law affecting the issuance thereof have been duly complied with, and that this bond is within every debt and other limit prescribed by the Constitution and the Laws of the State of Indiana, and that the faith and credit of the City of Indianapolis, Indiana, are 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 the 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....., 1924.

.....
Mayor

.....
City Controller

Attest:

.....
City Clerk

Section 2. The City Controller shall, as soon as possible, after the passage of this ordinance advertise for bids or proposals for said bonds by at least one insertion each week for two weeks in two daily newspapers of general circulation, printed and published on the City of Indianapolis, and may otherwise advertise for such bids or proposals as he may deem advisable. Said advertisement shall describe said bonds with such minuteness and particularity as the City Controller may see fit and shall set forth the amount of the bonds to be sold and the rate of interest they may bear, that the bidder may bid for 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 Controlled sealed, and shall be accompanied by a duly certified check upon some responsible bank of the City of Indianapolis, Indiana, payable to the order of the City Treasurer for a sum of money which shall equal 2½ per cent of the face or par value of the bonds bid for or proposed to be purchased. 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 City Controller and designated in the advertisement for receiving bids or proposals, at which time and place and between the said hour and 2 o'clock P. M. of said day, he shall open said bids or proposals. The City Controller shall award said bonds, or as he shall see fit, a part or any number thereof, to the highest and best bidder therefor, but said City Controller shall have the right to reject any and all such bids or proposals, or any part thereof, and shall have the right to accept a part of any bid, and to award upon and bid the whole or a less number of bonds covered by such bid, he being the sole judge of the sufficiency or insufficiency of any kind. 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 to the case of reoffering and readvertising 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 readvertisement he is authorized and directed to fix the date and the time both of 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 to readvertise said bonds for sale until said bonds are sold.

Section 5. In case any bid or proposal shall not be accepted and there shall be no award of bonds thereon by the City Controller he shall thereupon return to such unsuccessful bidder the certified check accompanying the same. If the City 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 the payment for the bonds so awarded. If, for any reason, said check shall not be paid upon presentation, such non-payment shall be taken and deemed a breach of the contract for the purchase of said bonds upon the part of the purchaser, and the city, in that event, shall have the right to readvertise 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 the 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 said 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 the 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 readvertisement for proposals or within such time thereafter as may be fixed by the City Controller, or at such time or times as may be agreed upon by the City Controller and the purchaser or purchasers, and the City 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. The bonds taken and paid for to the satisfaction of the City Controller shall be binding obligations upon the City of Indianapolis, according to their tenor and effect, and the proceeds derived from the sale or sales of bonds as herein authorized shall be, and hereby are, appropriated to the Department of Public Works for flood prevention work thereunto appertaining, and shall and shall constitute and continue appropriations until the completion of the said work.

Section 8. For the purpose of redeeming said bonds and the interest coupons thereto attached, there is hereby levied a tax of 1 cent on each One Hundred (\$100.00) Dollars of taxable property of said city which shall be added to the city tax levy of 1924, and be continued each year thereafter for twenty-nine (29) years, and the proceeds of said tax shall constitute a special sinking fund to be known as "Flood Prevention Fund, 1924," and shall be used by the Sinking Fund Commissioners of said city only for the redemption of said bonds and coupons as provided by the said state law.

Sectin 9. The Mayor, City Controller and the Corporation Counsel are hereby authorized and directed to publish notice of the herein determination to issue bonds as required by law.

Section 10. 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 City Controller:

GENERAL ORDINANCE NO. 93, 1924.

AN ORDINANCE authorizing the City Controller to make a temporary loan or loans of Five Hundred Thousand (\$500,000.00) Dollars in anticipation of current revenues appropriating the sum of Five Hundred Ten Thousand (\$510,000.00) Dollars for the payment of same, 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 Controller be and he is hereby authorized and employed to negotiate a temporary loan or loans in anticipation of the current revenues of said city actually levied and in course of collection for the fiscal year of 1924 not exceeding a total sum of Five Hundred Thousand (\$500,000) Dollars for a period not exceeding four months at the rate of interest not exceeding six (6%) per cent per annum. The City Controller is further authorized and empowered to negotiate such loan or loans in such amounts at such time as the City Controller may deem necessary, provided that no part of such loan or loans shall be made to extend beyond the period herein before mentioned. After the publication of the notice of the determination herein made to issue bonds or other evidences of indebtedness for such temporary loan or loans and as provided in this ordinance, said loan shall be let to the lowest bidder at competi-

tive bidding on the annual rate of interest under conditions prescribed in notice of the same, which shall be published for at least one day in at least one daily paper of said city. The Mayor and City Controller are hereby authorized and directed to execute the proper obligations of the City of Indianapolis for the amount so borrowed, and to the payment of such obligations the faith of the city is hereby irrevocably pledged.

Section 2. The Mayor, City Controller and Corporation Counsel are hereby authorized and directed to publish notice of the determination herein made to issue the bonds or other evidence of indebtedness for such temporary loan or loans as required by law.

Section 3. That there be and is hereby appropriated out of the current revenue for the fiscal year of 1924 to the Department of Finance the sum of Five Hundred Ten Thousand (\$510,000.00) Dollars and the same is hereby pledged for the purpose of the payment of said loan or loans at such times as the same shall become due.

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

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

By the City Controller:

GENERAL ORDINANCE NO. 94, 1924.

AN ORDINANCE transferring the sum of Seventy and 75/100 (\$70.75) Dollars from the office of the Street Commissioner Equipment and Supplies Fund, in the Street Commissioner's Department in the Department of Public Works to a fund to be created herein and known as "The Britton & Stuvell Company Fund," in the Department of Public Works for the purpose of paying the Britton & Stuvell Company, plumbers, for unstopping and repairing a faulty sewer on Bellevue avenue, 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 Seventy and 75/100 (\$70.75) Dollars from the Office Street Commissioner Equipment and Supplies Fund in the Street Commissioner's Department in the Department of Public Works, be and the same is hereby transferred to and reappropriated to a fund herein created and known as "The Britton & Stuvell Company Fund," in the Department of Public Works for the purpose of paying Britton & Stuvell Company, plumbers, for the unstopping and repair of the sewer on North Bellevue avenue.

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:

GENERAL ORDINANCE NO. 95, 1924.

AN ORDINANCE providing for the transfer and reappropriation of certain funds in the Police Department under the Department of Public Safety to certain other funds in the same department, 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 hereby is transferred the sum of Six Hundred (\$600.00) Dollars from the fund in the Police Department under the Department of Public Safety known and designated as the "New Addressograph and Typewriter Fund," as the same was created by General Ordinance No. 12, 1924, approved by the Mayor, February 18, 1924, and the said sum be and is hereby transferred and reappropriated to a fund in the same department hereby created to be known as the "Fund for the Purchase of a New Multigraph Machine for the use of the Police Department."

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:

GENERAL ORDINANCE NO. 96, 1924.

AN ORDINANCE transferring the sum of One Thousand (\$1,000.00) Dollars from the "Emergency Police Fund" of the Police Department, under the Department of Public Safety, and reappropriating the same to the "Motorcycle Repairs, Tires and Tubes and Ice Fund" in the same department, 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 the sum of One Thousand (\$1,000.00) Dollars from the "Emergency Police Fund" of the Police Department under the Department of Public Safety, and transferred and reappropriated to the fund known and designated as "Motorcycle Repairs, Tires and Tubes and Ice Fund" in the same department.

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

By the City Plan Commission:

GENERAL ORDINANCE NO. 97, 1924.

AN ORDINANCE to amend General Ordinance No. 114, 1922, entitled, "An ordinance dividing the City of Indianapolis into districts for the purpose of regulating and restricting the location of trades, callings, industries, commercial enterprises and the location of buildings designed for specified uses; of classifying, regulating and determining the area of front, rear and side

yards and other open spaces about buildings; of regulating and determining the use and intensity of use of land and lot areas within such city; creating a board of zoning appeals; defining certain terms used in said ordinance; providing a penalty for its violation and designating the time when the same shall take effect," 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 U3 or business district, the H1 or 50 foot height district and the A3 or 2400 square foot area district as established by General Ordinance No. 114, 1922, be and the same are hereby amended, supplemented and changed so as to include the following described property:

Beginning at the southwest corner of 30th street and Martindale avenue; thence west with and along the south property line of 30th street to the east property line of the first alley west of Martindale avenue; thence south with and along said alley line, a distance of 82.22 feet; thence east and parallel to the south property line of 30th street to the west property line of Martindale avenue; thence south with and along said property line and avenue a distance of 15.28 feet; thence east and parallel to the south line of 30th street, to the west property line of the first alley east of Martindale avenue; thence north with and along said alley line to the south property line of 30th street; thence west with and along the south property line of 30th street to the point or place of beginning.

Section 2. Beginning on the south property line of 57th street at a point 300 feet west of the west property line of Central avenue; thence south and parallel to said line and avenue, a distance of 142.15 feet; thence west and parallel to the south property line of 57th street, a distance of 150 feet; thence north and parallel to the west property line of Central avenue, to a point 200 feet north of the north line of 57th street; thence east and parallel to said line and street, a distance of 150 feet; thence south to the point or place of beginning.

Section 3. Beginning at the northeast corner of Roosevelt avenue and Caroline street (also known as Cooper avenue); thence north with and along the east property line of Caroline street to the first alley north of Roosevelt avenue; thence east with and along said alley line a distance of 149.4 feet; thence north and parallel to the east line of Caroline street to the north property line of Roosevelt avenue; thence west with and along the north property line of Roosevelt avenue, to the point or place of beginning.

Section 4. This ordinance shall go into full force and effect from and after its passage and publication according to law.

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

By the City Plan Commission:

GENERAL ORDINANCE NO. 98, 1924.

AN ORDINANCE to amend General Ordinance No. 114, 1922, entitled, "An ordinance dividing the City of Indianapolis into dis-

tricts for the purpose of regulating and restricting the location of trades, callings, industries, commercial enterprises and the location of buildings designed for specified uses; of classifying, regulating and determining the area of front, rear and side yards and other open spaces about buildings; of regulating and determining the use and intensity of use of land and lot areas within such city; creating a board of zoning appeals; defining certain terms used in said ordinance; providing a penalty for its violation and designating the time when the same shall take effect," 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 U1 or dwelling house district, the A3 or 2400 square foot area district and the H1 or 50 foot height district as established by General Ordinance No. 114, 1922, be and the same are hereby amended, supplemented and changed so as to include all territory annexed to the City of Indianapolis by Special Ordinance No. 8, 1924, except Sections 2, 3, 4 and 5.

Section 2. That the U4 or first industrial district, the A3 or 2400 square foot area district and the H2 or 80 foot height district as established by General Ordinance No. 114, 1922, be and the same are hereby amended, supplemented and changed so as to include all the following described territory:

Beginning on the the north property line of West 16th street, at a point 100 feet west of the west property line of Livingston avenue; thence north and parallel to the said line and avenue to the center line of the first alley north of West 16th street; thence east with and along the center line of said alley to the center line of the first alley west of Livingston avenue; thence north with and along the center line of said alley to the center line of West 21st street; thence west with and along the center line of West 21st street to the east right-of-way line of the C., C., C. & St. L. Ry.; thence south with and along said railway right-of-way line to the north property line of West 16th street; thence east with and along the north property line of 16th street, to the point or place of beginning.

Section 3. That the U3 or business district, the A3 or 2400 square foot area district and the H1 or 50 foot height district, as established by General Ordinance No. 114, 1922, be and the same are hereby amended, supplemented and changed so as to include all the following described territory:

Beginning on the north property line of W. 16th street at a point 140 feet west of the west property line of Livingston avenue; thence north and parallel to the said line and avenue to the center line of the first alley north of West 16th street; thence east with and along the center line to the west property line of Livingston avenue; thence south with and along the west property line of Livingston avenue to the north property line of 16th street; thence west with and along the north property line of 16th street, to the point or place of beginning.

Section 4. Beginning on the north property line of West 16th street at its intersection with the east property line of Alton avenue; thence north with and along the east property line of Alton avenue to the south property line of the first alley north of 16th street; thence east with and along said alley to the east property line of Tibbs avenue; thence south with and along the east property line of

Tibbs avenue, a distance of 5 feet; thence east and parallel to the north property line of 16th street to the west property line of Centennial street; thence south with and along the west property line of Centennial street to the north property line of 16th street; thence west with and along the north property line of 16th street to the point or place of beginning.

Section 5. Beginning on the north property line of West 16th street at its intersection with the east property line of the first alley west of Bellevue Place; thence north with and along said alley line to the south property line of the first alley north of 16th street; thence east with and along the north property line of the first alley north of 16th street to the east property line of the second alley east of Bellevue Place; thence north with and along the east property line of said alley to the south property line of Plymouth street; thence east with and along the south property line and the south property line of Plymouth street, extended east to the west bank of White River to the north property line of 16th street; thence west with and along the north property line of 16th street, to the point or place of beginning.

Section 6. This ordinance shall be in full force and effect from and after its passage and publication according to law.

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

My Mr. Wise:

GENERAL ORDINANCE NO. 99, 1924.

AN ORDINANCE making it unlawful for any manufacturer, dealer, garageman, repairman, service station or any other person, firm or corporation to use the streets, alleys, lawns, sidewalks, crosswalks, private driveways or other public places for display, exhibition, advertisement or for the purpose of selling, repairing or storing any finished or unfinished vehicle, automobile, chassis, machinery, mechanical device or wreckage or parts of any vehicle, automobile, chassis, machinery, mechanical device or wreckage in the City of Indianapolis, Indiana, providing a penalty for the violation thereof 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 it shall be unlawful for any manufacturer, dealer, garageman, repairman, service station or any other person, firm or corporation to use the streets, alleys or lawns, sidewalks, crosswalks or private driveways, or other public places for display, exhibition, advertisement or for the purpose of selling, repairing or storing any finished or unfinished vehicle, automobile, chassis, machinery, mechanical device or wreckage, or parts of any vehicle, automobile, chassis, machinery, mechanical device or wreckage, in the City of Indianapolis, Indiana.

Section 2. Any person violating any of the provisions of this ordinance, on conviction, shall be fined in a sum not exceeding One

Hundred (\$100.00) Dollars, to which may be added imprisonment for a period not exceeding sixty (60) days for each offense.

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 Safety.

By the Board of Public Works:

SWITCH CONTRACT
GENERAL ORDINANCE NO. 100, 1924.

AN ORDINANCE approving a certain contract granting Jesse C. Moore the right to lay and maintain a sidetrack or switch, same being 168 feet east of the east line of Mill street, in the north line of Seventeenth street and 149 feet east of the east line of Mill street on the south line of Seventeenth street.

WHEREAS, heretofore, to-wit: on the 18th day of July, 1924, Jesse C. Moore filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

To the Board of Public Works,
City of Indianapolis.
Gentlemen:

I petition for the privilege of laying a switch or sidetrack across West 17th street east of Mill street as specifically set out on the blue print hereto attached.

NOW, THEREFORE, this agreement made and entered into this 18th day of July, 1924, by and between Jesse C. Moore 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 the north line of West 17th street to the south line thereof, in the City of Indianapolis, which is more specifically described as follows: Reference is hereby made to a blue print hereto attached which is hereby made part hereof. Said blue print shows the exact location of said switch, same being 168 feet east of the east line of Mill street, in the north line of Seventeenth street and 149 feet east of the east line of Mill street on the south line of Seventeenth street, hereby covenants and full 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 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 said West Seventeenth 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 or the 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 violation 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 corporations," 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 West Seventeenth street, in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

IN WITNESS WHEREOF, We have hereunto set our hands this 18th day of July, 1924, said switch to be constructed within one year from the grant of said privilege.

JESSE C. MOORE,
Party of the First Part.

Witness:

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.

Sectin 1. Be it ordained by the Common Council of the City of 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 Mr. Wise:

GENERAL ORDINANCE NO. 101, 1924.

AN ORDINANCE to amend General Ordinance No. 37, 1923, commonly known as the Traffic Ordinance.

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

Section 1. That Section 1 of General Ordinance No. 37, 1923, be amended by striking out the following words, to-wit:

"The term 'Congested District' within the meaning of this ordinance, shall constitute all that part of the City of Indianapolis included within the limits of the center line of New York street on the north, the center line of Capitol avenue on the west, and the center line of Georgia street on the south, and the center line of Alabama street on the east, excepting that part therein bounded by the center line of Delaware street on the west, and the center line of Maryland street on the north, the center line of Alabama street on the east and the center line of Georgia street on the south." and substituting therefor the following words:

"The term 'Congested District' within the meaning of this ordinance shall constitute all of that part of the City of Indianapolis included within the limits of the north curb line of Michigan street on the north, the west curb line of Senate avenue on the west, the track elevation on the south and the east curb line of New Jersey street on the east."

Section 2. This ordinance shall be in full force and effect from and after passage and publication according to law.

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

By the Board of Public Works:

SPECIAL ORDINANCE NO. 14, 1924.

AN ORDINANCE annexing certain territory to the City of Indianapolis, 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 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 present corporation line at the intersection of the center line of Arlington avenue and the center line of East St. Claire street; thence north with and along the center line of Arlington avenue, to a point 150 feet north of the north property line of East 10th street; thence west and parallel to and 150 feet distant from said line and street to the present corporation line; thence south and east with the present corporation line to the point or place of beginning.

Section 3. This ordinance shall go into full force and effect from and after its passage and publication according to law.

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

By the Board of Public Works:

SPECIAL ORDINANCE NO. 15, 1924.

AN ORDINANCE annexing certain territory to the City of Indianapolis, 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 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 center line of East 30th street at its intersection with the center line of Lancaster street; thence north with and along the center line of Lancaster street to a point 200 feet north of the north property line of 30th street; thence east and parallel to and 200 feet distant from the north property line of 30th street, to the center line of Emerson avenue, extended north; thence south with the center line of Emerson avenue, extended north to the present cor-

poration line; thence west with and along the present corporation line to the point or place of beginning.

Section 3. This ordinance shall go into full force and effect from and after its passage and publication according to law.

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

ORDINANCES ON SECOND READING.

Mr. Bramblett called for General Ordinance No. 54, 1924, for second reading. It was read a second time.

Mr. Bramblett moved that General Ordinance No. 54, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 54, 1924, was read a third time and failed to pass by the following vote:

Ayes, 4, viz.: Messrs. Bramblett, Claycombe, Ray and Thompson.

Noes, 3, viz.: Messrs. Bernd, Buchanan and President Walter W. Wise.

Mr. Bramblett moved that Appropriation Ordinance No. 12, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 12, 1924, was read a third time and failed to pass by the following vote:

Noes, 7, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Ray, Thompson and President Walter W. Wise.

Mr. Thompson called for General Ordinance No. 81, 1924, for second reading. It was read a second time.

Mr. Thompson moved that General Ordinance No. 81, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 81, 1924, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Ray, Thompson and President Walter W. Wise.

Mr. Thompson called for General Ordinance No. 82, 1924, for second reading. It was read a second time.

By Mr. Bramblett:

Mr. President:

I hereby move the General Ordinance No. 82, 1924, be amended to read as follows:

SWITCH CONTRACT.

GENERAL ORDINANCE NO. 82, 1924.

AN ORDINANCE approving a certain contract granting to Standard Sanitary Manufacturing Company the right to lay and maintain a sidetrack or switch from the track of the Cleveland, Cincinnati, Chicago & St. Louis Railway, Chicago Division, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the ... day of June, 1924, the Standard Sanitary Manufacturing Company filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To Board of Public Works,
City of Indianapolis.
Gentlemen:

Your petitioner, the undersigned Standard Sanitary Manufacturing Company hereby respectfully petitions your Honorable Board for an order approving the contract for a switch hereinafter set out and submitting the same to the Common Council of the City of Indianapolis for enactment of said Common Council into an ordinance of said City of Indianapolis, to the end that your petitioner may be granted proper authority for the construction and maintenance of said switch, which said switch is more particularly described in the attached contract and blue print.

STANDARD SANITARY MANUFACTURING CO.

By Noel & Hickam, Attorneys.

NOW, THEREFORE, This agreement made and entered into this ... day of May, 1924, by and between Standard Sanitary Manufacturing Company, having a plant in 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 the track of the Cleveland, Cincinnati, Chicago & St. Louis Railway, Chicago Division, in the City of Indianapolis, which is more specifically described as follows: From the intersection of the north property line of St. Clair street and the east right of way line of the C., C., &

St. L. Railway, Chicago Division, "Old Main," as now located and constructed in said City of Indianapolis, measure northerly along said right of way line one hundred thirty (130) feet to Point A where proposed track leaves the right of way of said railway and enters a public alley twenty (20) feet in width, extending in a northerly and southerly direction and being parallel and adjacent to said railway company's east right of way line, thence deflecting ten (10) degrees and forty-three (43) minutes to the right from said right of way line to a tangent to a twelve (12) degree curve to the right measure northeasterly along said curve to the right which is the center line of said track forty (40) feet to Point B, thence a twelve (12) degree curve to the left in a northeasterly direction from said Point B, sixty two (62) feet to Point C, which is the intersection of the center line of the proposed track with the east line of said alley, the portion of the proposed track lying within said alley being shown in yellow and marked, "A, B, C" on attached plat, 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 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 said alley 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 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 violation 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 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 corporations," 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 said alley in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

IN WITNESS WHEREOF, We have hereunto set our hand this ... day of May, 1924.

[SEAL] STANDARD SANITARY MANUFACTURING CO.
J. W. Oliver, First Vice-President.
Party of the First Part.

Witness:

W. C. McKinney, Secretary.

CITY OF INDIANAPOLIS

By C. E. Coffin, President

M. J. Spencer

Board of Public Works,

Party of the Second Part.

Approved June 19, 1924.

F. C. LINGENFELTER, C. C. E.

S. L. SHANK, Mayor.

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 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.

I. L. BRAMBLETT.

Carried.

Mr. Thompson moved that General Ordinance No. 82, 1924, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 82, 1924, was read a third time and passed by the following vote.

Ayes, 7, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Ray, Thompson and President Walter W. Wise.

Mr. Thompson called for General Ordinance No. 88, 1924, for second reading. It was read a second time.

Mr. Thompson moved that General Ordinance No. 88, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 88, 1924, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Ray, Thompson and President Walter W. Wise.

Mr. Thompson called for General Ordinance No. 83, 1924, for second reading. It was read a second time.

Mr. Thompson moved that General Ordinance No. 83, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 83, 1924, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Ray, Thompson and President Walter W. Wise.

Mr. Bernd called for General Ordinance No. 60, 1924, for second reading. It was read a second time.

Mr. Bernd moved that General Ordinance No. 60, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 60, 1924, was read a third time and passed by the following vote:

Ayes, 5, viz.: Messrs. Bernd, Bramblett, Claycombe, Ray, and President Walter W. Wise.

Noes, 2, viz.: Messrs. Buchanan and Thompson.

Mr. Bernd called for General Ordinance No. 61, 1924, for second reading. It was read a second time.

Mr. Bernd moved that General Ordinance No. 61, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 61, 1924, was read a third time and failed to pass by the following vote:

Ayes, 4, viz.: Messrs. Bernd, Bramblett, Claycombe and President Walter W. Wise.

Noes, 3, viz.: Messrs. Buchanan, Ray and Thompson.

Mr. Bernd called for General Ordinance No. 62, 1924, for second reading. It was read a second time.

Mr. Bernd moved that General Ordinance No. 62, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 62, 1924, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Ray, Thompson and President Walter W. Wise.

Mr. Bernd called for General Ordinance No. 63, 1924, for second reading. It was read a second time.

Mr. Bernd moved that General Ordinance No. 63, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 63, 1924, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Ray, Thompson and President Walter W. Wise.

Mr. Bernd called for General Ordinance No. 85, 1924, for second reading. It was read a second time.

Mr. Bernd moved that General Ordinance No. 85, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 85, 1924, was read a third time and passed by the following vote:

Ayes, 6, viz.: Messrs. Bernd, Bramblett, Claycombe, Ray, Thompson and President Walter W. Wise.

Noes, 1, viz.: Mr. Buchanan.

Mr. Bernd called for General Ordinance No. 86, 1924, for second reading. It was read a second time.

Mr. Bernd moved that General Ordinance No. 86, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 86, 1924, was read a third time and passed by the following vote:

Ayes, 6, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Ray and President Walter W. Wise.

Noes, 1, viz.: Mr. Thompson.

Mr. Bernd called for General Ordinance No. 87, 1924, for second reading. It was read a second time.

Mr. Bernd moved that General Ordinance No. 87, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 87, 1924, was read a third time and passed by the following vote:

Ayes, 6, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Ray and President Walter W. Wise.

Noes, 1, viz.: Mr. Thompson.

Mr. Bernd called for General Ordinance No. 89, 1924, for second reading. It was read a second time.

Mr. Bernd moved that General Ordinance No. 89, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 89, 1924, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Ray, Thompson and President Walter W. Wise.

Mr. Bernd called for Special Ordinance No. 13, 1924, for second reading it was read a second time.

Mr. Bernd moved that Special Ordinance No. 13, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

Special Ordinance No. 13, 1924, was read a third time and passed by the following vote:

Ayes, 7, viz.: Messrs. Bernd, Bramblett, Buchanan, Claycombe, Ray, Thompson and President Walter W. Wise.

Mr. Bernd called for General Ordinance No. 84, 1924, for second reading. It was read a second time.

By Mr. Claycombe:

Indianapolis, Ind., July 21, 1924.

Mr. President:

I move that General Ordinance No. 84, 1924, be amended by striking out:

| | |
|---|------------|
| Commissioner of Buildings | \$4,000.00 |
| Assistant Commissioner of Buildings | \$3,700.00 |
| Assistant Chief Smoke Inspector | \$3,400.00 |
| Smoke Inspector | \$2,400.00 |
| Plan Examining Engineer | \$3,100.00 |
| Chief Inspector of Construction | \$2,900.00 |
| Building Inspectors | \$2,400.00 |

and inserting in lieu thereof the following:

| | |
|---|------------|
| Commissioner of Buildings | \$3,600.00 |
| Assistant Commissioner of Buildings | \$3,300.00 |
| Assistant Chief Smoke Inspector | \$3,000.00 |
| Smoke Inspector | \$2,400.00 |
| Plan Examining Engineer | \$2,700.00 |
| Chief Inspector of Construction | \$2,500.00 |
| Building Inspectors | \$2,400.00 |

L. D. CLAYCOMBE, Councilman.

Carried.

Mr. Bernd moved that General Ordinance No. 84, 1924, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 84, 1924, was read a third time and passed by the following vote:

Ayes, 6, viz.: Messrs. Bernd, Bramblett, Claycombe, Ray, Thompson and President Walter W. Wise.

Noes, 1, viz.: Mr. Buchanan.

Mr. Thompson called for General Ordinance No. 44, 1924, for second reading. It was read a second time.

Mr. Thompson moved that General Ordinance No. 44, 1924, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 44, 1924, was read a third time and failed to pass by the following vote:

Ayes, 3, viz.: Messrs. Bernd, Bramblett and President Walter W. Wise.

Noes, 4, viz.: Messrs. Buchanan, Claycombe, Ray and Thompson.

My Mr. Claycombe:

July 21, 1924.

President and Members of the Common Council:

I hereby serve notice of my intention to move a reconsideration of General Ordinance No. 44, 1924, at the next regular meeting of the Council.

L. D. CLAYCOMBE.

By Mr. Buchanan:

July 21, 1924.

Mr. President:

I hereby serve notice of my intention to move a reconsideration of General Ordinances No. 86 and 87, 1924, at the next regular meeting of the Common Council.

H. W. BUCHANAN.

On motion of Mr. Ray the Common Council at 10:10 o'clock p. m. adjourned.

Walter W. Wise

President.

Attest:

John N. Rhodehamel

City Clerk.