

SPECIAL MEETING

Tuesday, November 14, 1944.
5:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Tuesday, November 14, 1944, at 5:30 p. m., with President Schumacher in the chair, pursuant to the following call:

(AMENDED NOTICE)

To the Members of the Common Council,
Indianapolis, Indiana.

Gentlemen:

You are hereby notified that there will be a SPECIAL MEETING of the COMMON COUNCIL held in the Council Chamber on Tuesday, November 14, 1944, at 5:30 p. m., the purpose of such SPECIAL MEETING being to receive communications from the Mayor and other city officials; receive for introduction any Appropriation, General and Special Ordinances and Resolutions; receive committee reports; consider on second and third reading and final passage the following ordinances:

Appropriation Ordinances Nos. 83, 92, 93, 94, 95, 96, 97, 1944; General Ordinances Nos. 39, 52, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 84, 1944; and all matters pertaining thereto.

Respectfully,

JOHN A. SCHUMACHER,
President, Common Council.

I, Frank J. Noll, Jr., Clerk of the Common Council of the City of Indianapolis, Indiana, do hereby certify that I have served the above

and foregoing notice to each and every member of the Common Council prior to the time of such SPECIAL MEETING, pursuant to the rules.

In Witness Whereof, I have hereunto affixed my signature and caused the seal of the City of Indianapolis to be affixed.

FRANK J. NOLL, JR.,
City Clerk.

SEAL

Which was read.

President Schumacher called the meeting to order.

The Clerk called the roll.

Present: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, President Schumacher.

Absent: Mr. Jordan, Mr. Worley.

The reading of the Journal for the previous meeting was dispensed with on motion of Mr. Kealing, seconded by Mr. Dauss.

COMMUNICATIONS FROM CITY OFFICIALS

November 14, 1944.

To the Honorable President and
Members of the Common Council.

Gentlemen:

I hereby submit 18 copies of Appropriation Ordinance No. 103, 1944, and respectfully recommend its passage.

Very truly yours,

HERMAN E. BOWERS,
Councilman.

At this time those present were given an opportunity to be heard on Appropriation Ordinances Nos. 83, 92, 93, 94, 95, 96, 97, 1944; General Ordinances Nos. 39, 52, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 84, 1944.

Mr. Kealing asked for a recess. The motion was seconded by Mr. Dauss. The Council recessed at 5:50 p. m.

The Council reconvened at 6:25 p. m. with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Law and Judiciary, to whom was referred Appropriation Ordinance No. 83, 1944, entitled:

AN ORDINANCE appropriating the sum of Fifteen Thousand Dollars (\$15,000.00) from the anticipated, estimated and unappropriated 1944 balance of the General Fund of the City of Indianapolis, to Fund No. 26, Other Contractual, Administration, Department of Public Sanitation of said city for preliminary funds to be used in Sewer Survey advocated by the Post War Planning Committee; and fixing a time when the same shall take effect;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

WM. A. BROWN
HERMAN E. BOWERS
EDWARD R. KEALING
LUCIAN B. MERIWETHER

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Public Works, to whom was referred Appropriation Ordinance No. 92, 1944, entitled:

AN ORDINANCE transferring, reappropriating and re-allocating the sum of Twenty-Five Dollars (\$25.00) from Fund No. 12-3, Shelby Street Garage, Red Light Tender, in the Division of Street Commissioner under the Department of Public Works, to Fund No. 24, Printing and Advertising, in the same division and department; and fixing a time when the same shall take effect;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

EDWARD R. KEALING, **Chairman**
HERMAN E. BOWERS
R. C. DAUSS
WM. A. BROWN

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 93, 1944, entitled:

AN ORDINANCE appropriating the sum of Five Thousand Five Hundred Seventy-One Dollars and Fifty Cents (\$5,571.50) from the anticipated, estimated and unappropriated 1944 balance of the General Fund of the City of Indianapolis, Indiana, to Fund No. 26, Other Contractual, Administration, under the Department of Public Works of said City; and fixing a time when the same shall take effect;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

HERMAN E. BOWERS, Chairman
EDWARD R. KEALING
R. C. DAUSS
LUCIAN B. MERIWETHER
ROSS MANLY

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Public Works, to whom was referred Appropriation Ordinance No. 94, 1944, entitled:

AN ORDINANCE transferring, reappropriating and reallocating the total sum of Six Thousand Three Hundred Thirty-One Dollars and One Cent (\$6,331.01) Gas Tax Monies, Street Sanitation, Street Commissioner

under the Department of Public Works of the City of Indianapolis, Indiana, to certain other items and funds in the same Department; and fixing a time when the same shall take effect;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

EDWARD R. KEALING, Chairman
HERMAN E. BOWERS
R. C. DAUSS
WM. A. BROWN

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Public Health, to whom was referred Appropriation Ordinance No. 95, 1944, entitled:

AN ORDINANCE appropriating the sum of Fifteen Hundred Dollars (\$1,500.00) from the anticipated, estimated and unappropriated 1944 balance of the General Fund of the City of Indianapolis, Indiana, to Fund No. 53, Refunds, Awards and Indemnities, Administration, under the Department of Public Works of said City; and fixing a time when the same shall take effect;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

LUCIAN B. MERIWETHER, Chairman
EDWARD R. KEALING
ROSS MANLY
WM. A. BROWN

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 96, 1944, entitled:

AN ORDINANCE amending Section 1 of Appropriation Ordinance No. 76, 1944, to cover Gas Tax Monies; and fixing a time when the same shall take effect;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed, as amended.

HERMAN E. BOWERS, Chairman
EDWARD R. KEALING
R. C. DAUSS
LUCIAN B. MERIWETHER
ROSS MANLY

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Law and Judiciary, to whom was referred Appropriation Ordinance No. 97, 1944, entitled:

AN ORDINANCE appropriating the total sum of Four Hundred Dollars (\$400.00) from the estimated, anticipated, and unappropriated 1944 balance of the General Fund of the City of Indianapolis, Indiana, to Fund No. 12, Department of Public Works, Municipal Garage, for wages for the position of Body and Fender Repairman, beginning as of November 20, 1944; and fixing a time when this ordinance shall take effect;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

WM. A. BROWN
HERMAN E. BOWERS
EDWARD R. KEALING
LUCIAN B. MERIWETHER

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Finance, to whom was referred General Ordinance No. 39, 1944, entitled:

AN ORDINANCE creating and defining Parking Meter
Zones in the City of Indianapolis;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

HERMAN E. BOWERS, Chairman
EDWARD R. KEALING
R. C. DAUSS
LUCIAN B. MERIWETHER
ROSS MANLY

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Public Safety, to whom was referred General Ordinance No. 52, 1944, entitled:

AN ORDINANCE amending Section 4 of General Ordinance No. 51, 1937, to require the drivers of all taxicabs to remain in the driver's seat of their taxicabs when same are parked or standing in a Taxicab Stand; Providing a penalty for violation thereof; and fixing a time when the same shall take effect;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

R. C. DAUSS, Chairman
EDWARD R. KEALING
HERMAN E. BOWERS

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Parks, to whom was referred General Ordinance No. 73, 1944, entitled:

AN ORDINANCE providing for the purchase and supply of personal equipment, such as uniforms, supplies, etc., beginning as of January 1, 1945, in a yearly amount of not to exceed Sixty Dollars (\$60.00) per member per annum for each member in the Indianapolis Police and Fire Departments, etc.;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

ROSS MANLY, Chairman
R. C. DAUSS
LUCIAN B. MERIWETHER
WM. A. BROWN

Indianapolis, Ind., November 14, 1944.

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

Gentlemen :

We, your Committee on Parks, to whom was referred General Ordinance No. 74, 1944, entitled:

AN ORDINANCE for the purpose of making available the free use of Public Parks, community centers, and recreational facilities to the General Public;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

ROSS MANLY, Chairman
R. C. DAUSS
LUCIAN B. MERIWETHER
WM. A. BROWN

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on City Welfare, to whom was referred General Ordinance No. 75, 1944, entitled:

AN ORDINANCE amending General Ordinance No. 58, 1944, an ordinance authorizing and establishing a forty (40) foot reserved parking space on a certain part of North Delaware Street, in the City of Indianapolis, Indiana, for the exclusive use of constables of the Center Township Justice of Peace Court; and providing 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 held for further consideration.

WM. A. BROWN
ROSS MANLY
LUCIAN B. MERIWETHER
HERMAN E. BOWERS

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Election, to whom was referred General Ordinance No. 76, 1944, entitled:

AN ORDINANCE regulating parking on certain parts of streets in the City of Indianapolis, Indiana; Providing a penalty for violation thereof; and fixing a time when the same shall take effect;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

WM. A. BROWN, Chairman
R. C. DAUSS
HERMAN E. BOWERS
ROSS MANLY

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Parks, to whom was referred General Ordinance No. 77, 1944, entitled:

AN ORDINANCE relating to certain bus stops in the City of Indianapolis; amending General Ordinance No. 61, 1944, and repealing paragraph 2 of Section 1 in General Ordinance No. 63, 1944; and fixing a time when the same shall take effect;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

ROSS MANLY, Chairman
R. C. DAUSS
LUCIAN B. MERIWETHER
WM. A. BROWN

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Public Health, to whom was referred General Ordinance No. 78, 1944, entitled:

AN ORDINANCE establishing a certain passenger and/or loading zone in the City of Indianapolis, Indiana, pursuant to Section 26 of General Ordinance No. 96, 1928, as amended; and fixing a time when the same shall take effect;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

LUCIAN B. MERIWETHER, Chairman
EDWARD R. KEALING
ROSS MANLY
WM. A. BROWN

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Finance, to whom was referred General Ordinance No. 79, 1944, entitled:

AN ORDINANCE ratifying, confirming and approving a certain Lease Agreement, made and entered into on the first day of July, 1944, by and between the City of Indianapolis and the United States of America, etc.;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

HERMAN E. BOWERS, Chairman
EDWARD R. KEALING
R. C. DAUSS
LUCIAN B. MERIWETHER
ROSS MANLY

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Law & Judiciary to whom was referred General Ordinance No. 80, 1944, entitled:

AN ORDINANCE approving a certain agreement and permit granting The Ohio Oil Company the right for two (2) sidings crossing Olin Avenue N. of the intersection of 11th Street, in the City of Indianapolis, Indiana.

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

WM. A. BROWN
HERMAN E. BOWERS
EDWARD R. KEALING
LUCIAN B. MERIWETHER

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Public Safety, to whom was referred General Ordinance No. 81, 1944, entitled:

AN ORDINANCE regulating traffic on Cleveland Street in the City of Indianapolis so as to provide for north and south bound traffic in said street between the intersections of Ohio and Vermont Streets and repealing all ordinances and/or parts of ordinances in conflict therewith; Prohibiting parking at all times on a certain part of South Illinois Street in said City and providing a penalty for violation thereof; fixing a time when this ordinance shall take effect;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

R. C. DAUSS, Chairman
EDWARD R. KEALING
HERMAN E. BOWERS

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Parks, to whom was referred General Ordinance No. 82, 1944, entitled:

AN ORDINANCE authorizing the Board of Park Commissioners, through its duly appointed Purchasing Agent, to purchase certain lumber supplies; and fixing a time when the same shall take effect;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

ROSS MANLY, Chairman
R. C. DAUSS
LUCIAN B. MERIWETHER
WM. A. BROWN

Indianapolis, Ind., November 14, 1944.

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

Gentlemen:

We, your Committee on Parks, to whom was referred General Ordinance No. 84, 1944, entitled:

AN ORDINANCE authorizing the Board of Public Works and Sanitation of the City of Indianapolis, through its duly authorized Purchasing Agent, to sell certain real estate belonging to the City of Indianapolis; and fixing a time when the same shall take effect;

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

ROSS MANLY, Chairman
R. C. DAUSS
LUCIAN B. MERIWETHER
WM. A. BROWN

INTRODUCTION OF APPROPRIATION ORDINANCES

APPROPRIATION ORDINANCE No. 103, 1944

AN ORDINANCE appropriating the sum of Two Thousand Nine Hundred Dollars (\$2,900.00) from the anticipated, estimated and unappropriated 1944 balance of the General Fund of the City of Indianapolis, Indiana, to Fund No. 26, Other Contractual, Office of the Mayor, for the purpose of paying Fred Telford for services rendered to and ending November 30, 1944; 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 sum of Two Thousand Nine Hundred Dollars (\$2,900.00) be and the same is hereby appropriated from the anticipated, estimated and unappropriated 1944 balance of the General Fund of the City of Indianapolis, Indiana, to Fund No. 26, Other Contractual, Office of the Mayor, for the purpose of paying Fred Telford for written surveys and reports to be delivered to the Mayor on or before November 30, 1944, as follows:

1. The detailed plan covering the operation of the City Garage providing for the handling of the concentration of City vehicular equipment stored in said garage.
2. The detailed plan covering the more extensive use of machinery for cleaning the streets of the City of Indianapolis at night.
3. Plan or re-organization of the Isolation Hospital.
4. Recommendations and an outline to be followed in the organization and operation of the City Personnel Division.

Section 2. This ordinance shall be in full force and effect upon its passage, approval by the Mayor, and compliance with all law pertaining thereto.

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

ORDINANCES ON SECOND READING

Mr. Kealing called for Appropriation Ordinance No. 92, 1944, for second reading. It was read a second time.

On motion of Mr. Kealing, seconded by Mr. Manly, Appropriation Ordinance No. 92, 1944, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 92, 1944, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, President Schumacher.

Mr. Bowers called for Appropriation Ordinance No. 93, 1944, for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Kealing, Appropriation Ordinance No. 93, 1944, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 93, 1944, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, President Schumacher.

Mr. Kealing called for Appropriation Ordinance No. 94, 1944, for second reading. It was read a second time.

On motion of Mr. Kealing, seconded by Mr. Dauss, Appropriation Ordinance No. 94, 1944, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 94, 1944, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, President Schumacher.

Dr. Meriwether called for Appropriation Ordinance No. 95, 1944, for second reading. It was read a second time.

On motion of Dr. Meriwether, seconded by Mr. Kealing, Appropriation Ordinance No. 95, 1944, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 95, 1944, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, President Schumacher.

Mr. Bowers called for Appropriation Ordinance No. 96, 1944, for second reading. It was read a second time.

Mr. Bowers presented the following written motion to amend Appropriation Ordinance No. 96, 1944:

Indianapolis, Ind., November 14, 1944.

Mr. President:

I move that Appropriation Ordinance No. 96, 1944, be amended by striking out all words in the last line of Section 1 after the numeral "26", and inserting in lieu thereof the following: "Administration (Gas Tax) in the Department of Public Works."

HERMAN E. BOWERS,
Councilman.

The motion was seconded by Mr. Manly and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, President Schumacher.

On motion of Mr. Bowers, seconded by Mr. Kealing, Appropriation Ordinance No. 96, 1944, as amended, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 96, 1944, as amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, President Schumacher.

Mr. Bowers called for Appropriation Ordinance No. 97, 1944, for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Manly, Appropriation Ordinance No. 97, 1944, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 97, 1944, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, President Schumacher.

Mr. Brown called for General Ordinance No. 76, 1944, for second reading. It was read a second time.

On motion of Mr. Brown, seconded by Mr. Dauss, General Ordinance No. 76, 1944, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 76, 1944, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, President Schumacher.

Mr. Manly called for General Ordinance No. 77, 1944, for second reading. It was read a second time.

On motion of Mr. Manly, seconded by Mr. Bowers, General Ordinance No. 77, 1944, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 77, 1944, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, President Schumacher.

Dr. Meriwether called for General Ordinance No. 78, 1944, for second reading. It was read a second time.

On motion of Dr. Meriwether, seconded by Mr. Kealing, General Ordinance No. 78, 1944, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 78, 1944, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, President Schumacher.

Mr. Bowers called for General Ordinance No. 79, 1944, for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Dauss, General Ordinance No. 79, 1944, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 79, 1944, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, President Schumacher.

Mr. Bowers called for General Ordinance No. 80, 1944, for second reading. It was read a second time.

Mr. Bowers presented the following written motion to amend General Ordinance No. 80, 1944:

Indianapolis, Ind., November 14, 1944.

Mr. President:

I move that General Ordinance No. 80, 1944, be amended to read as follows:

SWITCH PERMIT

GENERAL ORDINANCE No. 80, 1944
(AS AMENDED)

AN ORDINANCE approving a certain agreement and permit granting the Ohio Oil Company the right to lay and maintain a side-track or switch from the intersection of the east right-of-way line of Olin Avenue to the center line of Olin Avenue, according to the blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 31st day of October, 1944, The Ohio Oil Company, 121 E. Maryland Street, Indianapolis, Indiana, filed his petition before the Board of Public Works and Sanitation of the City of Indianapolis, as follows:

PETITION

To BOARD OF PUBLIC WORKS AND SANITATION,

City of Indianapolis.

Gentlemen:

We do, hereby, petition to the Board of Public Works, City of Indianapolis, for permission to construct and maintain the portion of our proposed sidetrack which will cross Olin Avenue north of Eleventh Street as shown on the attached sketch. The siding that we are applying for is to serve the new pipeline terminal station which we are constructing on the parcel of land bordered on the north by Sixteenth Street, on the east by Olin Avenue, on the west by Little Eagle Creek and on the south by the private road owned by the City of Speedway, said private road being the abandoned right of way of the old traction line which lies north of and adjoining the Peoria & Eastern Railroad. The above said parcel of land lies in the City of Speedway, however, the center line of Olin Avenue is also the corporation line between the City of Indianapolis and the City of Speedway.

NOW, THEREFORE, This agreement made and entered into this 31st day of October, 1944, by and between The Ohio Oil Company, of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works and Sanitation, party of the second part.

WITNESSETH: That the party of the first part, being desirous of securing a permit for a right of way for a sidetrack or switch from the intersection of the east right of way line of Olin Avenue to the center line of Olin Avenue, said center line being the corporation line of the City of Indianapolis, in the City of Indianapolis, which is more specifically described as follows: The center line of the switch will intersect the east right of way line of Olin Avenue approximately twenty feet north of the center line of the Peoria & Eastern Railroad, and will intersect with the center line of Olin Avenue approximately thirty feet north of the center line of the Peoria & Eastern railroad. The length of the portion of track for which permission is requested is as follows: Total track length to be thirty feet more or less, 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, maintain

and pay all costs and expenses either now or hereafter connected with said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, maintained, 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 and Sanitation of the City of Indianapolis, and to all laws and ordinances, adopted and enacted pursuant to the police powers of said city.

(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 track, or tracks; provided further that all the costs thereof shall be paid by the said party of the first part, who hereby waives any division of such costs as now or hereafter provided by any statute, or otherwise.

(3) The crossing where said track intersects, 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 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. Said notice shall fix a day for hearing before said board where objections to such removal may be heard; but the decision of said board shall be final and conclusive on the

party of the first part who hereby expressly waives any right to have such exercise of discretion reviewed by any court.

(5) The party of the first part agrees to pave between the rails of said track and for eighteen inches on both sides thereof, to the entire satisfaction of the second party, and in case said tracks and pavement or either thereof 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, reconstruct, or remove same, failing in which, after notification in writing of ten (10) days, said board may 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 permit, 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 of all acts amendatory thereof or supplemental thereto, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby grants and duly permits said party of the first part to exercise the right, privilege and authority to lay and maintain an additional siderack or switch across Olin Avenue 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
14th day of September, 1944.

THE OHIO OIL COMPANY

Per R. D. Gunderman (signed)
Indiana District Engineer
Party of the First Part.

Witness:

L. L. Corbin (signed)

CITY OF INDIANAPOLIS

By

Sherlie A. Deming ((signed)
President
Walter E. Hemphill (signed)

Gideon Blain (signed)
Joseph B. Wade (signed)

As Board of Public Works and Sanitation,
Party of the Second Part.

Approved by me

Robert H. Tyndall (signed)
As Mayor

And, Whereas, Said agreement and permit has been submitted
by the Board of Public Works and Sanitation to the Common Council
of the City of Indianapolis, for its consideration and action, now,
therefore:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY
OF INDIANAPOLIS, INDIANA:

Section 1. That such agreement and permit 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.

Attest:

.....

Clerk of the Common Council

.....

President of the Common Council

Approved by me, this.....day of....., 194.....

.....

Mayor

HERMAN E. BOWERS,
Councilman.

The motion was seconded by Mr. Kealing and passed by the following roll call vote:

Ayes, 7; viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, President Schumacher.

On motion of Mr. Bowers, seconded by Dr. Meriwether, General Ordinance No. 80, 1944, as amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 80, 1944, as amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, President Schumacher.

Mr. Dauss called for General Ordinance No. 81, 1944, for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. Kealing, General Ordinance No. 81, 1944, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 81, 1944, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, President Schumacher.

Mr. Manly called for General Ordinance No. 82, 1944, for second reading. It was read a second time.

On motion of Mr. Manly, seconded by Mr. Dauss, General Ordinance No. 82, 1944, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 82, 1944, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, President Schumacher.

Mr. Manly called for General Ordinance No. 84, 1944, for second reading. It was read a second time.

On motion of Mr. Manly, seconded by Mr. Bowers, General Ordinance No. 84, 1944, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 84, 1944, was read a third time by the Clerk and passed by the following roll call vote:

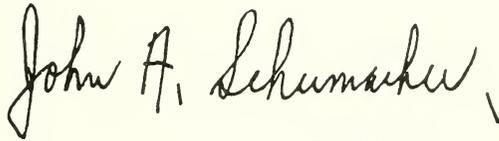
Ayes, 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, President Schumacher.

On motion of Mr. Kealing, seconded by Mr. Bowers, the Common Council adjourned at 6:50 p. m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, held on the 14th day of November, 1944, at 5:30 p. m.

In Witness Whereof, we have hereunto subscribed our signatures and caused the seal of the City of Indianapolis to be affixed.

Attest:

A handwritten signature in cursive script that reads "John A. Schumaker". The signature is written in dark ink on a light-colored background.

President.

A handwritten signature in cursive script that reads "Frank J. Nally". The signature is written in dark ink on a light-colored background.

City Clerk.

(SEAL)