

REGULAR MEETING

OCTOBER 15, 1934

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at City Hall, Monday, October 15, 1934, at 7:30 P. M., in regular session. President Ernest C. Ropkey in the chair.

The Clerk called the roll.

Present: Ernest C. Ropkey, President, and five members viz: Fred C. Gardner, George A. Henry, Carl A. Hildebrand, Charles A. Morgan, Maurice E. Tennant.

Absent: James A. Houck, Leo F. Welch, Clarence I.

Wheatley.

On motion of Mr. Gardner, seconded by Mr. Tennant, the reading of the Journal for the previous meeting was dispensed with.

COMMUNICATIONS FROM THE MAYOR

October
3rd,
1934.

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

Gentlemen:

I have, this day, approved with my signature and delivered to Henry O. Goett, City Clerk, the following ordinances:

GENERAL ORDINANCE No. 59, 1934

AN ORDINANCE establishing West Street from Sixteenth Street to Bluff Road as a preferential street, supplementing certain other preferential streets heretofore established by General Ordinance No. 78,1932, providing that the operator of a vehicle shall come to a full stop before entering upon said street, providing for the maintenance of appropriate signs at the interseptions with cross streets and providing a penalty for the violation thereof; amending sub-section 27 of Section 2 of said General Ordinance No. 78, 1932; and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 62, 1934

AN ORDINANCE transferring certain amounts from certain numbered funds of the Department of Public Health and Charities and reappropriating the same to other numbered funds in said department and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 63, 1934

AN ORDINANCE transferring moneys from certain funds (Department of Public Safety Fund No. 24 and Department of Law Fund No. 24) and reappropriating the same to other designated funds, and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE No. 32, 1934

AN ORDINANCE appropriating an unexpended and heretofore unappropriated sum of three thousand seven hundred and fifty dollars (\$3,750.00) now in the Board of Health General Fund to City Hospital General Fund No. 721, Furniture and Fixtures, and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE No. 33, 1934

AN ORDINANCE appropriating the unapportioned and unexpended balance in the Gasoline Tax Fund of the Department of Public Parks for the year 1933 to the Gasoline Tax Fund of the Department of Public Parks for the year 1934, Item 12, Salaries and Wages, Temporary, and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE No. 34, 1934

AN ORDINANCE appropriating certain sums out of the anticipated unappropriated and unexpended balance in the General Fund for the year 1934 to the Department of Public Safety, Dog Pound Budget, and fixing a time when the same shall take effect.

SPECIAL ORDINANCE No. 3, 1934

AN ORDINANCE authorizing and approving the acceptance of the proposed gift to the City of Indianapolis, Indiana by the Indianapolis Flower Mission and the proposed grant to be made by the United States of America to said city for the purpose of constructing and equipping a public tubercu-

losis hospital, approving the terms and conditions of said proposed gift and grant, and fixing a time when said ordinance shall take effect.

Respectfully,

R. H. SULLIVAN,
Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

October 15, 1934

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

Gentlemen:

We are submitting herewith an ordinance establishing two 18 foot "Passenger Zones" and/or "Loading Zones"—one at 15 East Maryland Street for the Eureka Vacuum Cleaner Company, and one for the Merchants Trucking Company at 38 Virginia Avenue. We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,
(Signed) Walter O. Lewis,
Executive Secretary.

October 15, 1934

Mr. Henry Goett,
City Clerk,

Dear Sir:

I am handing you herewith an ordinance prepared by the City Legal Department and entitled "An ordinance authorizing the sale and conveyance of certain real estate owned by the City of Indianapolis, and approving, ratifying and validating all action heretofore or hereafter taken relating thereto and fixing a time when the same shall take effect," with the request that the same be presented to the Common Council at their next meeting and the recommendation of the Board of Public Works that the same be passed.

Yours very truly,

(signed) ERNEST F. FRICK,
Secretary, Board of Public Works.

Mr. Morgan asked for a recess. The motion was seconded by Mr. Henry, and the Council recessed at 7:40 P. M.

The Council reconvened from its recess at 7:45 P. M. with the same members present as before.

COMMITTEE REPORTS.

Indianapolis, Ind., October 15, 1934

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

Gentlemen:

We, your Committee on Public Parks to whom was referred General Ordinance No. 61, 1934, entitled Amending General Ordinance No. 114, 1922, Zoning territory bounded by Indiana Avenue, Blake, Locke and North Streets, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

F. C. GARDNER, Chairman,
GEO. A. HENRY,
C. A. HILDEBRAND,

Indianapolis, Ind., October 15, 1934

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. 66, 1934, entitled Establishing two taxicab stands at 821 Fort Wayne Avenue, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

MAURICE E. TENNANT, Chairman.
F. C. GARDNER.
CHAS. C. MORGAN.

Indianapolis, Ind., October 15, 1934

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. 68, 1934, entitled Making Raymond Street

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

MAURICE E. TENNANT, Chairman.
F. C. GARDNER.
CHAS. C. MORGAN.

Indianapolis, Ind., October 15, 1934

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. 69, 1934, entitled Authorizing purchase of certain real estate and purchase of certain other real estate, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

CHAS. C. MORGAN, Chairman.
F. C. GARDNER.
MAURICE E. TENNANT.

Indianapolis, Ind., October 15, 1934

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

Gentlemen:

We, your Committee on Public Parks to whom was referred Special Ordinance No. 2, 1934, entitled Changing name of Daisy Street to West Street, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

F. C. GARDNER, Chairman.
GEO. A. HENRY.
CARL A. HILDEBRAND.

INTRODUCTION OF GENERAL ORDINANCES

By Board of Safety:

GENERAL ORDINANCE No. 70, 1934

AN ORDINANCE establishing certain passenger zones and/or loading zones in the City of Indianapolis, pursuant to the pro-

visions of Section 26 of General Ordinance No. 96, 1928, as amended by General Ordinance No. 31, 1931, as amended by General Ordinance No. 58, 1931, 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 of the City of Indianapolis with ingress and egress for passengers and freight coming to or going from such premises, such owners or occupants having complied with the provisions of Section 26 of General Ordinance No. 96, 1928, as amended by General Ordinance No. 31, 1931, as amended by General Ordinance No. 58, 1931, by making written application and request to the Board of Public Safety for the establishment of such passenger and/or loading zones as hereinafter set out, said board having caused an investigation to be made thereof, and said board having recommended the establishment of such passenger and/or loading zones, and pursuant to the terms of said Section 26 of General Ordinance No. 96, 1928, as amended by General Ordinance No. 31, 1931, as amended by General Ordinance No. 58, 1931, the following passenger and/or loading zones be and the same are hereby established in the City of Indianapolis, to-wit:

18 feet in front of 15 East Maryland Street occupied by Eureka Vacuum Cleaner Company;

18 feet in front of 38 Virginia Avenue occupied by the Merchants Trucking Company.

SECTION 2. 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 the first time and referred to the Committee on Public Safety.

INTRODUCTION OF SPECIAL ORDINANCES

By Board of Public Works:

SPECIAL ORDINANCE No. 4, 1934

AN ORDINANCE authorizing the sale and conveyance of certain real estate owned by the City of Indianapolis, and approving ratifying and validating all action heretofore or hereafter taken relating thereto, and fixing a time when the same shall take effect.

WHEREAS, the Common Council on October 16, 1933, duly passed Special Ordinance No. 4, 1933, thereafter approved by the Mayor, authorizing the sale and conveyance of certain real estate owned by the City of Indianapolis, and by inadvertance the description of the particular land authorized to be sold was erroneous, although embracing within the description all but a small portion of the land intended to be described, and said ordinance also, by inadvertance, authorized such sale to be made by the Board of Public Works instead of by the Mayor, as required by law, and generally and for cash, instead of pursuant to the agreement hereinafter set out; and

WHEREAS, the particular parcels of land intended to be described in said ordinance and then understood and intended by said Common Council to be included in the general description set out in said ordinance, and to be sold in accordance with such agreement, are the parcels located in Indianapolis, Marion County, Indiana, and now particularly described as follows:

PLOT "A." A part of Square 15 in Davidson's 3rd Addition as recorded in plat book 3 at page 97 in the office of the Recorder of Marion County, Indiana, being more particularly described as follows:

Beginning at a point on the production of the west property line of the first alley west of Dorman Street, said point being 40 feet south of the southeast corner of Lot 1 of Block 1 in Walker's East Ohio Street Addition as recorded in plat book 8 at page 196 in the office of the Recorder of Marion County, Indiana; thence south on the production of the west property line of the first alley west of Dorman Street a distance of 3.17 feet to the north property line of New York Street as opened by Declaratory Resolution No. 15,030 of the Board of Public Works of the City of Indianapolis; thence in a southwestwardly direction on and along the north property line of said New York Street a distance of 18.24 feet to a point in the east property line of Dorman Street before the adoption of Declaratory Resolution No. 15,016 of the Board of Public Works of the City of Indianapolis; thence north on and along the said east property line of said Dorman Street a distance of 9.07 feet to a point; thence east on and along a line 40 feet south of and parallel to the south line of the aforescribed Lot 1 a distance of 17 feet to the point or place of beginning.

And also,

A part of Dorman Street in the City of Indianapolis as

vacated by Declaratory Resolution No. 15,016 of the Board of Public Works of said city, being more particularly described as follows:

Beginning at a point on the production of the west line of Lot 1 of Block 1 in Walker's East Ohio Street Addition as recorded in plat book 8 at page 196 in the office of the Recorder of Marion County, said point being 40 feet south of the southwest corner of the said Lot 1; thence east on a line 40 feet south of and parallel to the south line of said Lot 1, said line being the south property line of East New York Street before the adoption of the said Declaratory Resolution No. 15,016, a distance of 25 feet to a point; thence south on and along the east property line of Dorman Street, as located before the adoption of the said Declaratory Resolution No. 15,016, a distance of 9.07 feet to a point on the north property line of New York Street as opened by Declaratory Resolution No. 15,030 of the said Board of Public Works; thence southwestwardly on and along the said north property line of New York Street a distance of 27.13 feet to a point; thence in a northwardly direction on the production of the west line of Lot 1 of Block 1 in Walker's East Ohio Street Addition, as recorded in plat book 8 at page 196 in the office of the Recorder of Marion County, a distance of 19.15 feet to the point or place of beginning. And also,

A part of New York Street in the City of Indianapolis as vacated by Declaratory Resolution No. 15,017 of the Board of Public Works of the said city, being more particularly described as follows:

Beginning at a point on the production of the west line of Lot 1 Block 1 in Walker's East Ohio Street Addition as recorded in plat book 8 at page 196 in the office of the Recorder of Marion County, said point being 15 feet south of the southwest corner of said Lot 1; thence east on a line 15 feet south of and parallel to the south line of said Lot 1 a distance of 42 feet to the production of the west property line of the first alley west of Dorman Street; thence south on and along the production of the west property line of the first alley west of Dorman Street a distance of 25 feet to a point; thence west on a line 40 feet south of and parallel to the south line of Lot 1 of Block 1 in Walker's East Ohio Street Addition, said line being the south property line of East New York Street, as located before the adoption of said Declaratory Resolution No. 15,017, a distance of 42 feet to a point on the production of the west

line of said Lot 1; thence north on and along the production of the west line of said Lot 1 a distance of 25 feet to the point or place of beginning.

PLOT "B." A part of New York Street in the City of Indianapolis as vacated by Declaratory Resolution No. 15,017 of the Board of Public Works of the said city, being more particularly described as follows:

Beginning at a point on the production of the east property line of the first alley west of Dorman Street, said point being 15 feet south of the southwest corner of Lot 9 of Block 1 in Walker's East Ohio Street Addition as recorded in plat book 8 at page 196 in the office of the Recorder of Marion County; thence east on a line 15 feet south of and parallel to the south line of the said Lot 9 a distance of 81.55 feet to a point on the north property line of East New York Street as opened by Declaratory Resolution No. 15,030 of the Board of Public Works of the City of Indianapolis; thence in a southwestwardly direction on and along the north property line of the said New York Street a distance of 85.27 feet to a point on the production of the east property line of the first alley west of Dorman Street; thence north on the production of the east property line of the said alley a distance of 23.5 feet to the point or place of beginning; and

WHEREAS, pursuant to the authority then intended to be conferred by the aforesaid ordinance, said city filed its petition on November 6, 1933, in the Marion Circuit Court, Cause No. 3805, asking the appointment of three appraisers to appraise the land as the same was originally described in said ordinance, and such appraisers were appointed; but upon discovering the error in said description said city, on December 6, 1933, filed its amended petition for the appointment of three appraisers to appraise such real estate and therein correctly described all said real estate, as the same is hereinabove described; and thereupon the court duly appointed as such appraisers, Noble C. Hilgenberg, Charles J. Van Tassel and Robert M. Collier, who thereupon subscribed to the oath required by law and having duly appraised the fair value of each of said parcels of real estate, such plot "A" being appraised at \$278.46, and such plot "B" at \$244.65, their verified report of such appraisal was filed with and duly approved by said court on December 12, 1933, all as provided by law; and

WHEREAS, the land herein described and at all times intended to be sold by said city consists of certain portions formerly

embraced in New York Street and Dorman Street, heretofore vacated by the Board of Public Works under the resolutions referred to in said original ordinance and which reverted to said city as an abutting owner of Highland Park, and also of a small triangular parcel which was formerly embraced in said Highland Park, but cut off therefrom by the relocation of New York Street; and all such parcels of land included in said plots "A" and "B" now lie northwest of the property line of the newly routed New York Street, as the same has been now relocated and constructed, partly across said Highland Park, and by reason of the title of such parcels of land being in the city, the property of two owners, named Six and Seibert, whose lands formerly abutted along the north side of said New York Street and the north end of Dorman Street, is now wholly, as to said Six, and in part, as to said Seibert, cut off from access to such newly relocated New York Street and by reason thereof they claim to have suffered material damage in the value of their property and were not compensated therefor in such vacation proceedings, and also that they are not subject to assessment for any costs of any improvements of such relocated street where the same does not now abut on property owned by them, but that all such assessments should be solely against the city; and they claim that the amount of their respected damages greatly exceeds the aforesaid respective appraised values of the city's real estate, and have intended to file suit for such damages; but such owners are willing to offset, compromise and waive such claims and all actions for damages in consideration of and on the condition that the respective parcels of real estate now abutting their property be conveyed to them respectively by the city by warranty deeds, subject to easements for all sewers now thereunder, and on the following terms: as to said Six, or his or their assigns, said city shall also assume and pay all assessments against the land so conveyed for the construction of pavement, curbs and sidewalks in the improvement of such relocated New York Street, except all assessments for street intersections which said Six shall assume and pay, in cash or by installments upon waivers therefor, and said city shall pay said Six the sum of Nine Hundred Twenty-four and Eighty-nine Hundredths Dollars (\$924.89) cash, and construct one approach sidewalk from New York Street to the buildings on said premises, as the balance in full of all damages due in said settlement; and as to said Seibert, or his or their assigns, said city shall also construct, or assume and pay all costs or assessments for the construction of the sidewalk along New York Street as now located and the cost for two approach walks

therefrom to the houses now on such owner's property and the cost of grading such property to conform the same to the new street grade, as the balance in full of all damages due in said settlement, and said Seibert agrees to pay all assessments now a lien on his property for the construction of pavement and curbs, and streets intersection charges, or private extras, in the improvement of said New York Street; and such proposed settlement has been approved by the Board of Public Works, subject to the ratification thereof by the Common Council; and

WHEREAS, it appears to be for the best interests of said city to accept said proposed compromise settlement and that the probable damages suffered by such property owners at least equals the aforesaid appraised value of all such real estate, together with the additional costs to said city involved in such settlement, and that such real estate is no longer needed by said city; NOW, THEREFORE,

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

SECTION 1. That the aforesaid preamble is hereby adopted as a part of this section, by this reference thereto, and all the facts and matters therein set out and referred to and all action heretofore or to be hereafter taken by any officers or boards of said City of Indianapolis, either in the premises or in the completion of such compromise settlement and the making of such conveyances of real estate, as herein set out, together with such other and additional acts incidental thereto as may be necessary, are in all things hereby authorized, approved, ratified and confirmed; and all action heretofore taken by any officers, or boards, pursuant to said original ordinance and in the premises, is hereby approved, legalized and validated.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

ORDINANCES ON SECOND READING

Mr. Gardner called for General Ordinance No. 61, 1934, for second reading. It was read a second time.

On motion of Mr. Gardner seconded by Mr. Morgan, General Ordinance No. 61, 1934 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 61, 1934 was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 6 viz: Mr. Gardner, Mr. Henry, Mr. Hildebrand, Mr. Morgan, Mr. Tennant, President Ropkey.

Mr. Tennant called for General Ordinance No. 66, 1934, for second reading. It was read a second time.

On motion of Mr. Tennant seconded by Mr. Henry, General Ordinance No. 66, 1934 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 66, 1934 was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 6 viz: Mr. Gardner, Mr. Henry, Mr. Hildebrand, Mr. Morgan, Mr. Tennant, President Ropkey.

Mr. Tennant called for General Ordinance No. 68, 1934 for second reading. It was read a second time.

On motion of Mr. Tennant seconded by Mr. Henry, General Ordinance No. 68, 1934 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 68, 1934 was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 6 viz: Mr. Gardner, Mr. Henry, Mr. Hildebrand, Mr. Morgan, Mr. Tennant, President Ropkey.

Mr. Morgan called for General Ordinance No. 69, 1934, for second reading. It was read a second time.

On motion of Mr. Morgan, seconded by Mr. Henry, General Ordinance No. 69, 1934 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 69, 1934 was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 6 viz: Mr. Gardner, Mr. Henry, Mr. Hildebrand, Mr. Morgan, Mr. Tennant, President Ropkey.

Mr. Gardner called for Special Ordinance No. 2, 1934 for second reading. It was read a second time.

On motion of Mr. Gardner, seconded by Mr. Morgan, Special Ordinance No. 2, 1934 was ordered engrossed, read a third time and placed upon its passage.

Special Ordinance No. 2, 1934 was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 6 viz: Mr. Gardner, Mr. Henry, Mr. Hildebrand, Mr. Morgan, Mr. Tennant, President Ropkey.

MISCELLANEOUS BUSINESS

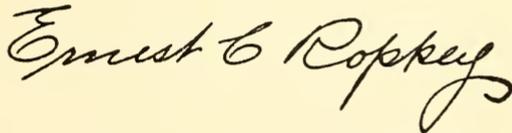
Mr. Tennant announced that the Committee on Finance was not ready to report on General Ordinance No. 64, 1934 and asked for further time for consideration of said ordinance, which was granted.

Mr. Tennant announced that the Committee on Finance was not ready to report on General Ordinance No. 65, 1934 and asked for further time for consideration of said ordinance, which was granted.

Mr. Tennant announced that the Committee on Finance was not ready to report on General Ordinance No. 67, 1934 and asked for further time for consideration of said ordinance, which was granted.

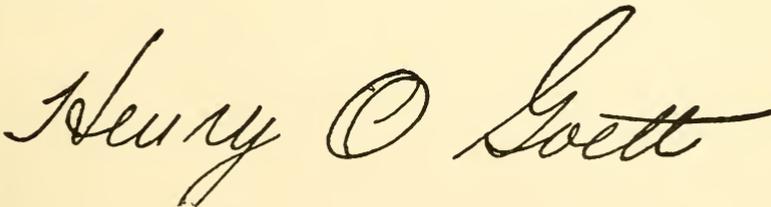
On motion of Mr. Gardner, seconded by Mr. Hildebrand, the Common Council adjourned at 7:50 P. M.

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



President.

Attest:



City Clerk.

SEAL.