

REGULAR MEETING

Monday, November 7, 1938
7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, November 7, 1938, 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, William A. Oren, John A. Schumacher, Ross H. Wallace.

Absent: Edward R. Kealing.

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

COMMUNICATIONS FROM THE MAYOR

October 18, 1938.

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 ordinance:

APPROPRIATION ORDINANCE No. 13, 1938

AN ORDINANCE appropriating Thirteen Hundred Dollars (\$1300.00) from anticipated unappropriated and unexpended 1938 balance of the general fund to the Board of Public Safety—Gamewell Division, and fixing a time when the same shall take effect.

Respectfully,

WALTER C. BOETCHER,
Acting Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

November 7, 1938.

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

Gentlemen:

In Re: A. O. 14, 15 and G. O. 82, 83, 1938.

I beg leave to report that pursuant to the laws of the State of Indiana, I caused notice by publication to be inserted in the Indianapolis News and Indianapolis Commercial on October 20, 1938, that taxpayers would have a right to be heard on the above ordinances at the regular meeting of the Common Council, to be held on the 7th day of November, 1938, and by posting a copy of said notice in the City Hall, Court House and Police Station.

Very truly yours,

DANIEL J. O'NEILL, JR.,
City Clerk.

November 7, 1938.

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

Gentlemen:

Attached please find copies of Appropriation Ordinance No. 16, 1938, appropriating to the Board of Public Works and Sanitation, Department of Public Works, the proceeds derived from the sale of City of Indianapolis Track Elevation Bonds of 1938—First Issue.

I respectfully recommend the passage of this ordinance.

Yours very truly,

H. NATHAN SWAIM,
Acting City Controller.

November 7, 1938] City of Indianapolis, Ind.

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November 7, 1938.

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

Gentlemen:

Submitted herewith is General Ordinance No. 86, 1938, making North Keystone Avenue at the Indiana Railway tracks a stop street for all interurban cars operating on such tracks. We respectfully recommend its passage.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,
By Theo. H. Dammeyer,
President.

November 7, 1938.

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

Gentlemen:

Attached please find copies of General Ordinance No. 87, 1938, authorizing the Acting City Controller to borrow the sum of Three Hundred Eighteen Thousand Dollars (\$318,000.00) and to issue bonds for said purpose to provide funds for track elevation from Meridian Street to Pleasant Run Boulevard and grade separation at Madison Avenue, East and Singleton Streets.

I respectfully recommend the passage of this ordinance.

Yours very truly,

H. NATHAN SWAIM,
Acting City Controller.

November 7, 1938.

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

Gentlemen:

Attached please find copies of General Ordinance No. 88, 1938, transferring moneys from certain funds in the budget of the Board of Public Safety and reappropriating and reallocating the same to certain other designated funds.

I respectfully recommend the passage of this ordinance.

Yours truly,

H. NATHAN SWAIM,
Acting City Controller.

October 25, 1938.

H. Nathan Swaim,
City Controller,
City of Indianapolis.

Dear Sir:

On the recommendation of Chief Morrissey, we ask that you cause to be prepared an ordinance, presenting same to the Common Council for passage at its next meeting, transferring in the Police Department budget:

One Thousand (\$1000.00) Dollars from Fund No. 26—
Other Contractual, and reappropriate:

Five Hundred (\$500.00) Dollars to Fund No. 41—
Building Materials, Police Department Budget,
and

Five Hundred (\$500.00) Dollars to Fund No. 44—
General Materials, Police Department budget.

The above transfer to Fund No. 41—Building Materials, is for the purpose of building a new kitchen at Police Headquarters for the preparing of food for prisoners, there being no provision made for feeding prisoners in the 1939 budget. This new kitchen must be built before the first of the year.

Fund No. 44—General Materials, is practically depleted and, in order to purchase paints, etc., necessary for painting and marking dangerous intersections, this fund must be reimbursed.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,
By Theo. H. Dammeyer,
President.

November 4, 1938.

H. Nathan Swaim,
City Controller,
City of Indianapolis.

Dear Sir:

Because of an emergency in the Gamewell Division budget, several funds being practically depleted, and on the recommendation of John McNellis, we are asking that an ordinance be prepared, and presented to the Common Council at its next meeting, transferring in the Gamewell Division budget:

Two Hundred (\$200.00) Dollars from Fund No. 44—
Gas Tax—General Materials, and reappropriate
this amount to Fund No. 38—Gas Tax—Gen-
eral Supplies;

Three Hundred (\$300.00) Dollars from Fund No. 25—
Repairs—and reappropriate to Fund No. 38—
Regular—General Supplies.

One Hundred (\$100.00) Dollars from Fund No. 22—
Regular—Heat, Light, Power and Water, and
reappropriate to Fund No. 44—Regular—Gen-
eral Materials;

Fifty (\$50.00) Dollars from Fund No. 72—Equipment
—and reappropriate to Fund No. 36—Office
Supplies.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,
By Theo. H. Dammeyer,
President.

November 7, 1938.

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

Dear Sir:

In re: S. O. 10, 1938.

Attached hereto are copies of a proposed ordinance authorizing the Board of Public Works and Sanitation to sell certain lands that are no longer necessary for public use.

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 AND SANITATION,
Ernest F. Frick,
Executive Secretary.

At this time those present were given a chance to speak on Appropriation Ordinances No. 14 and 15, also General Ordinances No. 82 and 83, 1938. There was no response.

FILING OF PETITIONS

The Council received petitions from owners of taxable real estate in the City of Indianapolis for the issuance and sale of bonds to provide the necessary funds to pay the city's proportionate share of the cost in the matter of track elevation from Meridian Street to Pleasant Run Boulevard and grade separation at Madison Avenue, East and Singleton Streets in the City of Indianapolis, Indiana. Said petitions were accompanied by a certification from the Auditor of Marion County, Indiana, in which he states there were 119 signers of which 106 are owners of taxable real estate within the corporate limits of the City of Indianapolis.

Mr. Cable made a motion for recess. The motion was seconded by Mr. Fritz and the Council recessed at 7:35 p. m.

The Council reconvened at 7:40 p. m. with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., November 7, 1938.

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. 14, 1938, entitled:

Appropriating \$800.00 to Child Hygiene

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., November 7, 1938.

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. 15, 1938, entitled:

Appropriating proceeds of bond sale for W. N. Y. Bridge

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., November 7, 1938.

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. 82, 1938, entitled:

Transfer—Radio Division

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

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

Indianapolis, Ind., November 7, 1938.

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. 83, 1938, entitled:

Transfer \$800.00 Fire Dept.

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

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

Indianapolis, Ind., November 7, 1938.

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

Gentlemen:

We, your Committee on Finance, to whom was referred General Ordinance No. 84, 1938, entitled:

\$62,000 bond issue for New York Street bridge

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

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE No. 16, 1938

AN ORDINANCE appropriating to the Board of Public Works and Sanitation, Department of Public Works, the proceeds derived from the sale of City of Indianapolis Track Elevation Bonds of 1938—First Issue, provided for in General Ordinance No. 87, 1938, and fixing a time when the same shall take effect.

WHEREAS, the Common Council now finds that an emergency exists for the appropriation of additional sums of money not included in the existing budget and levies at the time of the making thereof, for the elevation of the tracks of the Indianapolis Union Railway and the Belt Railroad so as to eliminate the grade crossings now existing at Madison Avenue and East and Singleton Streets in the City of Indianapolis, in that the city and the railroads are at this particular time advantageously situated to complete this work, whereas if the same is not immediately begun, before the fixing of the budgets for the coming year, this track elevation may be indefinitely postponed; and

WHEREAS, it is necessary, under the provisions of chapter 150 of the Acts of the General Assembly of 1935, to afford taxpayers

an opportunity to be heard as to such additional appropriation, and also to obtain the approval of the State Board of Tax Commissioners as to such additional appropriation;

NOW, THEREFORE,

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

Section 1. That the proceeds derived from the sale of City of Indianapolis Track Elevation Bonds of 1938—First Issue, in the amount of Three Hundred Eighteen Thousand Dollars (\$318,000.00) be, and the same are hereby appropriated to the Track Elevation Fund in the Department of Public Works of the City of Indianapolis, together with any premium offered at the time of the sale of such bonds, save that such premium be used only to retire the bonds. Said appropriation shall be a continuing one until all of the track elevation project referred to herein is brought about and completed.

Section 2. The City Clerk shall give notice to taxpayers as to a date on which said taxpayers shall have an opportunity to be heard, and shall likewise deliver a certified copy of this ordinance to the Auditor of Marion County, Indiana, to be forwarded to the State Board of Tax Commissioners as provided for by Chapter 150 of the Acts of 1938.

Section 3. This ordinance shall be in full force and effect from and after its passage and signing by the duly qualified and acting mayor of the City of Indianapolis.

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES

By the Board of Public Safety:

GENERAL ORDINANCE No. 86, 1938

AN ORDINANCE requiring the operators of all electrically operated cars and trains traveling on the tracks of the Indiana Railway to stop at North Keystone Avenue, providing a penalty for any violation thereof, and fixing a time when the same shall take effect.

WHEREAS, the intersection of the tracks of the Indiana Railway lying north of and parallel to East 38th Street in the City of Indianapolis with North Keystone Avenue in said city, is deemed, by the Common Council of the City of Indianapolis to be an intersection where persons are exposed to great danger or bodily injury and damage to property while crossing said tracks; and

WHEREAS, said Common Council is of the opinion that the appropriate and adequate manner to eliminate the danger to which persons are exposed while crossing said tracks at the aforesaid intersection is to require that all electrically propelled cars and trains operated on said tracks, before entering into and crossing North Keystone Avenue at said intersection, shall stop at the place where said tracks meet the prolongation of the nearest property line of North Keystone Avenue;

NOW, THEREFORE,

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

Section 1. The term "operator," wherever used in this ordinance, shall mean the person in actual physical control of the movement and propulsion of an electrically propelled car or train.

Section 2. The operator of any electrically propelled car or train traveling upon the tracks of the Indiana Railway, lying north of and parallel to East 38th Street in the City of Indianapolis, before moving, operating or propelling such car or train into, upon, or across North Keystone Avenue at the point where said tracks intersect said avenue, shall bring such car or train to a full and complete stop at the place where said tracks meet the prolongation of the nearest property line of North Keystone Avenue.

Section 3. Any person violating any of the provisions of this ordinance, upon conviction thereof, shall be fined in any sum not exceeding Three Hundred Dollars (\$300.00), to which may be added imprisonment not exceeding ninety (90) days.

Section 4. 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 City Controller:

GENERAL ORDINANCE No. 87, 1938

AN ORDINANCE authorizing the Acting City Controller to borrow the sum of Three Hundred Eighteen Thousand Dollars (\$318,000.00) and to issue bonds for said purpose to provide funds for track elevation from Meridian Street to Pleasant Run Boulevard and grade separation at Madison Avenue, East and Singleton Streets in the City of Indianapolis, Indiana, and fixing an effective date.

WHEREAS, HERETOFORE, on the 26th day of June, 1925, the Board of Works of this city adopted Track Elevation Resolution No. 19 providing for the alteration of certain grade crossings in said city and for other work thereunto pertaining; and,

WHEREAS, part of said work under said resolution has been accomplished, and the Board of Public Works and Sanitation of said city is now proceeding to the accomplishment of the elevation of an additional section of the work under the aforesaid resolution, namely: the elevation of the tracks of the Indianapolis Union Railway and Belt Railroad from Meridian Street to Pleasant Run Boulevard, thereby eliminating the grade crossings at Madison Avenue, East Street and Singleton Street, and the cost of said section of the work has been estimated by the City Engineer to be the sum of Nine Hundred Thirty-six Thousand Eight Hundred Seventy-nine Dollars (\$936,879.00), and,

WHEREAS, HERETOFORE, on the 4th day of November, 1938, the Board of Public Works and Sanitation passed a resolution requesting the issuance of bonds in the sum of Three Hundred Eighteen Thousand Five Hundred Dollars (\$318,500.00), to provide thirty-four per cent (34%) of the cost of the project which is the city's share in accordance with the track elevation law, and,

WHEREAS, it is necessary to the safety and convenience of the public that money be provided to complete the elevation and alteration of said grade crossing as contemplated by said Board of Public Works and Sanitation; and,

WHEREAS, there is not now and will not be sufficient funds in the treasury of the City of Indianapolis with which to meet the aforesaid expenditures for said elevation and alteration of grade crossings, and it being necessary for the City of Indianapolis to borrow the sum of Three Hundred Eighteen Thousand Dollars (\$318,000.00) in order to procure such a fund to be devoted to said purposes, and to issue and sell its bonds in

such an amount payable from the general revenues and funds of said city, or as may be required by law;

NOW, THEREFORE,

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

Section 1. That there be issued and sold for the purpose of obtaining funds to elevate the tracks of the Belt Railroad and Indianapolis Union Railway from South Meridian Street to Pleasant Run Boulevard so as to eliminate the present grade crossing at Madison Avenue, East Street and Singleton Street, 318 direct obligation bonds of the City of Indianapolis in the amount of One Thousand (\$1,000.00) Dollars each, numbered from one (1) to three hundred eighteen (318) both inclusive, and designated as "City of Indianapolis Track Elevation Bonds of 1938—First Issue." All of said bonds shall be dated as of December 20, 1938. Said bonds shall mature as follows: twenty-one (21) bonds on July 1st, 1944, and twenty-one (21) bonds on each July 1st, of each succeeding year up to and including July 1st, 1957, and the final twenty-four (24) of said bonds on July 1st, 1958.

Said bonds shall bear interest at a rate not exceeding five per cent (5%) per annum, the exact rate to be determined by bidding as hereinafter more particularly provided. The first interest shall be payable January 1st, 1940, and thereafter on the first days of January and July of each year for the period of the bond, as evidenced by interest coupons attached to each bond, and upon surrender thereof.

Section 2. Said bonds and the interest coupons attached thereto shall be payable at the office of the Treasurer of the City of Indianapolis, in said city, in lawful money of the United States of America. Said bonds shall be signed in the name of the City of Indianapolis, by Walter C. Boetcher, the qualified Acting Mayor of said city, countersigned by H. Nathan Swaim, the qualified Acting City Controller, and attested by the City Clerk, who shall affix to each of said bonds the corporate seal of the city. The interest coupons attached to said bonds shall be executed by placing thereon the facsimile signatures of the said qualified Acting Mayor and the said qualified Acting City Controller, who, by the signing of said bonds, shall adopt as and for their own proper signatures their facsimile signatures appearing on said coupons. Said bonds shall, in the hands of the bona fide holders, have all the qualities of negotiable instruments under the law merchant.

Section 3. The form and tenor of said bonds and the interest coupons to be attached thereto shall be substantially as follows; all blanks to be filled in properly prior to delivery:

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF MARION

No.....

\$1,000.00

CITY OF INDIANAPOLIS

TRACK ELEVATION BONDS OF 1938

FIRST ISSUE

The City of Indianapolis, in Marion County, State of Indiana, for value received, hereby acknowledges itself indebted and promises to pay to the bearer hereof the principal amount of

ONE THOUSAND DOLLARS

on the first day of....., 19....., and to pay interest thereon from the date hereof until the principal is paid, at the rate of..... per cent (%) per annum, payable on.....and semi-annually thereafter on the first days of January and July in each year, which interest to maturity is evidenced by and payable upon presentation and surrender of the annexed interest coupons as they severally become due.

Both principal and interest of this bond are payable at the office of the Treasurer of the City of Indianapolis in said city, in lawful money of the United States of America.

This bond is one of an issue aggregating Three Hundred Eighteen Thousand Dollars (\$318,000.00), numbered from 1 to 318, inclusive, of like date, tenor and effect as this bond, except as to dates of maturity, issued by the City of Indianapolis pursuant to an ordinance entitled "An ordinance authorizing the Acting City Controller to borrow the sum of Three Hundred Eighteen Thousand Dollars (\$318,000.00) and to issue bonds for said purpose to provide funds for track elevation from Meridian Street to

Pleasant Run Boulevard, and grade separation at Madison Avenue, East and Singleton Streets in the City of Indianapolis, and fixing an effective date," duly adopted by the Common Council of said city on the.....day of, 1938, and in compliance with an act of the General Assembly of the State of Indiana, entitled, "An Act concerning municipal corporations," Approved March 6, 1905, and all laws amendatory thereof and supplemental thereto.

The funds derived from this bond are to be used in the elevation of railroad tracks from Meridian Street to Pleasant Run Boulevard in the City of Indianapolis, and the separation of the grade crossing at Madison Avenue, East Street and Singleton Street in said city.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form, as provided by law, and that this bond and said total issue of bonds is within every limit of indebtedness prescribed by the Constitution and laws of the State of Indiana. The full faith and credit of the City of Indianapolis are hereby irrevocably pledged to the punctual payment of the principal and interest of this bond according to its terms.

IN WITNESS WHEREOF, the City of Indianapolis, in Marion County, State of Indiana, has caused this bond to be signed in the corporate name by its duly qualified Acting Mayor, countersigned by its duly qualified Acting City Controller, its corporate seal to be hereunto affixed and attested by its City Clerk, and the interest coupons hereto attached to be executed by placing thereon the facsimile signatures of said duly qualified Acting Mayor and said duly qualified Acting City Controller, as of December 20th, 1938.

CITY OF INDIANAPOLIS

By
Its Duly Qualified and Acting Mayor
Countersigned:

.....
Its Duly Qualified and Acting City Controller

Attest:

.....
City Clerk

(Form of Interest Coupon)

No. \$.....

On the.....day of....., 19.....,
 the City of Indianapolis, in Marion County, Indiana, will
 pay to bearer at the office of the City Treasurer in said
 city.....Dollars, being the interest due on said
 date on its Track Elevation Bonds of 1938, First Issue
 No.....

CITY OF INDIANAPOLIS

By(Facsimile)
 Its Duly Qualified and Acting Mayor

..... (Facsimile)
 Its Duly Qualified and Acting City Controller

Section 4. The City Clerk shall immediately upon introduction of this ordinance cause to be published and posted, in the manner required by law, a notice of the determination of the city to issue all of the bonds authorized by this ordinance and to insure the debt evidenced thereby, and shall also cause to be announced therein information of the filing with the Common Council of the City of Indianapolis prior to the passage of this ordinance of petitions by more than fifty (50) owners of taxable real estate in the City of Indianapolis requesting said Common Council to cause to be issued bonds of the City of Indianapolis in a total sum not exceeding Three Hundred Eighteen Thousand Dollars (\$318,000.00) for the purpose as expressed in Section 1 hereof and of the determination of said council, by the introduction and passage of this ordinance to issue the bonds as petitioned for in an amount of Three Hundred Eighteen Thousand Dollars (\$318,000.00). Said notice shall be published once each week for two (2) consecutive weeks in two (2) newspapers of opposite political parties published in the City of Indianapolis and said notice shall be posted in three (3) public places in said city.

Section 5. Said bonds shall be offered for sale by the Acting City Controller as soon as may be done after the passage of this ordinance and the expiration of the time provided by law in which remonstrances may be filed by the owners of taxable real estate with said Common Council praying that the bonds herein authorized be not issued. Prior to the sale of any of said bonds, the Acting City Controller shall cause to be published a notice of the sale of said bonds, once each week for two (2) consecutive weeks in two (2) local newspapers. The date fixed for the sale of said bonds shall be not earlier than five (5) days after the last of said publications.

Said bond sale notice shall state the time and place of sale, the purpose for which the bonds are issued, the amounts thereof, the maximum rate of interest thereon, the time of payment, and the terms and conditions upon which bids will be received and the sale made, and such other information as the Acting City Controller shall deem necessary.

Among other things, such notice shall advise the bidders that all bids for said bonds shall be filed with the Acting City Controller in his office in said city in sealed envelopes marked "Bids for Track Elevation Bonds of 1938—First Issue," that each bid shall be accompanied by a certified check payable to the City of Indianapolis in the amount of Seven Thousand Nine Hundred Fifty Dollars (\$7,950.00) to guarantee the good faith of the bidder, and that in the event the bidder to whom the bonds are awarded shall fail or refuse to comply with the provisions of its bid, then said check and the proceeds thereof shall be and become the property of the City of Indianapolis and shall be taken and considered as the liquidated damages of the city on account of such failure or refusal. Said notice shall also provide that bidders for said bonds shall be required to name the rate of interest which said bonds are to bear not exceeding the maximum rate herein provided, and that such interest must be in multiples of one-fourth ($\frac{1}{4}$) of one per cent (1%), and not more than one interest rate shall be named by each bidder; that the duly qualified and Acting City Controller will award said bonds to the highest qualified bidder who has submitted his bid in accordance with the notice of the sale, and that the highest bidder shall be the one who offers the lowest net interest cost to the city, determined by computing the total interest on all the bonds to their maturities and deducting therefrom the premium bid, if any. In the event of non-performance of any bidder or bidders, the City Controller is authorized to award said bond to the next highest bidder.

Section 6. No bid for less than the par value of said bonds, including the accrued interest from the date of said bonds to the date of delivery thereof, at the rate named in the bid, shall be considered. The qualified and Acting City Controller shall have the right to reject any and all bids. In the event the qualified and Acting City Controller shall receive no satisfactory bid for said bonds at the time fixed in said notice of sale, he shall be authorized to continue to receive bids thereafter from day to day until a satisfactory bid has been received, and in the event the continuation of sale, the qualified Acting City Controller shall open all bids filed at the same hour each day as stated in the bond sale notice.

Section 7. The qualified and Acting City Controller is hereby authorized and directed to have said bonds and coupons prepared,

and the qualified and Acting Mayor, qualified and Acting City Controller and City Clerk are hereby authorized and directed to execute said bonds and the interest coupons to be attached thereto in the form and manner herein provided, and the qualified and Acting City Controller shall, after the execution of said bonds, deliver the same to the Treasurer. The Treasurer is hereby authorized and directed to deliver the said bonds to the purchaser thereof upon receipt from purchaser of the amount bid for said bonds, as certified to the Treasurer by the qualified and Acting City Controller.

Section 8. The bonds taken and paid for to the satisfaction of the qualified and Acting City Controller shall be a binding obligation on the City of Indianapolis, Indiana, according to their tenor and effect, and the proceeds derived from such sale, as herein authorized, shall be used for the elevation of the tracks of the Indianapolis Union Railway and Belt Railroad from Meridian Street to Pleasant Run Boulevard and for grade separation at Madison Avenue, East and Singleton Streets in the City of Indianapolis, Marion County, Indiana, and shall constitute and be a continuing bond proceeds fund until all the improvement of the elevation is brought about and completed.

Section 9. Immediately upon adoption of this ordinance, the City Clerk and the qualified and Acting City Controller shall deliver a certified copy of this ordinance to the Auditor of Marion County, with the request that the same be forwarded to the State Board of Tax Commissioners.

Section 10. This ordinance shall be in full force and effect immediately upon its passage, approval and signing by the qualified and Acting Mayor.

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

By the Board of Public Safety:

GENERAL ORDINANCE No. 88, 1938

AN ORDINANCE transferring moneys from certain funds in the budget of the Board of Public Safety, reappropriating and re-allocating the same to certain other designated funds, and fixing a time when the same shall take effect.

WHEREAS, extraordinary emergencies have arisen in certain divisions under the supervision of the Department of Public Safety of the City of Indianapolis; and

WHEREAS, additional sums of money are necessary to meet these existing emergencies;

NOW, THEREFORE,

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

Section 1. That the following sum of money, now in the following designated fund, to-wit:

DEPARTMENT OF PUBLIC SAFETY
POLICE DEPARTMENT AND POLICE RADIO

Fund No. 26—Other Contractual.....\$1,000.00
be and the same is hereby transferred therefrom and reappropriated and reallocated to the following designated funds, to-wit:

DEPARTMENT OF PUBLIC SAFETY
POLICE DEPARTMENT AND POLICE RADIO

Fund No. 41—Building Materials.....	\$ 500.00
Fund No. 44—General Materials.....	500.00
	\$1,000.00

Section 2. That the following sums of money, now in the following designated funds of the Gamewell Division, be and the same are hereby transferred therefrom and reappropriated to other designated funds in said Gamewell Division, to-wit:

From DEPARTMENT OF PUBLIC SAFETY—
GAMEWELL DIVISION

Fund No. 25—Repairs	\$500.00
Fund No. 22—Regular— Heat, Light, Power, and Water.....	100.00
Fund No. 72—Equipment	50.00

To DEPARTMENT OF PUBLIC SAFETY—
GAMEWELL DIVISION

Fund No. 38—Regular—General Supplies.....	\$500.00
Fund No. 44—Regular—General Materials	100.00
Fund No. 36—Office Supplies	50.00

Section 3. That the following sum of money now in the following fund, to-wit:

DEPARTMENT OF PUBLIC SAFETY—
GAMEWELL DIVISION

Gasoline Tax Fund No. 44—General Materials.....\$200.00
be and the same is hereby transferred therefrom, reappropriated and reallocated to the following fund, to-wit:

DEPARTMENT OF PUBLIC SAFETY—
GAMEWELL DIVISION

Gasoline Tax Fund No. 38—General Supplies.....\$200.00

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 Safety.

By the Board of Public Works and Sanitation:

SPECIAL ORDINANCE No. 10, 1938

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

WHEREAS, the Board of Public Works and Sanitation of the City of Indianapolis has determined that certain lands, hereinafter described, are no longer necessary for the public use and that it would be to the best interests of said City of Indianapolis to dispose of said lands by sale,

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 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 real estate belonging to the City of Indianapolis and situated in the City of Indianapolis, Marion County, Indiana, to-wit:

Parcel "A"

Lot No. 249 in Highway Park Addition, as recorded in Plat Book 18, at pages 43 and 104, in the Office of the Recorder of Marion County, Indiana, more particularly described as follows:

Beginning at a point, said point being the intersection of the east property line of Hillside Avenue and the north property line of 38th Street, same being also the southwest corner of the aforescribed Lot No. 249; thence east on and along the north property line of 38th Street to a point, said point being the southeast corner of the aforescribed Lot No. 249; thence northwestwardly on and along the northeast line of the aforescribed Lot No. 249 to a point, said point being the northwest corner of the aforescribed Lot No. 249; thence south on and along the west line of the aforescribed Lot No. 249, a distance of thirty-nine and seven-tenths feet (39.7') to the point or place of beginning.

Parcel "B"

The south 53 feet of Lots 1 to 9, both inclusive, of Philipine Lather Estate, 16th Street Addition, as recorded in Plat Book 17, page 107, in the Office of the Recorder of Marion County, Indiana, being more particularly described as follows, to-wit:

Beginning at a point on the east line of said Lot 1, said point being 55.12 feet northwest of the southeast corner of the said Lot 1; thence west on and along a line 50 feet south of and parallel to the north lines of Lots 1 to 9, both inclusive, in the said addition to a point in the west line of Lot 9; thence southeast on and along the west line of Lot 9 to the southwest corner of said Lot 9; thence east on and along the south line of Lots 9 to 1, both inclusive, in the said addition to the southeast corner of Lot 1; thence northwest on and along the east line of Lot 1; a distance of 55.12 feet to the point or place of beginning.

That said real estate shall be sold at public or private sale, upon such notice, or notices, as the Board of Public Works and Sanitation may determine. The conveyance of the above described real estate shall be by the Mayor, in the name of the City of Indianapolis, and attested by the City Clerk and with the seal of the city.

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

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

ORDINANCES ON SECOND READING

Mr. Wallace called for General Ordinance No. 84, 1938, for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Cable, General Ordinance No. 84, 1938, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 84, 1938, 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. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Wallace called for Appropriation Ordinance No. 15, 1938, for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Cable, Appropriation Ordinance No. 15, 1938, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 15, 1938, 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. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Wallace called for Appropriation Ordinance No. 14, 1938, for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Carr, Appropriation Ordinance No. 14, 1938, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 14, 1938, 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. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Carr called for General Ordinance No. 82, 1938, for second reading. It was read a second time.

On motion of Mr. Carr, seconded by Mr. Fritz, General Ordinance No. 82, 1938, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 82, 1938, 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. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

Mr. Carr called for General Ordinance No. 83, 1938, for second reading. It was read a second time.

On motion of Mr. Carr, seconded by Mr. Fritz, General Ordinance No. 83, 1938, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 83, 1938, 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. Oren, Mr. Schumacher, Mr. Wallace, President Raub.

MISCELLANEOUS BUSINESS

A certification was received from the Auditor of Marion County relative to the signatures of petitioners requesting the Board of Public Works and Sanitation to authorize the issuance of bonds for the purpose of procuring funds to pay the cost of repairing and improving the bridge on West New York Street over White River. Said certification states there were 68 owners of taxable real estate in the City of Indianapolis who signed the petition.

On motion of Mrs. Dowd, seconded by Mr. Wallace, the Common Council adjourned at 8:50 p. m.

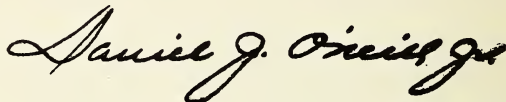
We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, held on the 7th day of November, 1938, at 7:30 p. m.

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)