

REGULAR MEETING

November 18, 1935

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, November 18, 1935, at 7:30 p. m., in regular session. President Edward B. Raub in the chair.

The Clerk called the roll.

Present: Edward B. Raub, President, and seven members, viz: Theodore Cable, Silas J. Carr, Nannette Dowd, Adolph J. Fritz, Edward R. Kealing, William A. Oren, Ross H. Wallace.

Absent: John A. Schumacher.

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

COMMUNICATIONS FROM THE MAYOR

November 6, 1935.

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

Gentlemen:

I have today approved with my signature and delivered to Mr. Daniel J. O'Neill, Jr., City Clerk, the following ordinances:

APPROPRIATION ORDINANCE NO. 28, 1935

AN ORDINANCE appropriating the sum of Two Hundred Dollars

(\$200.00) from the anticipated unappropriated and unexpended balance of the Municipal Airport Fund for the year 1935 and transferring the same to Municipal Airport Fund 21, and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 29, 1935

AN ORDINANCE appropriating and allocating the sum of Ninety-one Thousand Seven Hundred Fifty-eight Dollars and Sixty-nine Cents (\$91,758.69), received on October 3, 1935, from the State of Indiana as revenue under the Gasoline Tax, to the following departments of the City of Indianapolis in the amounts specified, in accordance with the provisions of Section 4A of General Ordinance No. 56, 1934, and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE NO. 30, 1935

AN ORDINANCE appropriating and transferring to Fund 21 in the Office of the Mayor the sum of Seventy-five Dollars (\$75.00) out of the unappropriated and unexpended balance in the general fund for the year 1934, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 83, 1935

AN ORDINANCE transferring moneys from certain funds, reappropriating and reallocating the same to other designated funds, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 85, 1935

AN ORDINANCE amending General Ordinance No. 114, 1922, commonly known as the Zoning Ordinance, and fixing a time when the same shall take effect.

RESOLUTION NO. 5, 1935

A RESOLUTION authorizing and empowering John W. Kern, Mayor of Indianapolis, to sell and assign certain United States registered government bonds, held by the City of Indianapolis as trustee under the last wills and testaments of Susan W. Butler

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and Margaret Butler Snow, and naming an effective date.

Respectfully,

JOHN W. KERN,

Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

November 18, 1935.

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

Gentlemen:

Attached please find copies of Appropriation Ordinance No. 31, 1935, appropriating \$4,905.35 from the unexpended and unappropriated 1934 cash balance of the Gasoline Tax Fund to the City Civil Engineer's Gasoline Tax Fund.

I respectfully recommend the passage of this ordinance.

Yours very truly,

WALTER C. BOETCHER,
City Controller.

November 18, 1935.

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

Gentlemen:

Attached please find copies of General Ordinance No. 91, 1935, transferring \$35,000.00 from the cash balance in the Board of Public Works Gasoline Tax Fund and reappropriating the same as follows:

City Civil Engineer's Gasoline Tax Fund....	\$ 2,579.93
Street Commissioner's Gasoline Tax Fund....	32,420.07
	<hr/>
	\$35,000.00

I respectfully recommend the passage of this ordinance.

Yours very truly,

WALTER C. BOETCHER,
City Controller.

November 15, 1935.

Mr. W. C. Boetcher,
City Controller.

Dear Sir:

The Board of Public Works and Sanitation respectfully request that you cause to be prepared an ordinance appropriating the sum of \$32,420.07, out of Board of Works Administration, Gas Tax 26, into Street Commissioners Gas Tax Cash, also the sum of \$2,579.93 out of Administration Gas Tax 26 into City Civil Engineer Cash.

This transfer is made necessary due to that portion of the County's Gas Tax, which the City has been receiving being held in escrow, pending the settlement of litigation now pending and is needed to operate these two departments for the balance of the year 1935.

This ordinance is requested with the distinct understanding that the Administration Gas Tax 26 will be reimbursed in like amount from the Street Commissioner and the City Civil Engineer Departments upon receipt of their January 1st Gas Tax allocations.

Will you kindly submit this ordinance to the Council at their next meeting with the recommendation from the Board of Public Works and Sanitation that the same be passed.

Very truly yours,

BOARD OF PUBLIC WORKS AND SANITATION

By: ERNEST F. FRICK,
Secretary.

November 16, 1935.

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

Gentlemen:

Your attention is directed to General Ordinance No. 92, 1935, to set aside an appropriation in the aggregate amount of Thirty-four Thousand Three Hundred Sixty-six and 15/100 Dollars for the purchase of the necessary Cement and Fabricated Steel Wire Reinforcement Bars entering into the construction and resurfacing of West Michigan Street from Indiana Avenue west to White River, based on the City Engineer's estimates.

This resurfacing job is being completed under the Government's W. P. A. Project No. 6020 wherein the Board of Works and Sanitation has agreed to furnish all necessary material entering into the construction of said street and the Government is to furnish all necessary labor and machinery to complete this job.

Please be advised that sealed bids will be received and opened in public according to law and the award to be made to the lowest and best bidder.

Respectfully submitted,

DEPARTMENT OF PUBLIC PURCHASE

ALBERT H. LOSCHE,
Purchasing Agent.

November 13, 1935.

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

Gentlemen:

Your attention is directed to General Ordinance No. 93, 1935, to set aside an appropriation in the aggregate amount of Six Thou-

sand Three Hundred Ninety-six Dollars and Seventy-five Cents for the purchase of necessary sand and gravel entering into the construction and resurfacing of West Michigan Street from Indiana Avenue west to White River.

This resurfacing job is being completed under the Government's W. P. A. Project No. 6020 wherein the Board of Works and Sanitation has agreed to furnish all necessary material entering into the construction of said street and the Government is to furnish all necessary labor and machinery to complete this job.

Please be advised that sealed bids were asked for and opened in public on October 21, 1935, at Nine-thirty A. M. before the Board of Public Works and Sanitation and the entire Board was then and there present when such bids were opened.

The award was made to the Brown-Rosenbarger Gravel Co., Inc., for sand and the American Aggregate Corp. was awarded the bid for gravel, these two firms having submitted the lowest and best bids.

Respectfully submitted,

DEPARTMENT OF PUBLIC PURCHASE

ALBERT H. LOSCHE,
Purchasing Agent.

November 18, 1935.

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

Gentlemen:

We are submitting to you herewith General Ordinance No. 94, 1935, ratifying a contract entered into by and between the City of Indianapolis and the Town of Woodruff Place for police and fire protection. We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,

BLYTHE Q. HENDRICKS,
Executive Secretary.

November 16, 1935.

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

Gentlemen:

Attached please find fourteen copies of Special Ordinance No. 10, 1935, authorizing the alienation and conveyance to HESSIE F. GERSTLEY, MARY E. FOWLER, and DAVID R. JOHNSON by Quit Claim deed of all the right, title, claim and interest of the City of Indianapolis in and to certain real estate heretofore deeded by Henry F. Gerstley, Mary E. Fowler, and David R. Johnson by Warranty Deed to the City of Indianapolis for park and boulevard purposes.

We respectfully recommend the passage of this ordinance.

Very truly yours,
DEPARTMENT OF PUBLIC PARKS,
CLYDE E. BAKER,
Attorney.

November 16, 1935

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

Gentlemen:

Attached please find fourteen copies of Special Ordinance No. 11, 1935, authorizing the alienation and conveyance to SILAS H. JOHNSON by Quit Claim deed of all the right, title, claim and interest of the City of Indianapolis in and to certain real estate heretofore deeded by Silas H. Johnson by Warranty Deed to the City of Indianapolis for park and boulevard purposes.

We respectfully recommend the passage of this ordinance.

Very truly yours,
DEPARTMENT OF PUBLIC PARKS,
CLYDE E. BAKER,
Attorney,

Mr. Cable asked for a recess. The motion was seconded by Mr. Wallace and the Council recessed at 7:40 p. m.

The Council reconvened at 8:05 p. m. with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., November 18, 1935.

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. 89, 1935, entitled Transfer—Police Department, beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

SILAS J. CARR, Chairman.
NANNETTE DOWD.
ROSS H. WALLACE.
WM. A. OREN.

Indianapolis, Ind., November 18, 1935.

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 Special Ordinance No. 9, 1935, entitled Changing Nelson Street to Holliday Street, beg leave to report that we have had said

ordinance under consideration, and recommend that the same be held for further consideration.

WM. A. OREN, Chairman.
EDWARD R. KEALING.
ROSS H. WALLACE.
THEODORE CABLE.
ADOLPH J. FRITZ.

Indianapolis, Ind., November 18, 1935.

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 Appropriation Ordinance No. 25, 1935, entitled \$40,000.00—Brookside Pool, beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

NANNETTE DOWD, Chairman.
SILAS J. CARR.
ADOLPH J. FRITZ.
WM. A. OREN.
EDWARD R. KEALING.

Indianapolis, Ind., November 18, 1935.

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. 90, 1935, entitled Transfer—Park Department, beg leave to report that we have had said ordinance under

consideration, and recommend that the same be held for further consideration.

NANNETTE DOWD, Chairman.
 SILAS J. CARR.
 ADOLPH J. FRITZ.
 WM. A. OREN.
 EDWARD R. KEALING.

Indianapolis, Ind., November 18, 1935.

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

Gentlemen:

We, your committee on Public Health and Charities, to whom was referred General Ordinance No. 68, 1935, entitled Regulating Barbering sanitation, beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

ADOLPH J. FRITZ, Chairman.
 THEODORE CABLE.
 NANNETTE DOWD.
 WILLIAM A. OREN.
 EDWARD R. KEALING.

Indianapolis, Ind., November 18, 1935.

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. 57, 1935, entitled Repealing Picketing Ordi-

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

SILAS J. CARR, Chairman
NANNETTE DOWD.
ROSS H. WALLACE.
WM. A. OREN.

Indianapolis, Ind., November 18, 1935.

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 Resolution No. 2, 1935, entitled Relocating Dog Pound, beg leave to report that we have had said resolution under consideration, and recommend that the same be held for further consideration.

EDWARD R. KEALING.
THEODORE CABLE.
ADOLPH J. FRITZ.
ROSS H. WALLACE.

Indianapolis, Ind., November 18, 1935.

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. 87, 1935, entitled Concerning Taxicabs, beg

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

SILAS J. CARR, Chairman.
NANNETTE DOWD.
ROSS H. WALLACE.
WM. A. OREN.

Indianapolis, Ind., November 18, 1935.

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. 21, 1935, entitled Concerning storage of Gasoline, etc., beg leave to report that we have had said ordinance under consideration, and recommend that the same be held for further consideration.

SILAS J. CARR, Chairman.
NANNETTE DOWD.
ROSS H. WALLACE.
WM. A. OREN.

Indianapolis, Ind., November 18, 1935.

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. 88, 1935, entitled Establishing Preferential

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

SILAS J. CARR, Chairman.
NANNETTE DOWD.
ROSS H. WALLACE.
WM. A. OREN.

INTRODUCTION OF ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE NO. 31, 1935

AN ORDINANCE appropriating moneys from the unappropriated and unexpended 1934 cash balance of the Gasoline Tax fund to the City Civil Engineer's Gasoline Tax Fund, 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 there be and there is hereby appropriated to the City Civil Engineer's Gasoline Tax Fund the sum of Four Thousand Nine Hundred Five Dollars and Thirty-five Cents (\$4,905.35) out of the unexpended and unappropriated 1934 cash balance of the Gasoline Tax Fund.

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 Works.

By the City Controller:

GENERAL ORDINANCE NO. 91, 1935

AN ORDINANCE transferring moneys from the cash balance in the Board of Public Works Gasoline Tax Fund and reappropriating the same to other designated funds, 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 Thirty-five Thousand Dollars (\$35,000) be and the same is hereby transferred from the cash balance in the Board of Public Works Gasoline Tax Fund and reappropriated as follows:

\$ 2,579.93 to City Civil Engineer's Gasoline Tax Fund
32,420.07 to Street Commissioner's Gasoline Tax Fund

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 Works.

By the Purchasing Agent:

GENERAL ORDINANCE NO. 92, 1935

AN ORDINANCE authorizing the Board of Public Works and Sanitation (Department of Public Works Division) of the City of Indianapolis to purchase, through its duly authorized purchasing agent, cement and fabricated steel wire reinforcement bars and supplies to be used in the resurfacing of West Michigan Street from Indiana Avenue west to White River out of the gasoline tax fund for Government Project No. 6020, and fixing a time when the same shall take effect.

WHEREAS, the City of Indianapolis has heretofore entered into an agreement, approved by the Common Council, with the Works Progress Administration of the United States, wherein the said city agreed to furnish the supplies for the resurfacing of West Michigan Street and the Works Progress Administration agreed to supply the labor; NOW, THEREFORE,

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

Section 1. That the Board of Public Works and Sanitation (Department of Public Works Division) of the City of Indianapolis be and the same is hereby authorized and empowered to purchase, through its duly authorized purchasing agent, the necessary cement and fabricated steel wire reinforcement bars, based upon the engineer's estimate of thirteen thousand seven hundred ten (13,710) bbls. of cement and two hundred fifty thousand four hundred twenty-six (250,426) square feet of fabricated steel wire reinforcement bars, to be used in the resurfacing and construction of West Michigan Street west to White River, under Government W. P. A. Project No. 6020.

Section 2. Said cement and fabricated steel wire reinforcement bars shall be purchased only after competitive bids have been advertised according to law and purchase shall be made from the lowest and best bidder, or bidders, and the total cost for said materials shall not exceed the sum of Twenty-eight Thousand One Hundred Five Dollars and Fifty Cents (\$28,105.50) for cement and Six Thousand Two Hundred Sixty Dollars and Sixty-five Cents (\$6,260.65) for fabricated steel wire reinforcement bars.

Section 3. That the purchase price for said materials be paid out of gasoline tax funds heretofore appropriated to the Department of Public Works of the City of Indianapolis for the year 1935.

Section 4. 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.

By the Purchasing Agent:

GENERAL ORDINANCE NO. 93, 1935

AN ORDINANCE authorizing the Board of Public Works and Sanitation of the City of Indianapolis (Department of Public Works Division) through its duly authorized purchasing agent to purchase sand and gravel to be used in resurfacing West Michigan Street from Indiana Avenue west to White River, out of the gasoline tax fund for Government W. P. A. Project No. 6020, and fixing an effective date.

WHEREAS, the City of Indianapolis has heretofore entered into an agreement, approved by the Common Council, with the Works Progress Administration of the United States, wherein the said city agreed to furnish the supplies for the resurfacing of West Michigan Street and the Works Progress Administration agreed to supply the labor; NOW, THEREFORE,

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

Section 1. That the Board of Public Works and Sanitation of the City of Indianapolis (Department of Public Works Division) through its duly authorized purchasing agent be and it is hereby authorized and empowered to purchase the necessary sand and gravel, based upon the engineer's estimate of eight thousand two hundred fifty (8,250) cubic yards of gravel and four thousand six hundred five (4,605) cubic yards of sand, to be used in the resurfacing and construction of West Michigan Street, from Indiana Avenue west to White River, under Government W. P. A. Project 6020.

Section 2. Said sand and gravel shall be purchased only after competitive bids have been advertised according to law, and purchase made from the lowest and best bidder, or bidders, and the total cost for sand material shall not exceed the sum of One Thousand Six Hundred Eleven Dollars and Seventy-five Cents (\$1,611.75) for sand and Four Thousand Seven Hundred Eighty-five Dollars (\$4,785.00) for gravel.

Section 3. That the purchase price for said materials be paid out of gasoline tax funds heretofore appropriated to the Department of Public Works of the City of Indianapolis for the year 1935.

Section 4. 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.

By the Board of Public Safety:

GENERAL ORDINANCE NO. 94, 1935

AN ORDINANCE ratifying and approving a certain contract by and between the City of Indianapolis, by and through its Board of Public Safety and its Mayor, and the Town of Woodruff Place, by and through its Board of Trustees, 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 a certain contract by and between the City of Indianapolis, by and through its Board of Public Safety and its Mayor, and the Town of Woodruff Place, by and through its Board of Trustees, executed on November 5, 1935, attached to and made a part of this ordinance, and identified as "Exhibit A," be and the same is hereby ratified and approved as of its effective initial date, January 1, 1936, and all acts done heretofore pursuant to its terms are hereby approved, ratified and confirmed.

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

EXHIBIT A

CONTRACT

BETWEEN

CITY OF INDIANAPOLIS

AND

TOWN OF WOODRUFF PLACE

THIS AGREEMENT, made and entered into this 5th day of

November, 1935, by and between the City of Indianapolis, Marion County, Indiana, by and through its Board of Public Safety, with the approval of its Mayor, party of the first part, and the Town of Woodruff Place, Marion County, Indiana, by and through its Board of Trustees, party of the second part, WITNESSETH that:

WHEREAS, the party of the first part does maintain and possess a Police Department and a Fire Department for police and fire protection of its residents, and is desirous of contracting with the party of the second part for the use of the services of the police and fire departments belonging to the party of the first part; and

WHEREAS, the party of the second part has no police and fire departments for the use and benefit of its residents and is, therefore, desirous of contracting with the party of the first part for the use of the police and fire departments belonging to the party of the first part, said use to be in the nature of the police and fire departments of the party of the first part rendering the same protection and service to the party of the second part as it now renders and will render to the party of the first part; NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

The party of the first part does hereby agree to furnish the same police and fire protection to the party of the second part which said party of the first part receives and will receive from its own police and fire departments, in consideration of the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) per year for the year 1936, beginning January 1, 1936, to and including December 31, 1936, and Seven Thousand Five Hundred Dollars (\$7,500.00) per year for the year 1937, beginning January 1, 1937, to and including December 31, 1937, paid to the party of the first part by the party of the second part as herein provided.

The party of the second part hereby agrees to pay to the party of the first part for the said police and fire protection rendered the sum of Fifteen Thousand Dollars (\$15,000.00) in eight (8) equal quarterly payments, as follows: One Thousand Eight Hundred Seventy-five Dollars (\$1,875.00) as due and payable on the first day of each of the following months: January, April, July and October of the years 1936 and 1937. The second party agrees to aid in the matter of fire protection by conforming to the building code of the party of the first part now established, in so far as the party of the second part can lawfully do so. It is agreed and understood by and

between both of the parties hereto that this contract shall be in full force and effect for the period of two (2) years; that it is from the first day of January, 1936, to the 31st day of December, 1937.

It is further agreed and understood by and between the parties hereto that no liability attaches or will attach to the party of the first part on account of the nature of the work and services performed by the said police and fire departments of the party of the first part, and that the said party of the first part will not be liable for damages, either to person or property, to the party of the second part or any of its citizens, on account of any act or omission arising out of the performance of the work or services herein contracted for.

It is further agreed and understood that the party of the second part shall furnish its own water supply at its own expense.

This contract, on the part of the City of Indianapolis, shall be of no force and effect unless specifically authorized by ordinance passed by the Common Council of the City of Indianapolis and approved by its Mayor.

IN WITNESS WHEREOF, the parties have hereunto set their hands in duplicate this 5th day of November, 1935.

CITY OF INDIANAPOLIS

(Signed) THEO. H. DAMMEYER

(Signed) EDW. P. FILLION

Board of Public Safety,
Party of the First Part.

APPROVED:

(Signed) JOHN W. KERN, Mayor.

TOWN OF WOODRUFF PLACE

(Signed) CORNELIUS F. POSSON,

President

(Signed) MURRAY H. MORRIS

(Signed) ERNST H. MICHELIS

Trustees of Town of Woodruff Place,

(SEAL)

Party of the Second Part.

ATTEST:

(Signed) J. M. DILS, Clerk, Town of Woodruff Place.

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

By the Department of Public Parks:

SPECIAL ORDINANCE NO. 10, 1935

AN ORDINANCE authorizing the alienation and conveyance to Hessie F. Gerstley, Mary E. Fowler, and David R. Johnson by Quit Claim deed of all the right, title, claim and interest of the City of Indianapolis in and to certain real estate heretofore deeded by Henry F. Gerstley, Mary E. Fowler, and David R. Johnson by Warranty Deed to the City of Indianapolis for park and boulevard purposes.

WHEREAS, heretofore on the 28th day of October, 1929, Henry F. Gerstley, Mary E. Fowler, and David R. Johnson, of Marion County, Indiana, did execute a warranty deed for certain real estate then owned by them conveying said real estate to City of Indianapolis, for park and boulevard purposes, which said real estate is more particularly described as follows, and which said description is designated and hereinafter referred to in this ordinance as Real Estate Description Number One (No. 1);

A part of the west half of the northeast quarter of Section 9, Township 16 North, Range 4 East, Marion County, State of Indiana, more particularly described as follows:

Beginning at a point in the east line of the west half of the northeast quarter of Section 9, Township 16 North, Range 4 East, Marion County, State of Indiana, a distance of 1006.18 feet south of the northeast corner thereof; thence south along the east line of the west half of the northeast quarter of the aforesaid Section 9 a distance of 236.52 feet to the center of Fall Creek, said point being 1439 feet north of the southeast corner of the west half of the northeast quarter of the aforesaid Section 9; thence down the creek with the center line thereof south

58° west 207 feet to a point; thence south 41° 30' west 200 feet to a point; thence south 35° 15' west 223 feet to a point; thence south 17° 45' west 200 feet to a point; thence south 37° west 249 feet; thence south 47° 15' west 345 feet to a point; thence south 57° 15' west 212 feet to a point; thence south 63° west 144 feet to a point; thence south 47° 45' west 156 feet to a point in the west line of the northeast quarter of the aforesaid Section 9 a distance of 76 feet north of the southwest corner thereof; thence north along the west line of the northeast quarter of the aforesaid Section 9 a distance of 780.75 feet to a point, said point being 1858.75 feet south of the northwest corner of the northeast quarter of the aforesaid Section 9; thence northeastwardly on a straight line making an angle of 53° 56' to the right a distance of 1074.42 feet to a point; thence continue northeastwardly on a curved line to the right, having for its radius 1146.28 feet, a distance of 304 feet to a point; thence continue northeastwardly on a straight line tangent to the aforesaid curve a distance of 212.8 feet to the place of beginning, containing 17.6 acres.

and which said deed to said real estate described in Real Estate Description Number One (No. 1) contained this provision,

In the event the City of Indianapolis, Grantee herein fails to sell the bonds and provide the funds necessary to construct the proposed Boulevard within three years from the date hereof, or, in the event the Contract for the construction of said proposed Boulevard over and upon the real estate herein conveyed is not completed and the said work of construction accepted by the said Grantee within three years and six months from the date of the execution of this deed of conveyance, then and in that event the real estate herein conveyed shall revert to the Grantors herein, their heirs or assigns. And in this contingency provided, no legal procedure or notice shall be required to cause a forfeiture to ensue and that no conveyance or other similar document would be required to fully vest the title of the said real estate in the reversioner.

and,

WHEREAS, the said City of Indianapolis wholly failed to comply with the terms of said provision with reference to the said real estate described in said Real Estate Description Number One (No. 1)

and,

WHEREAS, the said Henry F. Gerstley having died, and the said HESSIE F. Gerstley being his sole and only heir, the said HESSIE F. Gerstley, Mary E. Fowler, and David R. Johnson did, on the 26th day of February, 1935, execute a Quit Claim deed to the City of Indianapolis conveying a certain part of the real estate contained in the tract described in Real Estate Description Number One, for park and boulevard purposes, which said real estate so conveyed by said Quit Claim deed is more particularly described as follows, and designated as Real Estate Description Number Two (No. 2);

A part of the west half of the northeast quarter of Section 9 Township 16 North Range 4 East, Marion County, State of Indiana, more particularly described as follows:

Beginning at a point in the east line of the west half of the northeast quarter of Section 9, Township 16 North, Range 4 East, Marion County, State of Indiana, a distance of 1006.18 feet south of the northeast corner thereof; thence south along the east line of the west half of the northeast quarter of the aforesaid Section 9 a distance of 236.52 feet to the center of Fall Creek, said point being 1439 feet north of the southeast corner of the west half of the northeast quarter of the aforesaid Section 9; thence down the creek with the center line thereof south 58° west 207 feet to a point; thence south $41^{\circ} 30'$ west 200 feet to a point; thence south $35^{\circ} 15'$ west 223 feet to a point; thence south $17^{\circ} 45'$ west 200 feet to a point; thence south 37° west 249 feet; thence south $47^{\circ} 15'$ west 345 feet to a point; thence south $57^{\circ} 15'$ west 212 feet to a point; thence south 63° west 144 feet to a point; thence south $47^{\circ} 45'$ west 156 feet to a point in the west line of the northeast quarter of the aforesaid Section 9 a distance of 76 feet north of the southwest corner thereof; thence north along the west line of the northeast quarter of the aforesaid Section 9 a distance of 577.06

feet to a point; said point being 2062.44 feet south of the northwest corner of the northeast quarter of the aforesaid Section 9; thence northeastwardly on a straight line making an angle of $46^{\circ} 58'$ to the right, a distance of 1204.38 feet to a point; thence continue northeastwardly on a curved line to the right, having for its radius 781.84 feet, a distance of 302.3 feet to a point; thence continue northeastwardly on a straight line tangent to the aforesaid curve, a distance of 212.8 feet to the place of beginning, containing 15.45 acres.

and,

WHEREAS, there remains in the tract of real estate described in Real Estate Description Number One (No. 1) a certain part thereof, more particularly described as follows, and which said part is designated, and hereinafter referred to, as Real Estate Description Number Three (No. 3);

A part of the west half of the northeast quarter of Section 9 Township 16 North, Range 4 East, Marion County, State of Indiana, more particularly described as follows:

Beginning at a point in the west line of the northeast quarter of the aforesaid Section 9 a distance of 653.06 feet north of the southwest corner thereof, said point being 2062.44 feet south of the northwest corner of the northeast quarter of the aforesaid Section 9; thence north along the west line of the northeast quarter of the aforesaid Section 9, a distance of 203.69 feet to a point; thence northeastwardly on a straight line making an angle of $53^{\circ} 56'$ to the right a distance of 1074.42 feet to a point; thence continue northeastwardly on a curved line to the right, having for its radius 1146.28 feet, a distance of 304 feet to a point; said point being 212.8 feet distant, on a straight line tangent to the aforesaid curve, from the east line of the west half of the northeast quarter of the aforesaid Section 9; thence southwestwardly on a curved line to the left, having for its radius 781.84 feet a distance of 302.3 feet to a point; thence continue southwestwardly on a straight line tangent to the aforesaid curve a distance of 1204.38 feet to the place of beginning containing 2.15 acres.

to which said real estate as contained in Real Estate Description Number Three (No. 3), it is the desire of the Board of Park Commissioners of the City of Indianapolis, (1) to cooperate with the said HESSIE F. GERSTLEY, MARY E. FOWLER, and DAVID R. JOHNSON in removing any cloud upon the title of said HESSIE F. GERSTLEY, MARY E. FOWLER, and DAVID R. JOHNSON to the same, and, (2) to have the City of Indianapolis execute its Quit Claim deed divesting the City of Indianapolis of all its right, title, and interest in and to the real estate described in Real Estate Description Number Three (No. 3),

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

Section 1. That the Board of Park Commissioners or other proper officers of the City of Indianapolis, is hereby authorized to alienate and convey to HESSIE F. GERSTLEY, sole and only heir of HENRY F. GERSTLEY, MARY E. FOWLER, and DAVID R. JOHNSON by Quit Claim deed, all the right, title and interest of the City of Indianapolis in and to the real estate described in Real Estate Description Number Three (No. 3) appearing in the preamble of this ordinance, to-wit:

A part of the west half of the northeast quarter of Section 9 Township 16 North, Range 4 East, Marion County, State of Indiana, more particularly described as follows:

Beginning at a point in the west line of the northeast quarter of the aforesaid Section 9 a distance of 653.06 feet north of the southwest corner thereof, said point being 2062.44 feet south of the northwest corner of the northeast quarter of the aforesaid Section 9; thence north along the west line of the northeast quarter of the aforesaid Section 9, a distance of 203.69 feet to a point; thence northeastwardly on a straight line making an angle of $53^{\circ} 56'$ to the right a distance of 1074.42 feet to a point; thence continue northeastwardly on a curved line to the right, having for its radius 1146.28 feet, a distance of 304 feet to a point; said point being 212.8 feet distant, on a straight line tangent to the aforesaid curve, from the east line of the west half of the northeast quarter of the aforesaid Section 9; thence southwestwardly on a curved line to the left, having for

its radius 781.84 feet a distance of 302.3 feet to a point; thence continue southwestwardly on a straight line tangent to the aforesaid curve a distance of 1204.38 feet to the place of beginning containing 2.15 acres.

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 Parks.

By the Department of Public Parks:

SPECIAL ORDINANCE NO. 11, 1935

AN ORDINANCE authorizing the alienation and conveyance to Silas H. Johnson by Quit Claim deed of all the right, title, claim and interest of the City of Indianapolis in and to certain real estate heretofore deeded by Silas H. Johnson by Warranty Deed to the City of Indianapolis for park and boulevard purposes.

WHEREAS, heretofore on the 24th day of October, 1929, Silas H. Johnson, of Marion County, Indiana, did execute a Warranty deed for certain real estate then owned by him conveying said real estate to City of Indianapolis, for park and boulevard purposes, which said real estate is more particularly described as follows, and which said description is designated and hereinafter referred to in this ordinance as Real Estate Description Number One (No. 1);

A part of the west half of Section 9, Township 16 North, Range 4 East, Marion County, State of Indiana, more particularly described as follows:

Beginning at the southwest corner of the northwest quarter of Section 9, Township 16 North, Range 4 East, Marion County, State of Indiana; thence northeastwardly on a straight line, making an angle of 68° 40' off of the west line of the aforesaid Section 9 a distance of 688.45 feet to a point; thence continue northeastwardly on a

curved line to the right having for its radius 1432.69 feet a distance of 425.83 feet to a point; thence continue northeastwardly on a straight line, tangent to the aforesaid curve a distance of 649.23 feet to a point; thence continue northeastwardly on a curved line to the left, having for its radius 1432.69 feet a distance of 805.42 feet to a point; thence continue northeastwardly on a straight line tangent to the aforesaid curve, a distance of 277.62 feet to a point in the east line of the northwest quarter of the aforesaid Section 9 a distance of 1858.75 feet south of the northeast corner thereof; thence south along the east line of the northwest quarter of the aforesaid Section 9, a distance of 691 feet to the north water line of Fall Creek; thence down Fall Creek following the north water line thereof to a point in the west line of the southwest quarter of the aforesaid Section 9, a distance of 175 feet south of the northwest corner of the southwest quarter of the aforesaid Section 9; thence north along the west line of the aforesaid southwest quarter of Section 9, a distance of 175 feet to the place of beginning, containing 30.9 acres more or less.

and which said deed to said real estate described in Real Estate Description Number One (No. 1) contained this provision,

In the event the City of Indianapolis, Grantee herein fails to sell the bonds and provide the funds necessary to construct the proposed Boulevard within three years from the date hereof, or, in the event the Contract for the construction of said proposed Boulevard over and upon the real estate herein conveyed is not completed and the said work of construction accepted by the said Grantee within three years and six months from the date of the execution of this deed of conveyance, then and in that event the real estate herein conveyed shall revert to the Grantors herein, their heirs or assigns. And in this contingency, provided, no legal procedure or notice shall be required to cause a forfeiture to ensue and that no conveyance or other similar document would be required to fully vest the title of the said real estate in the reversioner.

and,

WHEREAS, the said City of Indianapolis wholly failed to comply with the terms of said provision with reference to the said real

estate described in said Real Estate Description Number One (No. 1)

and,

WHEREAS, the said Silas H. Johnson did, on the 14th day of February, 1935, execute a Quit Claim deed to the City of Indianapolis conveying a certain part of the real estate contained in the tract described in Real Estate Description Number One, for park and boulevard purposes, which said real estate so conveyed by said Quit Claim deed is more particularly described as follows, and designated as Real Estate Description Number Two (No. 2);

A part of the west half of Section 9, Township 16 North, Range 4 East, Marion County, State of Indiana, more particularly described as follows:

Beginning at the southwest corner of the northwest quarter of Section 9, Township 16 North, Range 4 East, Marion County, State of Indiana; thence northeastwardly on a straight line, making an angle of $68^{\circ} 40'$ off the west line of the aforesaid Section 9 a distance of 688.45 feet to a point; thence continue northeastwardly on a curved line to the right having for its radius 1432.69 feet a distance of 425.83 feet to a point; thence continue northeastwardly on a straight line, tangent to the aforesaid curve a distance of 1169.57 feet to a point; thence continue northeastwardly on a curved line to the left, having for its radius 735.13 feet, a distance of 502.80 feet to a point in the east line of the northwest quarter of the aforesaid Section 9 a distance of 2062.44 feet south of the northeast corner thereof, thence south along the east line of the northwest quarter of the aforesaid Section 9 a distance of 487.31 feet to the north water line of Fall Creek; thence down Fall Creek, following the north water line thereof, to a point in the west line of the southwest quarter of the aforesaid Section 9, a distance of 175 feet south of the northwest corner of the southwest quarter of the aforesaid Section 9; thence north along the west line of the aforesaid southwest quarter of Section 9 a distance of 175 feet to the place of beginning containing 28.7 acres more or less.

and,

WHEREAS, there remains in the tract of real estate described in Real Estate Description Number One (No. 1) a certain part thereof, more particularly described as follows, and which said part is designated, and hereinafter referred to, as Real Estate Description Number Three (No. 3);

A part of the east half of the northwest quarter of Section 9, Township 16 North, Range 4 East, Marion County, State of Indiana, more particularly described as follows:

Beginning at a point in the east line of the northwest quarter of the aforesaid Section 9 a distance of 1858.75 feet south of the northeast corner thereof; thence southwestwardly on a straight line, making an angle of 53 degrees and 56 minutes off of the east line of the aforesaid northwest quarter, a distance of 277.62 feet to a point; thence continue southwestwardly on a curved line to the right having for its radius 1432.69 feet a distance of 805.42 feet to a point; thence northeastwardly on a straight line, said line being a continuation of the north property line of Fall Creek Parkway, North Drive, as now located and established, a distance of 520.57 feet to a point; thence continue northeastwardly on a curved line to the left, having for its radius 735.13 feet, a distance of 502.80 feet to a point in the east line of the northwest quarter of the aforesaid Section 9, thence north along the east line of the aforesaid Section 9 a distance of 203.69 feet to the place of beginning containing 2.2 acres.

to which said real estate as contained in Real Estate Description Number Three (No. 3), it is the desire of the Board of Park Commissioners of the City of Indianapolis, (1) to cooperate with the said Silas H. Johnson in removing any cloud upon the title of said Silas H. Johnson to the same, and, (2) to have the City of Indianapolis execute its Quit Claim deed divesting the City of Indianapolis of all its right, title, and interest in and to the real estate described in Real Estate Description Number Three (No. 3),

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

Section 1. That the Board of Park Commissioners or other proper officers of the City of Indianapolis, is hereby authorized to alienate and convey to Silas H. Johnson by Quit Claim deed, all the right, title and interest of the City of Indianapolis in and to the real estate described in Real Estate Description Number Three (No. 3) appearing in the preamble of this ordinance, to-wit:

A part of the east half of the northwest quarter of Section 9, Township 16 North, Range 4 East, Marion County, State of Indiana, more particularly described as follows:

Beginning at a point in the east line of the northwest quarter of the aforesaid Section 9 a distance of 1858.75 feet south of the northeast corner thereof; thence southwestwardly on a straight line, making an angle of $53^{\circ} 56'$ off of the east line of the aforesaid northwest quarter, a distance of 277.62 feet to a point; thence continue southwestwardly on a curved line to the right having for its radius 1432.69 feet a distance of 805.42 feet to a point; thence northeastwardly on a straight line, said line being a continuation of the north property line of Fall Creek Parkway, North Drive, as now located and established, a distance of 520.57 feet to a point; thence continue northeastwardly on a curved line to the left, having for its radius 735.13 feet, a distance of 502.80 feet to a point in the east line of the northwest quarter of the aforesaid Section 9, thence north along the east line of the aforesaid Section 9 a distance of 203.69 feet to the place of beginning containing 2.2 acres.

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 Parks.

ORDINANCES ON SECOND READING

Mr. Carr called for General Ordinance No. 88, 1935, for second reading. It was read a second time.

Mr. Carr introduced the following written motion to amend General Ordinance No. 88, 1935:

Indianapolis, Ind., November 18, 1935.

Mr. President:

I move that General Ordinance No. 88, 1935, be amended by striking out all of sub-sections (b) and (c) and inserting in lieu thereof the following:

(b) Raymond Street, at all its intersections with other "Thru" streets, save at its intersections with Shelby Street, Madison Avenue, Meridian Street, Bluff Road and West Street, shall constitute a "Thru" street from city limits east to city limits west. At the five (5) intersections set out herein as exceptions, Shelby Street, Madison Avenue, Meridian Street, Bluff Road and West Street, shall take preference over said Raymond Street and at such intersections with said Raymond Street shall constitute and be declared "Thru" streets.

SILAS J. CARR,
Councilman.

The motion was seconded by Mr. Wallace and passed by the vote of the Council.

On motion of Mr. Carr, seconded by Mr. Wallace, General Ordinance No. 88, 1935, as amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 88, 1935, as amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Wallace, President Raub.

On motion of Mr. Wallace, seconded by Mr. Kealing, the

Common Council adjourned at 8:10 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 18th day of November, 1935, 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:


City Clerk.

(SEAL)