

REGULAR MEETING

Monday, January 17, 1949.

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, January 17, 1949, at 7:30 P. M., in regular session. President Emhardt in the chair.

The Clerk called the roll.

Present: Mr. Bright, Miss Connor, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

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

COMMUNICATIONS FROM CITY OFFICIALS

January 12, 1949

Honorable President and Members
Common Council of the
City of Indianapolis

Gentlemen:

Attached hereto are copies of General Ordinance No. 2, 1949, an ordinance to amend General Ordinance No. 9, 1925 (as amended),

known as the Official Thoroughfare Plan of the City of Indianapolis.

The City Plan Commission, at its regular meeting January 10, 1949, held a public hearing on this proposed ordinance, and by a unanimous vote the members present approved and recommended passage.

Respectfully submitted,

NOBLE P. HOLLISTER,

Executive Secretary

CITY PLAN COMMISSION

NPH s

January 17, 1949

Honorable President and
Members of the Common Council,
City of Indianapolis.

Gentlemen:

We submit herewith General Ordinance No. 3, 1949.
This Ordinance establishes Loading Zones for,

Hook Drug Company, Cor. E. Washington and
New Jersey Streets.

Kroot and Son, 625 West Market Street.

McCollum Typewriter Exchange Sales and
Service Company, 229 North Delaware Street.

Fred B. Alexander Typesetting Company,
111-113 South Capitol Avenue.

We respectfully request passage of this Ordinance.

Yours very truly,

BOARD OF PUBLIC SAFETY

L. J. Keach, President

LJK:ah

January 17, 1949

Honorable President and
Members of the Common Council,
City of Indianapolis.

Gentlemen:

We submit herewith General Ordinance No. 4, 1949.

This Ordinance is presented in accordance with a request of the State Highway Commission and regulates parking on Fall Creek Boulevard, North Drive, which is a part of State Road No. 37. Parking is prohibited,

- (a) On the northwest side of said street from the east curb line of Meridian Street to the south curb line of East 30th Street between the hours of 7 a. m. and 9 a. m.
- (b) On the south east side of said street from the east curb line of Meridian Street to the south curb line of 30th Street, between the hours of 4 p. m. and 6 p. m

We respectfully request passage of this Ordinance.

Yours very truly,

BOARD OF PUBLIC SAFETY

L. J. Keach, President

LJK:ah

January 17, 1949

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

Gentlemen:

Submitted herewith are copies of General Ordinance No. 5, 1949,

authorizing a switch permit for the Glidden Company at 18th Street and Gent Street.

It is respectfully recommended that this ordinance be passed.

Very truly yours,

HENRY MUELLER

Executive Secretary

BOARD OF PUBLIC WORKS

HM:sk

At this time those present were given an opportunity to be heard on General Ordinances Nos. 1, 1949 and No. 115, 1948.

Mr. Seidensticker asked for recess. The motion was seconded by Mr. Wallace, and the Council recessed at 7:50 P. M.

The Council reconvened at 8:15 P. M., with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., January 17, 1949

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 General Ordinance No. 1, 1949, entitled

AN ORDINANCE authorizing the Board of Public Works to purchase 4 dump trucks and 2 chassis to be paid for out of funds

heretofore appropriated; 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.

JOSEPH C. WALLACE, Chairman

GUY O. ROSS

MARY C. CONNOR

JOS. E. BRIGHT

DONALD B. JAMESON

Indianapolis, Ind., January 17, 1949

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. 115, 1948, entitled

AN ORDINANCE regulating the production and emission of smoke from any chimney, smokestack, or other source within the corporate limits of the City of Indianapolis; regulating air pollution caused by the escape of soot, cinders, noxious acids, fumes, gases, and fly ash within the City; regulating the importation, sale, use, and consumption of certain fuels; regulating the construction, reconstruction, repair, maintenance, use of, and additions to, refuse-burning equipment and fuel-burning plants, including fuel-burning equipment and devices, and requiring notice to the City of all purchase and sales thereof; establishing a Bureau of Air Pollution Prevention; requiring smoke indicators or other approved methods of observing smoke from the boiler or furnace room in certain cases; establishing fees for examination of plans and issuance of permits, inspection of furnaces or other fuel-burning equipment or devices, and issuance of certificates of operation; estab-

lishing an Appeal Board, and providing fines and penalties for the violation of the provisions of this Ordinance

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

GUY O. ROSS, Chairman
JOSEPH A. WICKER
JOSEPH C. WALLACE
CHAS. P. EHLERS
JOS. E. BRIGHT

INTRODUCTION OF GENERAL ORDINANCES

By the City Plan Commission:

GENERAL ORDINANCE NO. 2, 1949

AN ORDINANCE to amend General Ordinance No. 9, 1925 (as amended), known as the Official Thoroughfare Plan of the City of Indianapolis, and fixing a time when the same shall take effect.

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

Section 1. That General Ordinance No. 9, 1925 (as amended), known as the Official Thoroughfare Plan of the City of Indianapolis, be and the same is hereby amended and changed so as to establish and provide on that portion of Morris Street located between the west property line of White River Parkway, West Drive, and the west property line of Lot 136 in McCarty's Fourth West Side Addition, an addition to the City of Indianapolis, as recorded in Plat Book 8, Page 100, in the office of the Recorder of Marion County, Indiana, additional property line width or right-of-way width as follows:

Nineteen (19) feet of additional right-of-way width on the north side of Morris Street from the east line of Lot 140 in said McCarty's Fourth West Side Addition to the west line

of said Lot 140, which is also the east line of Lot 139 in said addition.

Sixteen (16) feet of additional right-of-way width on the north side of Morris Street from the east line of Lot 139 in said McCarty's Fourth West Side addition to the west line of said Lot 139, which is also the east line of Lot 138 in said addition.

Thirteen (13) feet of additional right-of-way width on the north side of Morris Street from the east line of Lot 138 in said McCarty's Fourth West Side addition to the west line of said Lot 138, which is also the east line of Lot 137 in said addition.

Nine and five-tenths (9.5) feet of additional right-of-way width on the north side of Morris Street from the east line of Lot 137 in said McCarty's Fourth West Side addition to the west line of said Lot 137, which is also the east line of Lot 136 in said addition.

Seven (7) feet of additional right-of-way width on the north side of Morris Street from the east line of Lot 136 in said McCarty's Fourth West Side Addition to the west line of said Lot 136.

Section 2. That all copies of the Official Thoroughfare Plan maps be amended and changed so as to include the revisions as set out in Section 1 hereof.

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

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

By the Board of Public Safety:

GENERAL ORDINANCE NO. 3, 1949

AN ORDINANCE establishing a certain passenger and/or loading

zone in the City of Indianapolis, pursuant to the provisions of Section 26 of General Ordinance No. 96-1923, as amended; 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 for the purpose of providing the owners or occupants of certain premises fronting on certain public streets in the city of Indianapolis, with ingress and egress for passengers, materials and merchandise coming to or going from such premises, such owner or occupants having complied with the provisions of Section 26 of General Ordinance No. 96-1928, as amended, and the Board of Public Safety, after due investigation having recommended the establishment of the same, the following passenger and/or loading zone be and the same is hereby established in the City of Indianapolis, to-wit:

- (a) Beginning at a point 25 feet north of the north curb line of East Washington Street and extending north 25 feet along the west curb line of North New Jersey Street, for the use and occupancy of the Hook Drug Company, Store No. 2.
- (b) Beginning at a point at the east property line of 625 W. Market Street and extending west 25 feet along the south curb line of West Market Street, for the use and occupancy of Kroot and Son, 625 West Market Street.
- (c) Beginning at a point 15 feet north of the south building line of 229 North Delaware Street and extending 25 feet north along the east curb line of North Delaware Street, for the use and occupancy of McCollum Typewriter Exchange Sales and Service Company, 229 North Delaware Street.
- (d) Beginning at a point 120 feet south of the south curb line of Maryland Street and extending south 25 feet along the east curb line of Capitol Avenue, for the use and occupancy of the Fred B. Alexander Typesetting Company, 111-113 South Capitol Avenue.

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

and after its passage and approval by the Mayor.

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

By the Board of Public Safety:

GENERAL ORDINANCE NO. 4, 1949

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

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

Section 1. That it shall be unlawful for the owner or operator of any vehicle to park the same or to suffer, permit or allow the same to be parked at any time on the following designated part of Fall Creek Boulevard North Drive:

- (a) On the northwest side of said street from the east curb line of Meridian Street to the south curb line of East 30th Street between the hours of 7 o'clock a. m. and 9 o'clock a. m.
- (b) On the south east side of said street from the east curb line of Meridian Street to the south curb line of 30th Street, between the hours of 4 o'clock p. m. and 6 o'clock p. m.

Section 2. Any person violating any provision of this ordinance shall upon conviction be fined any sum not to exceed \$300.00 to which may be added imprisonment not to exceed 180 days.

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

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

By the Board of Public Works:

SWITCH PERMIT

GENERAL ORDINANCE NO. 5, 1949—An ordinance approving a certain agreement and permit granting THE GLIDDEN COMPANY the right to lay and maintain a sidetrack or switch across Gent Street and two sidetracks or switches across 18th Street according to blue print attached, in the City of Indianapolis, Indiana

WHEREAS, heretofore, to-wit: on the 13th day of January, 1949

THE GLIDDEN 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:

The undersigned, The Glidden Company, hereby requests the privilege of building and constructing one railroad switch track across Gent Street and two switch tracks across 18th Street to connect with continuing switch tracks on private property all as indicated in red on the blue print hereto attached, marked Exhibit "A" and made a part of this petition. Said tracks are to be on the same grade as existing

streets at the point of crossing and are designated as Tracks 1, 2 and 3, respectively, on said Exhibit "A".

THE GLIDDEN COMPANY

By Clifton M. Kolb,
Secretary.

NOW, THEREFORE, This agreement made and entered into this 13th day of January, 1949, by and between

THE GLIDDEN COMPANY

of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works, party of the second part.

WITNESSETH: That the party of the first part, being desirous of securing a permit for a right of way for a sidetrack or switch from the west property line of Gent Street to the east property line thereof as extended and two switch tracks from the south property line of 18th Street as extended to the north property line of 18th Street in the City of Indianapolis, which are more specifically set forth in red on the attached blue print designated as Exhibit "A" and designated as Tracks 1, 2 and 3, respectively thereon, the location of which when completed being more specifically described as follows:

TRACK 1

Commencing at a point on the west property line of Gent Street 126 feet south of the south property line of 18th Street, thence running in a northeasterly direction to a point in the east property line of Gent Street as extended, 32 feet south of the south property line of 18th Street as extended.

TRACK 2

Commencing at a point on the south property line of 18th Street as extended 19 feet east of the east property line of Gent Street as extended, thence in a northeasterly direction to a point in the north property line of 18th Street 163 feet east of the east property line of Gent Street as located north of 18th Street.

TRACK 3

Commencing at a point on the south property line of 18th Street as extended 23 feet east of the east property line of Gent Street as extended, running thence in a northeasterly direction to a point in the north line of 18th Street 176 feet east of the east property line of Gent Street as located north of 18th Street.

hereby covenants and fully binds itself, its successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, it 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 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 party, 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 sidetrack or switch across Gent Street and two sidetracks or switch tracks across 18th Street, as herein above described 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 13th day of January, 1949.

THE GLIDDEN COMPANY,

Clifton M. Kolb,
Secretary

Party of the First Part

Witness:

G. G. Graebner

CITY OF INDIANAPOLIS

By Stanley S. Feezle, President
Martin McDermott
Carl N. Angst

As BOARD OF PUBLIC WORKS,

Party of the Second Part

Approved by me,

AL FEENEY
as Mayor.

AND, WHEREAS, Said agreement and permit 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,

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.

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 , 19

Mayor

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

ORDINANCES ON SECOND READING

Mr. Wallace called for General Ordinance No. 1, 1949, for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Seidensticker, General Ordinance No. 1, 1949, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 1, 1949, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bright, Miss Connor, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

MISCELLANEOUS BUSINESS

Mr Jameson moved that the President of the Council

appoint a committee to write a letter to the family of A. Ross Manly, a member of the former City Council, to express the deep and sincere sympathy of all the present Council members. The motion was seconded by Mr. Ehlers. President Emhardt appointed the following committee: Mr. Jameson, Mr. Ehlers and Mr. Wicker.

On motion of Mr. Wallace, seconded by Mr. Ehlers, the Common Council adjourned at 8:20 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 17th day of January, 1949, at 7:30 P. M.

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



President.

ATTEST:



(SEAL)

City Clerk.