

REGULAR MEETING

Monday, June 1, 1936,

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber of the City Hall, Monday, June 1, 1936, 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 eight members, viz: Theodore Cable, Silas J. Carr, Nannette Dowd, Adolph J. Fritz, Edward R. Kealing, William A. Oren, John A. Schumacher, Ross H. Wallace.

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

COMMUNICATIONS FROM THE MAYOR

Indianapolis, Ind., May 20, 1936.

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:

GENERAL ORDINANCE NO. 34, 1936

AN ORDINANCE transferring moneys from certain funds in the Department of Sanitation 1936 Budget, reappropriating and re-

allocating the same to other designated funds in said department, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 37, 1936

AN ORDINANCE of the City of Indianapolis, Indiana, authorizing the issuance and sale of refunding bonds of said city, and matters connected therewith, and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 87, 1935

As Amended

AN ORDINANCE concerning taxicabs.

APPROPRIATION ORDINANCE NO. 16, 1936

As Amended

AN ORDINANCE appropriating the sum of Seven Hundred Dollars (\$700.00) from the unappropriated and unexpended 1935 balance of the General Fund, for use in providing concerts by the Indianapolis Symphony Orchestra, and fixing a time when the same shall take effect.

Respectfully,

JOHN W. KERN,

Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

Indianapolis, Ind., June 1, 1936.

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

Gentlemen:

Attached please find copies of Appropriation Ordinance No. 19, 1936, appropriating the sum of Six Hundred (\$600.00) Dollars from the unappropriated and unexpended balance of the 1935 General Fund

of the Department of Public Health and Charities and allocating the same to Board of Health, Administration Fund No. 11—Salaries and Wages, Regular.

I respectfully recommend the passage of this ordinance.

Yours very truly,

WALTER C. BOETCHER,  
City Controller.

Indianapolis, Ind., June 1, 1933.

Mr. Walter Boetcher, Controller,  
City of Indianapolis, Indiana.

Dear Sir:

Acting under instructions from the Department of Public Health and Charities, I am directed to request that you submit to the City Council a bill for an ordinance authorizing a transfer from unexpended balances, from the Board of Health General Fund to Fund No. B. H. 11.

Respectfully submitted,  
H. G. MORGAN.

Indianapolis, Ind., June 1, 1933.

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

Gentlemen:

Attached please find copies of Appropriation Ordinance No. 20, 1936, appropriating the sum of Two Thousand (\$2,000.00) Dollars from the unappropriated and unexpended 1935 balance of the General Fund to Fund No. 42—Sewer Materials, in the Engineering Department of the Board of Public Works and Sanitation.

I respectfully recommend the passage of this ordinance.

Yours very truly,

WALTER C. BOETCHER,  
City Controller.

Indianapolis, Ind., May 29, 1936.

Mr. Walter Boetcher,  
City Controller.

Dear Sir:

The Board of Public Works and Sanitation upon recommendation of the City Civil Engineer, respectfully requests that you cause to be prepared an ordinance appropriating the sum of \$2,000.00 from the unexpended and unappropriated balance in the General Fund, 1935, to the Engineering Department No. 42, sewer materials, which appropriation has been made necessary for the purpose of buying additional materials necessary for the completion of the W. P. A. project of reconstructing the Harding Street sewer.

Will you kindly submit the same to the Common Council at its 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 & SANITATION,  
ERNEST F. FRICK, Secretary.

Indianapolis, Ind., May 29, 1936.

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. 3, 1936, authorizing the sale, alienation and convey of certain real estate by the Board of Park Commissioners of the Department of Public Parks.

This real estate lies between the former right-of-way of the T. H., I. & E. Traction Company, Ralston Road, 56th Street and Kessler Boulevard, and is no longer needed for park or boulevard purposes.

We respectfully recommend the passage of this ordinance.

Yours very truly,

DEPARTMENT OF PUBLIC PARKS,  
MARY E. GRIFFIN, Secretary,  
Board of Park Commissioners.

Indianapolis, Ind., June 1, 1933.

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

Gentlemen:

Attached please find copies of General Ordinance No. 38, 1936, transferring the sum of \$7,127.76 from Department of Public Safety, Camewell Division Fund No. 11—Salaries and Wages, Regular—Signal Operators, and reappropriating the same to Fire Department Fund No. 11—Salaries and Wages, Regular—1st Grade Privates.

I respectfully recommend the passage of this ordinance.

Yours very truly,

WALTER C. BOETCHER,  
City Controller.

Indianapolis, Ind., May 18, 1933.

Walter C. Boetcher,  
City Controller,  
City of Indianapolis.

Dear Sir:

In connection with the contemplated transfer of eight (8) Signal Operators in the Gamewell Division to the Fire Department, we are asking that you cause to be prepared an ordinance transferring Seven Thousand One Hundred Twenty-seven Dollars and Seventy-six Cents (\$7,127.76) from the Gamewell Division budget—Fund No. 11—Salaries and Wages, Regular—Signal Operators, and reappropriating this amount to Fund No. 11—Salaries and Wages, Regular, Privates First Grade, Fire Department budget.

The transfer of these Signal Operators from the Gamewell Division to the Fire Department to be effective June 26, 1933.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,  
THEO. H. DAMMEYER, President.

Indianapolis, Ind., June 1, 1933.

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

Gentlemen:

We are presenting herewith General Ordinance No. 39, 1936, es-

tablishing a bus zone on the East Side of Illinois Street, beginning at a point 36 feet north of the north curb line of Georgia Street and extending north for a distance of 46 feet, and respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,  
BLYTHE Q. HENDRICKS, Executive Secretary.

Indianapolis, Ind., May 25, 1936.

Mr. Daniel J. O'Neill, City Clerk,  
City of Indianapolis.

Dear Sir:

I am enclosing herewith copy of a proposed ordinance ratifying an agreement and contract entered into by the City of Indianapolis, by and through its Board of Public Works and Sanitation, and Indianapolis Railways, Inc., executed on the 25th day of May, 1936, and approved by the Mayor on said date, providing for the installation and operation of a trackless trolley system of transportation in the City of Indianapolis and revoking temporary permits heretofore issued.

Will you kindly submit the same to the Common Council at its next meeting with the recommendation from the Board that the same be passed?

Very truly yours,

BOARD OF PUBLIC WORKS & SANITATION,  
ERNEST F. FRICK, Secretary.

Mr. Wallace asked for a recess. The motion was seconded by Mr. Kealing and the Council recessed at 7:35 p. m.

The Council reconvened at 8:30 p. m. with the same members present as before.

## COMMITTEE REPORTS

Indianapolis, Ind., June 1, 1936.

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

Gentlemen:

We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 18, 1936, entitled Appropriating \$300,000.00 for the refunding of outstanding bonds, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

ROSS H. WALLACE, Chairman.  
THEODORE CABLE.  
SILAS J. CARR.  
NANNETTE DOWD.  
ADOLPH J. FRITZ.

Indianapolis, Ind., June 1, 1936.

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. 27, 1936, entitled Repealing picketing ordinance, 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.  
JOHN A. SCHUMACHER.

Indianapolis, Ind., June 1, 1936.

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. 33, 1936, entitled Concerning salaries for policemen and firemen, 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.  
JOHN A. SCHUMACHER.

Indianapolis, Ind., June 1, 1936.

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. 36, 1936, entitled Transfer for Board of Public Safety—\$1,800.00, 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.  
JOHN A. SCHUMACHER.

Indianapolis, Ind., June 1, 1936.

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. 17, 1936, entitled Appropriating \$10,000—to Park Department, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

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



Indianapolis, Ind., June 1, 1936.

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 General Ordinance No. 35, 1936, entitled Repealing Special Ordinance No. 5, 1933, 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 KEALING.  
ROSS H. WALLACE.  
THEODORE CABLE.  
ADOLPH J. FRITZ.

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE NO. 19, 1936

AN ORDINANCE appropriating the sum of Six Hundred Dollars (\$600.00) from the unappropriated and unexpended balance of the 1935 General Fund of the Department of Public Health and Charities and allocating the same to a certain designated fund in said department, 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 from the unappropriated and unexpended balance of the year 1935, General Fund of the Department of Public Health and Charities and allocated to the following designated fund in said department the sum of Six Hundred Dollars (\$600.00), to-wit:

Administration—Board of Health

Fund No. 11—Salaries and Wages, Regular

for the use of said department in payment of the salary of a Clerk of Statistics.

Section 3. 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 Health and Charities.

By the City Controller:

#### APPROPRIATION ORDINANCE NO. 20, 1936

AN ORDINANCE appropriating moneys from the unappropriated and unexpended 1935 balance of the General Fund to a certain designated fund in the Engineering Department of the Board of Public Works and Sanitation, 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 out of the unappropriated and unexpended 1935 balance of the General Fund to Fund No. 42—Sewer Materials, in the Engineering Department of the Board of Public Works and Sanitation, the sum of Two Thousand Dollars (\$2,000.00).

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.

#### INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES

By the City Controller:

#### GENERAL ORDINANCE NO. 38, 1936

AN ORDINANCE transferring moneys from a certain fund in the

Department of Public Safety and reappropriating the same to another fund in said department, 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 Seven Thousand One Hundred Twenty-seven Dollars and Seventy-six Cents (\$7,127.76) be, and the same is hereby transferred from Department of Public Safety, Game-well Division Fund No. 11—Salaries and Wages, Regular—Signal Operators, and said sum is reappropriated and reallocated to the following fund in said department, to-wit: Fire Department Fund No. 11—Salaries and Wages, Regular—1st Grade Privates.

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 Safety.

By the Board of Public Safety:

GENERAL ORDINANCE NO. 39, 1936

AN ORDINANCE approving the order of the Board of Public Safety of the City of Indianapolis in designating a bus-stop zone in said city, and fixing a time when the same shall take effect.

WHEREAS, in the opinion of the Board of Public Safety of the City of Indianapolis a danger, inconvenience and discomfort to passengers on busses would occur and a hindrance to traffic would prevail at the intersection of Georgia and Illinois Streets in said city by the nearside stopping of busses northbound on said Illinois Street; and

WHEREAS, said Board of Public Safety has determined that bus-stop zone established on the east side of Illinois Street, beginning at a point thirty-five (35) feet north of the north curb line of Georgia Street and extending north for a distance of forty-six (46) feet, would be of the greatest benefit and convenience to the general public; and

WHEREAS, said Board of Public Safety established said bus-stop zone by its order duly adopted on the 19th day of May, 1936; now, therefore,

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

Section 1. That the aforesaid order of the Board of Public Safety in establishing the above described bus-stop zone be, and it is, hereby approved and ratified.

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 Safety.

By the Board of Public Works:

GENERAL ORDINANCE NO. 40, 1936

AN ORDINANCE approving, confirming and ratifying a certain contract and agreement made and entered into on the 25th day of May, 1936, between the City of Indianapolis, by and through its Board of Public Works and Sanitation, and with the approval of its Mayor, and Indianapolis Railways, Incorporated, whereby said company is authorized to operate its trackless trolley cars on certain streets and public places in said city under the terms and conditions provided in said contract, and fixing a time when the same shall take effect.

WHEREAS, heretofore, to-wit, on the 25th day of May, 1936, the City of Indianapolis, by and through its Board of Public Works and Sanitation, with the approval of its Mayor, entered into the following contract and agreement with Indianapolis Railways, Incorporated, namely:

THIS AGREEMENT, made and entered into this 25th day of May, 1936, by and between the City of Indianapolis, Marion County, Indiana, by and through its Board of Public Works and Sanitation, party of the first part (hereinafter also referred to as City), and the Indianapolis Railways, Incorporated, a corporation duly organized and incorporated under and by virtue of the laws of the State of Indiana to carry on with street rail cars, trackless trolley cars, motor vehicles and other means of transportation the general business of a common and private carrier of passengers for hire within said City of Indianapolis and elsewhere, party of the second part (hereinafter also referred to as Company), WITNESSETH:

## ARTICLE 1.

That the party of the first part, by and through its Board of Public Works and Sanitation aforesaid, and under and by virtue of the power conferred upon it by the laws of the State of Indiana, does hereby, subject to the conditions herein expressed, and without in any way affecting any possible existing rights which said Company may now have to operate trackless trolley cars on the streets hereinafter named, authorize and empower Indianapolis Railways, Incorporated, party of the second part, its successors and assigns, and such consent and permission and authority are hereby given and granted to said party of the second part, its successors and assigns, from and after the ratification of this contract by ordinance of the Common Council of said City, to use street cars of the trackless trolley type, operated by electricity or other approved power to be approved by said Board said cars being generally described as follows: cars equipped with rubber tires, operated (without track or rails) over and upon the street surface by means of electric power from overhead trolley wires, capable of flexible movement at the will of the operator, and otherwise generally similar to street cars now operated on rails, also to erect and maintain poles, feeder lines, trolley wires and other structures in a manner consistent with public safety and which may be necessary to an efficient operation of street railway service with such trackless trolley cars, along and over the following named streets and public places in said City, in which the Board of Public Works of said City heretofore issued temporary permits to said Company to install trackless trolley lines and to operate trackless trolley cars and in which such lines were installed and trackless trolley cars are now being operated by said Company, to-wit:

STREETS OVER WHICH STREET RAILWAY  
RAIL CARS WERE NOT OPERATED

## From:

- Harding Street—18th to 21st Streets, and from  
27th to 29th Streets.  
29th Street—Harding Street to and including loop in Riverside Park.  
Martindale Avenue—25th Street to and including loop in Douglas  
Park.  
Fletcher Avenue—Virginia Avenue to Pine Street.  
Highland Avenue—St. Clair Street to a point 500 feet south.  
21st Street—Talbot Avenue to Pennsylvania Street.  
Pennsylvania Street—21st to 22nd Streets.  
22nd Street—Pennsylvania Street to Talbot Avenue.

Michigan Street—Tibbs to Luett Avenues.  
 Tenth Street—Tibbs to Olin Avenues.  
 Sherman Drive—30th to 31st Streets.  
 West Street—14th to 15th Streets.

STREETS OVER WHICH STREET RAILWAY  
 RAIL CARS WERE FORMERLY OPERATED

From:

Meridian Street—Pleasant Run Boulevard to McCarty Street; and  
 Maryland to Georgia Streets.  
 Russell Avenue—McCarty to Merrill Streets.  
 Illinois Street—Indiana Avenue to Merrill Street.  
 Indiana Avenue—Illinois to Montcalm Streets.  
 Montcalm Street—Indiana Avenue to 18th Street.  
 18th Street—Montcalm to Harding Streets.  
 Harding Street—21st to 27th Streets.  
 West Street—Washington to New York Streets; and from  
 Indiana Avenue to 14th Street.  
 New York Street—West to Blake Streets.  
 Blake Street—New York to Michigan Streets.  
 Michigan Street—Blake Street to Tibbs Avenue.  
 Pershing Avenue—Michigan to Tenth Streets; and from  
 Morris to Howard Streets.  
 Tenth Street—Pershing to Tibbs Avenues; and from  
 Massachusetts Avenue to Olney Street.  
 Kentucky Avenue—Maryland Street to Oliver Avenue.  
 Oliver Avenue—Kentucky Avenue to Division Street.  
 Division Street—Oliver Avenue to Morris Street.  
 Morris Street—Division Street to Pershing Avenue.  
 Howard Street—Pershing Avenue to Reisner Street.  
 Reisner Street—Howard to Morris Streets.  
 Senate Avenue—Indiana Avenue to 16th Street.  
 Boulevard Place—16th to 21st Streets.  
 21st Street—Boulevard Place to Northwestern Avenue.  
 Northwestern Avenue—21st to 34th Streets.  
 34th Street—Northwestern Avenue to Clifton Street.  
 Clifton Street—27th to 34th Streets.  
 27th Street—Clifton Street to Northwestern Avenue.  
 Massachusetts Avenue—Pennsylvania to East Tenth Streets.  
 Olney Street—10th Street to and including loop in Brookside Park.  
 Pennsylvania Street—Georgia to 16th Streets.  
 16th Street—Pennsylvania Street to Talbott Avenue; and from  
 Columbia to Martindale Avenues.

Talbott Avenue—16th to 22nd Streets.

Virginia Avenue—Washington to Prospect Streets.

Prospect Street—Virginia Avenue to loop at Keystone Avenue.

South East Street; Virginia Avenue to Raymond Street.

Raymond Street—South East Street to loop east of Singleton Street.

Fine Street—Fletcher to English Avenues.

English Avenue—Pine Street to Keystone Avenue, including jog at Shelby Street.

Lewis Street—Massachusetts to Roosevelt Avenue.

Roosevelt Avenue—Lewis to Gale Streets.

Gale Street—Roosevelt Avenue to 25th Street.

25th Street—Gale Street to Sherman Drive.

Sherman Drive—25th to 30th Streets.

Columbia Avenue—Roosevelt Avenue to 16th Street.

Martindale Avenue—16th Street to 25th Street.

Brookside Avenue—10th to 20th Streets.

20th Street—Brookside Avenue to Olney Street.

Delaware Street—Washington Street to Virginia Avenue.

Capitol Avenue—Maryland Street to Indiana Avenue.

Maryland Street—Capitol to Virginia Avenues.

Alabama Street—Massachusetts Avenue to Washington Street.

Washington Street—Alabama Street to a point approximately 400 feet east of Brush Street.

Georgia Street—Meridian to Pennsylvania Streets.

Highland Avenue—10th to St. Clair Streets.

Oriental Street—10th to St. Clair Streets.

St. Clair Street—Highland Avenue to Oriental Street.

Together with such other streets and portions thereof as may from time to time by the Board of Public Works and Sanitation by its written order be permitted to be used by the Indianapolis Railways, Incorporated, for the operation of trackless trolleys. This authority being supplemental and in addition to the right or rights now enjoyed, as aforesaid, by said party of the second part by virtue of indeterminate permits now owned, or hereafter acquired, by said party of the second part, without in any way impairing such existing right or rights and by authority of which it is now operating street cars upon tracks or trackless trolley cars upon any of such streets.

## ARTICLE 2.

And without in any way affecting any possible existing rights which said party of the second part may now have under any indeterminate permit, franchise, or otherwise, to operate trackless trolley cars on the streets hereinafter named, the consent, permission and authority are hereby given and granted by said party of the first part

to said party of the second part, its successors and assigns, from and after the ratification of this contract by ordinance of the Common Council of said City, to operate street cars of said trackless trolley type, by electricity or such other approved power, and to erect and maintain poles, feeder lines, trolley wires and other structures, in a manner consistent with public safety and which may be necessary to the efficient operation of street railway services with such trackless cars, along, over and upon the following named streets and public places in said City, in which said Company is not now operating such trackless trolley cars but in which said Company intends presently to install trackless trolley lines and thereafter to operate trackless trolley cars, to-wit:

STREETS OVER WHICH STREET RAILWAY  
RAIL CARS ARE NOT OPERATED

From:

Pennsylvania Street—South to Georgia Streets.  
Minnesota Street—East to Ringgold Streets.  
Ringgold Street—Minnesota to Pleasant Run Boulevard, N. D.  
Pleasant Run Boulevard, N. D.—Ringgold to Shelby Streets.  
Meridian Street—From the present loop at Pleasant Run Boulevard to a point approximately 233 feet south.

STREETS OVER WHICH STREET RAILWAY  
RAIL CARS ARE NOW OPERATED

From:

Ohio Street—Illinois to Pennsylvania Streets.  
Alabama Street—Massachusetts Avenue to Fort Wayne Avenue.  
Fort Wayne Avenue—Alabama Street to Central Avenue.  
Central Avenue—Fort Wayne Avenue to 34th Street.  
34th Street—Central Avenue to Pennsylvania Street.  
Pennsylvania Street—34th to 52nd Streets.  
Minnesota Street—Harlan to Shelby Streets.  
Lincoln Street—East Street to Madison Avenue.  
Madison Avenue—Lincoln to Delaware Streets.  
Delaware Street—Madison Avenue to South Street.  
South Street—Delaware to Pennsylvania Streets.

Together with such other streets and portions thereof as may from time to time by the Board of Public Works and Sanitation by its written order be permitted to be used by the Indianapolis Railways, Incorporated, for the operation of trackless trolleys. This au-



thority being supplemental and in addition to the right or rights now enjoyed, as aforesaid, by said party of the second part by virtue of indeterminate permits now owned, or hereafter acquired, by said party of the second part, without in any way impairing such existing right or rights and by authority of which it is now operating street cars upon tracks or trackless trolley cars upon any of such streets.

The City hereby consents to the abandonment by the Company of rail car service on the Company's present street car lines known as the Central Avenue, Minnesota and Lincoln lines upon commencement of the operation by the Company of the trackless trolley lines to be installed in part in the streets described in this Article 2, and in part in streets described in Article 1 hereof, and which trackless trolley lines are to be in lieu of said street car lines.

#### ARTICLE 3.

Trolley wires shall be placed on each such street, in such manner that cars of said Company may accommodate themselves to traffic conditions and be operated freely over either side of said streets. Such trackless trolley cars, so far as practicable and consistent with traffic conditions, shall stop for the receipt and discharge of passengers at the curb or as near the curb as possible. Where possible, and without interference with the operation of cars over tracks along the streets herein described, existing poles shall be used for said trolley wires, and all poles, wires and other equipment shall be maintained by the Company at all times in good repair and appearance. All wires carrying current and all span wires shall be protected by insulators of a type and located in a manner customarily used in electric railway operation.

Said party of the second part agrees that its trackless trolley cars shall at all times be kept clean, well ventilated, provided with comfortable seats for its passengers, heated with safe and convenient appliances, and efficiently lighted at night with electricity or other approved means; that all such cars shall be kept in good repair at all times and shall be so painted on the outside and decorated on the inside as to present an attractive appearance, and shall be repainted and redecorated from time to time as may be necessary to maintain such appearance; that each of such cars shall have thereon the name of the line or point of destination in letters of such size as may be readily discernible and read by persons of ordinary eyesight, and that at night, each of such cars shall have displayed on the front end thereof the name of the line to which it belongs, or its point of desti-

nation, and so illuminated as that it may readily and easily be seen by persons of ordinary eyesight.

#### ARTICLE 4.

The franchise or right hereby granted to Indianapolis Railways, Incorporated, to maintain and operate its trackless trolley lines and cars, upon and over the streets herein named, shall be for the term of 20 years, subject to, or as may be modified by, the law relating to an indeterminate permit, which it automatically becomes, or may become, as provided in "An Act concerning public utilities, creating a public service commission, abolishing the railroad commission of Indiana, and conferring the powers of the railroad commission on the public service commission," approved March 4th, 1913, or any amendments thereof, but no extensions of such trackless trolley lines shall be made, nor shall any other or additional streets or public places be used for the operation of said trackless trolleys, nor shall any of the trackless trolley lines operated on the streets herein designated be abandoned by said Company, unless lawful permission thereunto is first obtained by the Company.

#### ARTICLE 5.

The right is hereby given to the Company, to be exercised at any time after the abandonment of any track or tracks in any street herein named and over which trackless trolley cars are at any time being operated, to remove its said tracks, poles and other appurtenances thereto, and if the such tracks are removed under the provisions of this Article independently of any street improvement project the Company agrees to restore the spaces thus left in such street so as to conform in condition and type of improvement to the portion of such street on either side thereof, in accordance with the orders and directions of the Board of Public Works and Sanitation and subject to its approval, and solely at the expense of said Company. All such work to be done without unnecessary interference with the use of said street and with proper safeguards during such work.

#### ARTICLE 6.

Where any street railway tracks of the Company are in and upon the city streets, whether they are used by said Company for street railway cars or whether they are abandoned for further use by street railway cars, the Company shall, entirely at its own expense, place and maintain the entire space occupied by said track or tracks and between same, including a space of 18 inches from the center of the

outside rails of double tracks or from each rail of a single track, in a good and safe state of repair, free from obstructions to the use of said street and generally in a manner similar to that in which said track or tracks are now improved. The Company agrees to expend the sum of \$750,000 for the rehabilitation of its street car tracks upon which the Company will continue to operate street cars and of that portion of the streets occupied by such tracks where the same will be rehabilitated, out of the proceeds of a loan made to the Company by the United States of America and as permitted by the Federal Emergency Administration of Public Works.

#### ARTICLE 7.

The Company agrees, upon the written order by the Board of Public Works and Sanitation made at any time after the abandonment of any track or tracks in any city street herein named, to remove the rails of its abandoned and unused tracks and the ties of such tracks if not embedded in hard paving material, also the unused poles and other unused appurtenances thereto, at its own expense, but without obligation on the Company to restore such street, and in accordance with the orders and direction of the Board of Public Works and Sanitation; provided, however, that the said Board of Public Works and Sanitation shall not order or direct the removal of more than two street miles of such abandoned track or tracks during any calendar year; and provided further, that no such tracks shall be ordered removed by said Board so long as removals of track made by the Company under the provisions of Article 5 shall average as much as two miles of removed track per year, and in any year in which an order for the removal of such track is made said Board shall credit the Company with any excess of such track over such average and such order shall require the removal in such year only of the difference between such excess and two miles. The Company further agrees that at any time after the abandonment of any track or tracks in any street herein named for use by trolley cars, the said City may remove such abandoned and unused tracks without any expense to said Company and without any obligation on the Company to restore such street; and in the event the City does remove said tracks at its expense, then the Company agrees that the City may keep and retain the said rails and tracks so removed as its property and that the said City may have the benefit of the proceeds therefrom; provided, that before the City removes any such track it shall give the Company written notice of its intention to do so, specifying therein the track or tracks which the City desires to remove and the time within which it intends to remove the same, and the Company may then within

thirty days from the receipt of such notice notify the City in writing that it elects to remove such track or tracks within the time stated in such notice, and if such election is made the City shall not remove such track or tracks, unless the Company fails to remove the same within such time, but if the Company fails to make such election within said thirty days, the City may then remove such track or tracks.

#### ARTICLE 8.

The Company agrees to pay the City for the actual number of miles of streets used by the Company for trackless trolley car operation where street cars are not also being operated on rails at the rate of Three Hundred and Twenty-four Dollars and Seventy-six Cents (\$324.76) per mile per annum from and after March 26, 1936, payment therefor to be made semi-annually as herein provided. Upon the first day of July and the first day of January of each year the Company shall file with the Board of Public Works and Sanitation a verified statement showing the actual number of miles of such streets used for trackless trolley service during the preceding period and shall also set forth any additions to such service or any abandonments thereof made during said period, together with the dates upon which said additions or abandonments were made; a copy of such statements shall at said time be filed with the City Controller and the City Civil Engineer. From such statement so filed there shall be computed the average number of miles of such streets actually used for trackless trolley purposes during said period and the amount due said City at said rate of \$324.76 per mile per annum, or at the option rates hereinafter provided; and on said dates the said Company agrees to pay to the City Controller the amount then due for the preceding period, together with interest at the rate of 6% per annum after said date upon any payments not paid when the same become due as herein provided. It is expressly provided, however, that in view of the fact that the said Company has heretofore obligated itself to pay large sums as installments upon the purchase of equipment during the ensuing 7 years, that the Company may, if it so elects, pay the City in accordance with the rates fixed in the schedule following, to-wit:

\$162.00 per mile per annum during 1936;  
\$212.00 per mile per annum during 1937;  
\$275.00 per mile per annum during 1938;  
\$350.00 per mile per annum during 1939;  
\$400.00 per mile per annum during 1940;  
\$425.00 per mile per annum during 1941;  
\$449.32 per mile per annum during 1942;

And during the 8th year and each ensuing year thereafter during the term of this agreement the sum of \$324.76 per mile per annum as hereinabove provided for.

In determining the number of miles of streets so used by trackless trolleys the actual lineal miles of streets or other public places used by trackless trolleys where street cars are not also operated on rails shall govern, without regard to whether such streets or public places are traversed by a single or double line of trackless trolley.

The Company shall be entitled to take full credit against the amounts becoming payable to the City hereunder for all amounts charged or assessed, or to be charged or assessed, against it on account of street improvements made under contracts entered into subsequent to March 26, 1936, in accordance with the provisions for such charges or assessments contained in the temporary permits heretofore issued to the Company for trackless trolley operation by the Board of Public Works of the City. Each verified statement herein provided for shall show all amounts paid by the Company during the period for which such statement is made on account of the charges or assessments for which the Company is hereunder entitled to take credit, specifying the improvements on account of which such payments were made, and the City Controller shall allow to the Company full credit therefor against the amount which such statement shows is due from the Company to the City; and if the amounts paid by the Company on account of such deductible charges or assessments for such period exceed the amount due the City from the Company for the same period, then the Company shall be entitled to take credit for such excess amount against subsequent payments becoming due hereunder from the Company to the City until the Company shall have received full credits for said amounts.

#### ARTICLE 9.

This contract shall, from and after its ratification by the Common Council of the City, supercede in all respects the temporary permits for trackless trolley car operation which were heretofore issued to the Company by the Board of Public Works of the City, and said temporary permits shall thereupon cease and terminate.

Nothing contained or expressed in this agreement shall in any wise impair any indeterminate permit from the State of Indiana held by the Company or any rights or obligations of the Company thereunder. Neither the City nor the Company shall be deprived by anything contained or expressed in this agreement of any rights or reme-

dies that may be accorded them by said Act of the General Assembly of the State of Indiana, approved March 4, 1913, known as the Shively-Spencer Utility Commission Act, or any amendments thereof, or accorded by any regulations or orders of the Public Service Commission of Indiana made pursuant to authority conferred on said Commission by law.

IS WITNESS WHEREOF, said parties have hereunto set their hands and seals this 25th day of May, 1936.

THE CITY OF INDIANAPOLIS,

By ROBERT K. EBY.

M. E. TENNANT.

LOUIS C. BRANDT.

Its Board of Public Works and Sanitation.

Attest:

ERNEST F. FRICK, Secretary.

JOHN W. KERN, Mayor.

INDIANAPOLIS RAILWAYS, INCORPORATED,

By CHARLES W. CHASE, President.

Attest:

L. T. HIXSON, Secretary.

AND WHEREAS, said contract and agreement has been submitted by said Board of Public Works and Sanitation of said City of Indianapolis, after its execution by the parties and approval of the same by the Mayor, to the Common Council of said city for its action thereon; NOW, THEREFORE,

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

Section 1. That the foregoing contract and agreement made and entered into on the 25th day of May, 1936, by the City of Indianapolis, by and through its Board of Public Works and Sanitation, and

approved by the Mayor, and Indianapolis Railways, Incorporated, be and the same is hereby in all things ratified, confirmed and approved, and said Indianapolis Railways, Incorporated, is hereby granted all rights, privileges and franchises as in said contract and agreement set forth, in accordance with the terms, conditions and provisions thereof.

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.

By Councilman Carr:

GENERAL ORDINANCE NO. 41, 1936

AS ORDINANCE amending Section 6 of General Ordinance No. 87, 1935, and naming an effective date.

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

Section 1. That Section 6 of General Ordinance No. 87, 1935, be and the same hereby is amended to read as follows:

“Section 6. Whenever any holder of a right to a license, as specified in Section 2 hereof, files an application for such a license, and whenever hereafter an application for any renewal of license is filed with said Controller, then said Controller shall thereupon issue a license certificate to such applicant to operate such taxicab, or taxicabs, on the streets of the City of Indianapolis, subject to the provisions of this ordinance and to all amendments thereto, upon the payment of a license fee of Thirty-six Dollars (\$36.00) per year for each taxicab to be operated under the terms and conditions of such license, and upon the filing of a liability contract of insurance providing for indemnification, as hereinafter provided in Section 23 hereof, and upon the production of a satisfactory report of inspection from the inspector of weights and measures and the officers in charge of the traffic division of the police department of the City of Indianapolis, as is provided in Sections 11, 12 and 13 of this ordinance.

All licenses shall expire on June 30 of each year. Each license

certificate shall be numbered, which number shall also be the taxicab number, and must be placed on each vehicle operating as a taxicab in this city, as is provided for in Section 8 of this ordinance. Each applicant for renewal of any license issued by the City Controller of the City of Indianapolis for the year 1934, as provided in Section 2 of this ordinance, shall also pay to the City Controller for such renewal the license fee for the year 1935, and the pro rata portion of the year 1936 as shall have elapsed before the effective date of this ordinance at the rate of Thirty Dollars (\$30.00) per year. Whenever any application is made for a new license, or for a transfer of a license, and the applicant for the new license or the proposed transferee is other than those applicants for a license or renewal designated in the first paragraph of this section, the Controller shall refer the same to the Board of Public Safety for investigation, and if it appears from the information obtained that the applicant is a reliable and bona fide owner or operator and has met all the requirements of this ordinance, that the name under which he is to operate and the color scheme used on the vehicle does not conflict with others nor tend to deceive the public—provided, however, that if two applicants have a similar color scheme, then in such an event the applicant who has utilized such color scheme for the longer continuous period of time shall be the one entitled to use such color scheme thereafter, and the other applicant shall change such color scheme so as not to conflict with that of the applicant first referred to above—then the Board of Public Safety, subject to the approval of the Common Council, shall notify the City Controller, who shall thereupon issue a license certificate to such applicant to operate such taxicab or taxicabs subject to the provisions of this ordinance and all amendments thereof, upon compliance with all the other requirements heretofore provided in this section for all other applicants.

Licenses under this ordinance shall be issued in the name of the applicant."

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.

By the Department of Public Parks:



SPECIAL ORDINANCE NO. 3, 1936

AN ORDINANCE authorizing the sale, alienation and conveyance of certain "park land" of the City of Indianapolis, and fixing a time when the same shall take effect.

WHEREAS the Board of Park Commissioners of the City of Indianapolis, by resolution duly adopted and spread of record at its meeting on May 7, 1936, determined that certain park land, hereinafter described, is no longer necessary for park purposes nor for the public use and that it would be to the best interests of said City of Indianapolis to dispose of said land by sale, NOW, THEREFORE,

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

Section 1. That the Board of Park Commissioners is hereby authorized to sell, alienate and convey for cash, at public or private sale, for not less than the appraised value thereof, which value is to be hereafter determined by appraisers appointed by the judge of the Circuit Court of Marion County, Indiana, as required by law, the following described real estate in the City of Indianapolis, Marion County, Indiana, to-wit:

Being a part of the southeast quarter of Section 4 and the southwest quarter of Section 3, Township 16 North, Range 3 East, Marion County, State of Indiana, more particularly described as follows:

Beginning at a point in the south line of the aforesaid Section 3, a distance of 25 feet east of the southwest corner thereof; thence east along the south line of the aforesaid Section 3 a distance of 80.00 feet to a point, said point being in the former west right-of-way line of the T. H., I. & E. Traction Company; thence north-westwardly on a straight line making an angle of 70 degrees

and 41 minutes and being along the former west right-of-way line of the T. H., I. & E. Traction Company a distance of 317.71 feet to the south property line of Kessler Boulevard; thence southwestwardly along the south property line of Kessler Boulevard a distance of 67.70 feet to a point; thence southeastwardly on a curved line to the right having for its radius 400 feet a distance of 250.00 feet to a point 25 feet north of the south line and 25 feet east of the west line of the southwest quarter of the aforesaid Section 3; thence south 25 feet to the place of beginning, containing .40 of an acre.

That said real estate shall be sold at public or private sale upon such notice, or notices, as the Board of Park Commissioners may determine.

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. Wallace called for Appropriation Ordinance No. 18, 1936, for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Cable, Appropriation Ordinance No. 18, 1936, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 18, 1936, was read a

third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mrs. Dowd called for Appropriation Ordinance No. 17, 1936, for second reading. It was read a second time.

On motion of Mrs. Dowd, seconded by Mr. Wallace, Appropriation Ordinance No. 17, 1936, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 17, 1936, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Carr called for General Ordinance No. 36, 1936, for second reading. It was read a second time.

Mr. Carr presented the following written motion to amend General Ordinance No. 36, 1936:

Indianapolis, Ind., June 1, 1933.

Mr. President:

I move that General Ordinance No. 36, 1936, be amended by striking out in lines 1 and 2 of Section 1, the words and figures "Eighteen Hundred Dollars (\$1,800.00)" and inserting in lieu thereof the following: "Four Hundred Fifty Dollars (\$450.00)".

SILAS J. CARR, Councilman.

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

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

On motion of Mr. Carr, seconded by Mr. Fritz, General Ordinance No. 36, 1936, as amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 36, 1936, as amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Carr asked for suspension of the rules for further consideration and passage of General Ordinance No. 41, 1936. The motion was seconded by Mr. Cable and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr.

Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

The rules were suspended.

The Council reverted to a previous order of business.

## COMMITTEE REPORT

Indianapolis, Ind., June 1, 1936.

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. 41, 1936, entitled An Ordinance amending General Ordinance 87, 1935, beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed as amended, under suspension of the rules.

SILAS J. CARR, Chairman.  
NANNETTE DOWD.  
ROSS H. WALLACE.  
WILLIAM A. OREN.  
JOHN A. SCHUMACHER.

## ORDINANCES ON SECOND READING

Mr. Carr called for General Ordinance No. 41, 1936, for a second reading. It was read a second time.

Mr. Carr presented the following written motion to amend General Ordinance No. 41, 1936:

Indianapolis, Ind., June 1, 1936.

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

Gentlemen:

I move that General Ordinance No. 41, 1936, be amended as follows:

By striking out Section 2 of said ordinance and inserting in lieu thereof the following:

Section 2. This ordinance after its passage, approval by the Mayor, and publication as by law required, shall be in full force and effect on and after July 1st, 1936.

Very truly yours,

SILAS J. CARR, Councilman.

The motion was seconded by Mrs. Dowd, and passed by the following roll call vote:

Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

On motion of Mr. Carr, seconded by Mr. Oren, General Ordinance No. 41, 1936, as amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 41, 1936, as amended, was read a third time by the Clerk and passed by the following roll call vote:

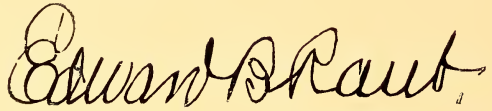
Ayes, 9, viz: Mr. Cable, Mr. Carr, Mrs. Dowd, Mr. Fritz, Mr. Kealing, Mr. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

On motion of Mr. Fritz, seconded by Mr. Oren, the Common Council adjourned at 8:45 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 1st day of June, 1936, at 7:30 p. m.

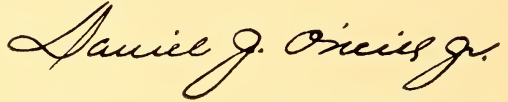
In Witness Whereof, we have hereunto subscribed

our signatures and caused the seal of the City of Indianapolis to be affixed.

A handwritten signature in cursive script, reading "Edward Raut". The signature is written in dark ink on a light-colored paper.

President.

Attest:

A handwritten signature in cursive script, reading "Samuel J. Orvis Jr.". The signature is written in dark ink on a light-colored paper.

(SEAL)

City Clerk.