

## REGULAR MEETING

Monday, December 18, 1939  
7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, December 18, 1939, at 7:30 P. M. in regular session. President Joseph G. Wood in the chair.

The Clerk called the roll.

Present: Ollie A. Bach, Harmon A. Campbell, Albert O. Deluse, Dr. Walter E. Hemphill, Ralph F. Moore, F. B. Ransom, Guy O. Ross, Ernest C. Ropkey, President Joseph G. Wood.

The reading of the journal for the previous meeting was dispensed with on motion of Mr Bach, seconded by Mr. Moore.

## COMMUNICATIONS FROM THE MAYOR

December 11, 1939

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

Gentlemen:

I have this day approved with my signature and delivered to Mr. John M. Layton, City Clerk, the following ordinances:

## GENERAL ORDINANCE No. 89, 1939

(As Amended)

AN ORDINANCE to amend clause (d) of sub-section (2) of Section A-503 of General Ordinance No. 121, 1935, and fixing a time when the same shall take effect.

## GENERAL ORDINANCE No. 92, 1939

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

## GENERAL ORDINANCE No. 93, 1939

AN ORDINANCE prohibiting parking of vehicles upon certain parts of certain streets of the City of Indianapolis, providing a penalty for the violation thereof, and fixing a time when the same shall take effect.

## GENERAL ORDINANCE No. 94, 1939

AN ORDINANCE to amend, supplement and change General Ordinance No. 114, 1922, as amended, and known as the Zoning Ordinance, to repeal General Ordinance No. 112, 1925; and fixing a time when the same shall take effect.

## GENERAL ORDINANCE No. 95, 1939

AN ORDINANCE transferring moneys from certain designated funds in certain departments of the City of Indianapolis to certain other designated funds in such departments as the same appear in the annual budget for the City of Indianapolis, Indiana, for the fiscal year 1939; and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 96, 1939

AN ORDINANCE amending sub sections (a) and (b) of Section 45 of General Ordinance No. 96, 1928, as amended by General Ordinance No. 9, 1929, General Ordinance No. 60, 1933, General Ordinance No. 55, 1935, General Ordinance No. 47, 1938, General Ordinance No. 17, 1939, General Ordinance No. 20, 1939, General Ordinance No. 46, 1939, and General Ordinance No. 49, 1939; and fixing a time when the same shall take effect.

SPECIAL ORDINANCE No. 12, 1939

AN ORDINANCE accepting Seventeen Hundred Fifty Dollars (\$1750.00) given to the City of Indianapolis to be used and expended by and through the Board of Health and Charities for the use and benefit of the City Hospital, as the bequest of James A. Lane, deceased, under the provisions of his last will and testament; allocating said sum of Seventeen Hundred Fifty Dollars (\$1750.00) to a fund of said city denominated "Donations to City Hospital Fund," as created by Special Ordinance No. 7, 1938; and fixing a time when the same shall take effect.

Respectfully,

R. H. SULLIVAN,  
Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

December 18, 1939

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

Gentlemen:

Re: G. O. No. 100, 1939

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 Star and the Indianapolis Commercial, on December 6, 1939, that taxpayers would have a right to be heard on the above ordinance at the regular meeting of the Common Council, to be held on

the 18th day of December, 1939, and by posting a copy of said notice in the City Hall, Court House and Police Station.

Very truly yours,  
JOHN M. LAYTON,  
City Clerk

December 18, 1939

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

Gentlemen:

Submitted herewith is General Ordinance No. 103, 1939, establishing a fifty (50) foot bus zone on the north side of Roosevelt Avenue at Newman Street and we respectfully recommend its passage.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,  
L. J. KEACH,  
President

December 18, 1939

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

Gentlemen:

Submitted herewith is General Ordinance No. 104, 1939, limiting parking to one and one-half (1½) hours between the hours of 7:00 a. m. and 6:00 p. m. on both sides of North Street from LaSalle Street to the Belt Railroad.

We respectfully recommend the passage of this ordinance.

Yours very truly,  
BOARD OF PUBLIC SAFETY,  
L. J. KEACH,  
President

December 18, 1939

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

Gentlemen:

Submitted herewith is General Ordinance No. 105, 1939, prohibiting left turns at the intersection of Meridian and 34th streets between the hours of 7:00 a. m. and 9:00 a. m., and we respectfully recommend its passage.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,  
L. J. KEACH,  
President

December 18, 1939

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

Gentlemen:

Submitted herewith is General Ordinance No. 106, 1939, to amend Sections 12 and 14 of General Ordinance No. 30-1937; to repeal sections 6 and 7 of General Ordinance No. 30-1937, section 813 and sub-section (34) of section 476 of General Ordinance No. 121-1925, known as the Municipal Code of 1925, General Ordinance No. 47-1934, and General Ordinance No. 31-1937, requiring the registration of bicycles and setting a fee for same. We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,  
L. J. KEACH,  
President

December 18, 1939

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

Gentlemen:

Attached please find copies of General Ordinance No. 107, 1939, authorizing the city controller of the City of Indianapolis to make a temporary loan in the sum of Seven Hundred and Fifty Thousand (\$750,000.00) Dollars in anticipation of current taxes of the City of Indianapolis actually levied and in the course of collection.

I respectfully recommend the passage of this general ordinance.

Yours very truly,

JAMES E. DEERY,  
City Controller

December 18, 1939

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

Gentlemen:

Submitted herewith is 18 copies of Special Ordinance No. 13, 1939, amending and supplementing Special Ordinance No. 4, 1939, by adding thereto an additional sub-section designated as section 3½.

The Board of Public Works and Sanitation respectfully recommends the passage of this ordinance .

Respectfully submitted,

BOARD OF PUBLIC WORKS AND SANITATION  
M. H. WALPOLE,  
Executive Secretary

December 18, 1939

Common Council  
City of Indianapolis  
Indianapolis, Indiana  
Attention Mr. Joseph G. Wood, President

Gentlemen:

Re. S. O. No. 14, 1939

The Department of Utilities of the City of Indianapolis request the passage of an ordinance declaring it expedient and that public convenience and necessity exist for the condemnation or pur-

chase of the used and useful property of the Indianapolis Gas Company.

Very truly yours,

ROY SAHM,  
Secretary Board of Directors,  
Department of Utilities,  
City of Indianapolis.

At this time those present were given an opportunity to speak on matters pending before the Council.

Mr. Moore asked for a recess. The motion was seconded by Mr. Ross and the Council recessed at 7:45 P. M.

The Council reconvened at 9:10 P. M. with the same members present as before.

## COMMITTEE REPORTS

Indianapolis, Ind., December 18, 1939.

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

Gentlemen:

We, your Committee on Public Health, to whom was referred General Ordinance No. 91, 1939, entitled:

AN ORDINANCE defining certain terms; prohibiting the sale of adulterated, misbranded, or ungraded milk or milk products; providing for the issuance of licenses and fees to be charged therefor; providing for the grading of milk and the inspection of dairy farms and milk plants; providing for the labeling and placarding of milk and milk products; prohibiting the sale of all milk or milk products to certain

persons after May 16, 1940, except grade "A" pasteurized milk; providing for certain duties of the health officer of Indianapolis; providing for the repeal of certain ordinances and all ordinances in conflict herewith; providing for certain penalties;

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

OLLIE A. BACH, Chairman  
ALBERT O. DELUSE  
GUY O. ROSS  
WALTER E. HEMPHILL  
HARMON A. CAMPBELL

Indianapolis, Ind., December 18, 1939.

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. 97, 1939, entitled:

AN ORDINANCE to amend Section 1 of General Ordinance  
No. 57, 1939;

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

ALBERT O. DELUSE, Chairman  
ERNEST C. ROPKEY  
F. B. RANSOM  
HARMON A. CAMPBELL  
RALPH F. MOORE



Indianapolis, Ind., December 18, 1939.

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. 98, 1939, entitled:

AN ORDINANCE establishing a certain passenger and/or  
loading zone in the City of Indianapolis, pursuant to  
the provisions of Section 26 of General Ordinance  
No. 96, 1928, as amended by General Ordinance No.  
31, 1931, as amended by General Ordinance No. 58,  
1931:

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

ALBERT O. DELUSE, Chairman  
ERNEST C. ROPKEY  
F. B. RANSOM  
HARMON A. CAMPBELL  
RALPH F. MOORE

Indianapolis, Ind., December 18, 1939.

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

Gentlemen:

We, your Committee on Public Works, to whom was referred  
General Ordinance No. 99, 1939, entitled:

AN ORDINANCE authorizing the Board of Public Works  
and Sanitation, through its duly authorized purchas-  
ing agent, to purchase one (1) concrete proportion-  
ing plant to be erected at the City Asphalt Plant,  
two (2) one and one-half (1½) cubic yard Agitat-  
ing Concrete Mixers, and two (2) Automobile Trucks  
with chassis and cabs for said concrete mixers;

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

F. B. RANSOM, Chairman  
ERNEST C. ROPKEY  
ALBERT O. DELUSE

Indianapolis, Ind., December 18, 1939.

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. 100, 1939, entitled:

AN ORDINANCE transferring moneys from certain designated funds in certain departments of the City of Indianapolis to certain other designated funds in such departments as the same appear in the annual budget of the City of Indianapolis, Indiana, for the fiscal year 1939;

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

ALBERT O. DELUSE, Chairman  
ERNEST C. ROPKEY  
F. B. RANSOM  
HARMON A. CAMPBELL  
RALPH F. MOORE

Indianapolis, Ind., December 18, 1939.

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

Gentlemen:

We, your Committee on Public Works, to whom was referred General Ordinance No. 101, 1939, entitled:

AN ORDINANCE amending Sections 714, 715 and 716 of General Ordinance No. 121, 1925, commonly known as the Municipal Code of Indianapolis 1925, repealing Section 713 of General Ordinance No. 121, 1925;

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

F. B. RANSOM, Chairman  
ERNEST C. ROPKEY  
ALBERT O. DELUSE

Indianapolis, Ind., December 18, 1939.

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. 102, 1939, entitled:

AN ORDINANCE authorizing the city controller of the City of Indianapolis to make a temporary loan in the sum of Seventy-five Thousand Dollars (\$75,000) for the use of the Board of Trustees of the Firemen's Pension Fund of said city, in anticipation of and payable out of the current taxes for the Firemen's Pension Fund actually levied for said fund and in the course of collection for the fiscal year in which said loan is made payable;

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

ERNEST C. ROPKEY, Chairman  
F. B. RANSOM  
ALBERT O. DELUSE  
OLLIE A. BACH  
GUY O. ROSS

## INTRODUCTION OF GENERAL ORDINANCES

By the Board of Public Safety:

## GENERAL ORDINANCE No. 103, 1939

AN ORDINANCE approving the order of the Board of Public Safety of the City of Indianapolis in designating a certain 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 and a hindrance to traffic would prevail at the intersection of Roosevelt Avenue and Newman Street in said city by the nearside stopping of busses west bound on said Roosevelt Avenue; and

WHEREAS, said Board of Public Safety has determined, in conformance with Section 83 of General Ordinance No. 96, 1928, as amended, that a bus-stop zone on the north side of Roosevelt Avenue, beginning at a point parallel to the west property line of Newman Street and extending west therefrom a distance of fifty (50) feet, would alleviate said danger, inconvenience, discomfort, and hindrance and has so established said bus-stop zone; NOW, THEREFORE,

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

Section 1. That the aforesaid establishment of said bus-stop zone by the Board of Public Safety 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 Safety:

GENERAL ORDINANCE No. 104, 1939

AN ORDINANCE regulating the parking of vehicles upon both sides of North Street, from LaSalle Street to the Belt Railroad in the City of Indianapolis, providing a penalty for violation thereof, and fixing a time when the same shall take effect.

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

Section 1. It shall be unlawful for the operator of any vehicle to park the same, or suffer, permit or allow the same to be parked for a longer period than one and one-half (1½) hours between the hours of 7:00 A. M. and 6:00 P. M., on the following street in the City of Indianapolis, to-wit:

Both sides of North Street from LaSalle Street to the Belt Railroad.

Section 2. Any person violating any provision of this ordinance shall, upon conviction, be fined in any sum not exceeding Three Hundred Dollars (\$300.00), to which may be added imprisonment not exceeding one hundred eighty (180) days.

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

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

By the Board of Public Safety:

GENERAL ORDINANCE No. 105, 1939

AN ORDINANCE regulating the operation of vehicles at the intersection of Meridian and 34th Streets in the City of Indianapolis, providing a penalty for violation thereof, and fixing a time when the same shall take effect.

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

Section 1. It shall be unlawful for the operator of any vehicle to execute a left turn of the same between the hours of 7:00 A. M. and 9:00 A. M. at the intersection of the following streets, to-wit:

Meridian and 34th Streets.

Section 2. Any person violating any provision of this ordinance shall, upon conviction, be fined in any sum not exceeding Three Hundred Dollars (\$300.00), to which may be added imprisonment not exceeding one hundred eighty (180) days.

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

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

By the Board of Public Safety:

GENERAL ORDINANCE No. 106, 1939

AN ORDINANCE to amend Sections 12 and 14 of General Ordinance No. 30, 1937; to repeal sections 6 and 7 of General Ordinance No. 30, 1937, section 813 and sub-section (34) of section 476 of General Ordinance No. 121, 1925, known as the Municipal Code of 1925, General Ordinance No. 47, 1934, and General Ordinance No. 31, 1937; 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 Section 12 of General Ordinance No. 30, 1937, be hereby amended to read as follows, to-wit:

Section 12. The registration of bicycles and the collection of all fees therefor shall be under the supervision of the chief of police of the City of Indianapolis, Indiana. There shall be charged a fifty cents (\$.50) registration fee for the initial registration of every bicycle and a twenty-

five cents (\$.25) fee for a re-registration of any bicycle pursuant to Section 5 of this ordinance, or for the issuance of a duplicate registration certificate. All certificates of registration, re-registration and duplicate certificates of registration shall be serially numbered respectively. It shall be the duty of the chief of police to keep a permanent record of all registrations, re-registrations, and duplicate registrations issued and to account for the receipts collected to the city controller not later than the 7th day of each month for the preceding month, and report the serial registrations, re-registrations and duplicate registrations issued.

Section 2. Section 14 of General Ordinance No. 30, 1937, is hereby amended to read as follows, to-wit:

Section 14. Any person violating any provision of this ordinance shall be fined in any sum not to exceed fifty dollars (\$50.00), to which may be added imprisonment for a period not to exceed ten (10) days.

Section 3. Sections 6 and 7 of General Ordinance No. 30, 1937, section 813 and sub-section (34) of section 476 of General Ordinance No. 121, 1925, known as the Municipal Code of 1925, General Ordinance No. 47, 1934, and General Ordinance No. 31, 1937, are hereby repealed.

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. 107, 1939

AN ORDINANCE authorizing the city controller of the City of Indianapolis to make a temporary loan in the sum of Seven Hundred Fifty Thousand Dollars (\$750,000) in anticipation of current taxes of the City of Indianapolis actually levied and

in the course of collection for the fiscal year in which said loan is made payable; providing for the interest to be charged therefor; providing for legal notice and the time when said loan shall mature; and fixing a time when the same shall take effect.

WHEREAS, the City of Indianapolis is now and will continue to be until the 11th day of May, 1940, without sufficient funds to meet current expenses for the year 1940 for municipal purposes; and

WHEREAS, the first semi-annual installment of taxes for the year 1940 will amount to more than Seven Hundred Fifty Thousand Dollars (\$750,000); NOW, THEREFORE,

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

Section 1. That the city controller is hereby authorized and empowered in the year 1940 to negotiate a temporary loan in anticipation of the current taxes for the general fund of the City of Indianapolis actually levied in the year 1939 and in the course of collection in the fiscal year 1940, not to exceed the sum of Seven Hundred Fifty Thousand Dollars (\$750,000) without considering the interest thereon to be added thereto, for a period not to exceed the time hereinafter fixed in this ordinance, at a rate of interest not to exceed six per cent (6%) per annum, the rate of interest to be fixed by the highest bidder bidding for said loan on an interest basis. Said loan shall run for a period not to exceed one hundred thirty (130) days. The city controller is authorized to make sale of said time warrants, after a notice thereof shall have been published by the city controller once each week for two consecutive weeks in two newspapers of general circulation, printed in the English language and published in the City of Indianapolis, and said sale to be not less than ten (10) days after the last publication of said notice. Said time warrants are to be signed by the mayor of the City of Indianapolis and the city controller, and attested by the city clerk of the City of Indianapolis, the seal of the City of Indianapolis to be attached thereto, and said time warrants are to be payable at the office of the city treasurer in the City of Indianapolis, Indiana; and to the payment of said time warrants the current revenues and taxes levied in the year 1939, payable in the year 1940, for the general fund of the City of Indianapolis, are hereby irrevocably appropriated and pledged.



Section 2. For the repayment of the principal amount of the temporary loan herein authorized by this ordinance, there is hereby appropriated to the city controller's 1940 Budget Fund No. 63—Payment of Temporary Loans (hereby established) out of the current revenues and taxes levied for the year 1939, payable in the year 1940, for the general fund of the City of Indianapolis, the sum of Seven Hundred Fifty Thousand Dollars (\$750,000); and for the payment of the interest thereon there is hereby appropriated to the city controller's 1940 Budget Fund No. 61-2—Interest on Temporary Loans, out of the above designated revenues and taxes the sum of Four Thousand Eight Hundred Dollars (\$4,800.00).

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 Finance.

## INTRODUCTION OF SPECIAL ORDINANCES

By the Board of Public Works and Sanitation:

### SPECIAL ORDINANCE No. 13, 1939

AN ORDINANCE amending and supplementing Special Ordinance No. 9, 1939, by adding thereto an additional sub-section designated as Section 3½, 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 Special Ordinance No. 9, 1939, be and the same hereby is amended and supplemented by adding thereto a new sub-section designated as Section 3½ and reading as follows:

Section 3½. The Board of Public Works and Sanitation is hereby authorized to sell all or any part of the aforescribed personal property, after the same has been duly appraised as herein provided by Section 3, or, in place of such sale, said Board of Public Works and Sanitation may, in its discretion, enter into a lease for all or any part of such personal property.

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 the Department of Utilities:

SPECIAL ORDINANCE OF THE CITY OF INDIANAPOLIS

No. 14, 1939

AN ORDINANCE determining and declaring it expedient and determining and declaring that public convenience and necessity exist for the City of Indianapolis, Indiana, to acquire the utility property of Indianapolis Gas Company used and useful in the manufacture, supplying and distribution of artificial gas to consumers in the City of Indianapolis, and consumers in the territory adjacent to the corporate limits of the City of Indianapolis, and within an area six miles beyond said corporate limits, and also including all equipment used and useful in the maintenance of said plant, property or distribution system, empowering board of directors to proceed further and declaring an effective date therefor.

WHEREAS, the City of Indianapolis now owns and operates the Citizens Gas & Coke Utility, a public utility for the manufacture, sale and distribution of gas for heat and light to consumers in the City of Indianapolis, Marion County, Indiana, and territory adjacent thereto but not more than six miles beyond; and

WHEREAS, Citizens Gas Company, an Indiana corporation formed for the purpose of engaging in the public utility business, and in pursuance of an agreement with the City of Indianapolis, whereby a public charitable trust was created for the manufacture, sale and distribution of gas for heat and light to the consumers of the City of Indianapolis, and upon demand by said City of Indianapolis, turned over all the property of said Citizens Gas Company, including the plant, equipment and pipe lines, to said City, as successor trustee of said public charitable trust; and

WHEREAS, Indianapolis Gas Company is an Indiana corporation engaged in the public utility business and operating under an indeterminate permit from the Public Service Commission of Indiana and is engaged in the manufacture, sale and distribu-

tion of gas to the consumers of Indianapolis and adjacent territory; and

WHEREAS, Citizens Gas Company had entered into a lease with Indianapolis Gas Company for a term of ninety-nine years which lease was entered into prior to the time that the City of Indianapolis as Trustee took over the Citizens Gas Company, and which lease was declared to be ultra vires and void as to the City of Indianapolis as Trustee of a public charitable trust; and

WHEREAS, the distribution system and other property of Indianapolis Gas Company are now being used by the Citizens Gas & Coke Utility in order to serve with gas a substantial number of gas consumers who are residents of the City of Indianapolis and territory adjacent thereto but not more than six miles beyond; and

WHEREAS, if such distribution system and other property of Indianapolis Gas Company could not be used by Citizens Gas & Coke Utility for the distribution of gas to the consumers of Indianapolis and said territory adjacent thereto, a substantial number of said gas consumers would be deprived of gas or another similar utility capable of obtaining and furnishing an adequate supply of gas of the proper quality and character would have to engage in the business of obtaining and/or manufacturing and distributing said gas, or the Indianapolis Gas Company would have to actively enter into the business of obtaining and/or manufacturing and distributing gas to said consumers located along the pipe lines of said Indianapolis Gas Company, and in either event said company would be in direct competition with Citizens Gas & Coke Utility, all of which would result in great inconvenience, great loss and expense and damage to the Citizens Gas & Coke Utility; and

WHEREAS, the Board of Directors for Utilities of the City of Indianapolis on December 12, 1939, adopted a resolution declaring it was expedient and that a public convenience and necessity exist that the City of Indianapolis, Indiana, purchase or condemn and operate the utility property of the Indianapolis Gas

Company used and useful in manufacturing, supplying and distributing gas and gas service to said City of Indianapolis, the inhabitants of said City who are gas consumers, and to inhabitants of the territory adjacent to said City but not extending more than six miles beyond; and

WHEREAS, the Board of Trustees for Utilities of the City of Indianapolis at a meeting called on December 13, 1939, adopted a resolution that it was expedient and that a public convenience and necessity exist that the City of Indianapolis, Indiana, purchase or condemn and operate the utility property of the Indianapolis Gas Company used and useful in manufacturing, supplying and distributing gas and gas service to said City of Indianapolis, the inhabitants of said City who are gas consumers, and to inhabitants of the territory adjacent to said City but not extending more than six miles beyond; and

WHEREAS, the Common Council of the City of Indianapolis now determines and decides that it is expedient for the City of Indianapolis to purchase or condemn and a public convenience and necessity require such utility and public convenience and necessity exist that the City of Indianapolis, Indiana, purchase or condemn and operate the utility property of the Indianapolis Gas Company used and useful in manufacturing, supplying and distributing gas and gas service to said City of Indianapolis, the inhabitants of said City who are gas consumers, and to inhabitants of the territory adjacent to said city but not extending more than six miles beyond.

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

Section 1. The Common Council of the City of Indianapolis, Indiana, ordains that it is expedient, and a public convenience and necessity require such utility and public convenience and necessity exist, that said City of Indianapolis, Indiana, purchase or condemn and operate the utility property of the Indianapolis Gas Company used and useful in manufacturing, supplying and distributing gas and gas service to said City of Indianapolis, Indiana, the inhabitants of said city who are gas consumers, and the inhabitants of the territory adjacent to said city but not extending more than six miles beyond, which property includes the following:

1. A part of the southwest quarter of Section twenty-six (26), Township sixteen (16) north, Range three (3) east, containing twenty-seven and one-tenth (27.1) acres more or less, bounded on the southwest by the right of way of the C. C. C. & St. L. R. R., on the north by Fall Creek, on the east by a broken line composed of Violet Street, a line between lots 40 and 41 and an alley, and on the south by Langsdale Avenue, described more particularly as follows, to-wit: Beginning at a point in Fall Creek where the north line of the south half of the southwest quarter of Section twenty-six (26), Township sixteen (16) north, Range three (3) east, intersects the center line of the right of way of the C. C. C. & St. L. R. R.; thence east thirty-seven and six-tenths (37.6) feet more or less, on the said north line of the said south half of the said southwest quarter of said Section Twenty-six (26) to the point of beginning; thence east seventy-two (72) feet, more or less, along the said north line of the south half of the southwest quarter of Section twenty-six (26) to a point in Fall Creek; thence northeast one hundred sixty-one (161) feet more or less, to a point one hundred sixty (160) feet north of the said north line of the south half of the said southwest quarter of Section twenty-six (26), said point being on the west edge of an island in Fall Creek which is the east side of the west channel of said Creek; thence seven hundred forty-eight (748) feet east and across the island in Fall Creek parallel to the said north line of the south half of the said southwest quarter of said Section twenty-six (26) and one hundred sixty (160) feet north thereof, measured perpendicularly, to a point on the west side of Fall Creek; thence southeast along the west side of Fall Creek one hundred eighty-eight (188) feet more or less, to a point in the north line of the south half of the said southwest quarter of Section twenty-six (26); thence east sixty-one and ninety hundredths (61.90) feet along the said north line of the south half of the said southwest quarter of Section twenty-six (26) to a point in the said Fall Creek; thence southeast five hundred (500) feet in the channel of the said Fall Creek to a point; thence south of each three hundred (300) feet in the channel of the said Fall Creek to a point in the west line, extended, of the first alley abandoned west of Violet Street; said point is nine hundred (900) feet north from the south line of the said Section twenty-six (26) measured along the west side of the said abandoned alley west of Violet Street;

thence west of south one hundred sixty (160) feet along the west line, extended, of the said abandoned alley, first west of Violet Street, to a point of intersection of the north line of another abandoned alley west of the said Violet Street and on the southwest shore line of Fall Creek; thence one hundred forty-five (145) feet more or less, south of east along the north line of said abandoned alley to a point in the west line of Violet Street; thence two hundred sixty-seven (267) feet more or less, south along the west line of Violet Street to a point in the south line of Wilmington Street; thence east twenty-five and forty-five hundredths (25.45) feet along the south line of Wilmington Street to a point in the line between lots Nos. 40 and 41; thence south one hundred twenty (120) feet along the line between lots Nos. 40 and 41 to a point in the north line of the alley, said point being southeast corner of lot No. 41; thence west one hundred five (105) feet along the north line of the said alley which is the south line of lots No. 41, 42, 43 and 44 to a point in the center of the south line of Lot No. 44, said lots being a part of Joshua W. Langsdale's Addition to the City of Indianapolis according to a Subdivision of a part of the south half of the southwest quarter of Section twenty-six (26) in Township Sixteen (16) north, Range three (3) east, as recorded in Plat Book seven, page 48 in Marion County Recorder's office at Indianapolis, Ind.; thence south one hundred thirty-five (135) feet along a line which is the center line of lot 21, and fifteen (15) feet east of the west line of said lot 21 to a point on the north line of Langsdale Avenue; thence west four hundred twenty-five and ninety-eight hundredths (425.98) feet along the north line of the said Langsdale Avenue to a point where the said Langsdale Avenue turns southwest; thence southwest sixty-three and ninety-three hundredths (63.93) feet along the northwest line of the said Langsdale Avenue to a point in the northeast right of way line of the C. C. C. & St. L. R. R.; thence southwest along the northeast right of way line of the said C. C. C. & St. L. R. R. one thousand six hundred eighty-five (1685) feet more or less, to a point in the north line of the south half of the southwest quarter of said Section twenty-six (26), which is the point of beginning.

2. Parcel A is composed of Block B in Langsdale Estate Partition Subdivision of part of the south half of the southwest quarter of Section twenty-six (26), Town-

ship sixteen (16) north, Range three (3) east, containing twenty-six (26) acres more or less, according to a Subdivision and Plat made by the Commissioners appointed by the Marion Circuit Court in Cause No. 6115, Order Book 99, page 147, as shown in Plat Book 10, page 172, in the Recorder's Office of Marion County, Ind., all subject to the right of way of the C. C. C. & St. L. R. R. and the extension of Langsdale Avenue forty (40) feet wide through and across said premises, and excluding that part of the Block B lying south of the said Langsdale Avenue; also a tract of about two and ninety-six hundredths (2.96) acres more or less lying north of Block B and located in the north half of the said southwest quarter of Section twenty-six (26) described more particularly, to-wit: Beginning at a point in center of Fall Creek on the south line of the north half of the southwest quarter of Section twenty-six (26), Township sixteen (16) north, Range three (3) east, said point being one hundred nine and six-tenths (109.6) feet east of the center of the C. C. C. & St. L. R. R. and fifty-six and five-tenths (56.5) feet east of the west abutment of the Fall Creek bridge, as then located; thence east along the south line of said north quarter of the southwest quarter of Section twenty-six (26), eight hundred sixty-eight and five-tenths (868.5) feet to the west side of Fall Creek; thence northwest along the west side of Fall Creek to a point one hundred sixty (160) feet north of the south line of the said north half of the southwest quarter of Section twenty-six (26), measured at right angles thereto; thence west parallel to and one hundred sixty (160) feet distant from the south line of the north half of the southwest quarter of Section twenty-six (26), seven hundred forty-eight (748) feet across an island in Fall Creek to the east side of the west channel of said Creek; thence southwest along said Creek to place of beginning; plus lots No. 18, 19, 20, half of 21, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52 and 53, all in Joshua M. W. Langsdale's Subdivision of part of the southwest quarter of Section twenty-six (26), Township sixteen (16) north, Range three (3) east, and addition to the City of Indianapolis, recorded in Plat Book 7, page 48 in the Recorder's office of Marion County, plus also the abandoned alleys and part of Wilmington Street abandoned within the plant area.

3. Beginning at a point where the northeast right of way line of the C. C. C. & St. L. R. R. intersects the south

line of Section twenty-six (26), Township sixteen (16) north, Range three (3) east; thence east one hundred sixty (160) feet more or less, to the west line of the first alley; thence in a northerly direction one hundred twenty-one (121) feet more or less along the west line of the said alley to a point in the south line of the said Langsdale Avenue; thence west two hundred nineteen and nine-tenths (219.9) feet along the south line of the said Langsdale Avenue to a point where the said Langsdale Avenue turns southwest; thence southwest sixty-five and twenty-one hundredths (65.21) feet along the southeast side of the said Langsdale Avenue to a point in the northeast right of way line of the said C. C. C. & St. L. R. R.; thence southeast one hundred twenty-seven and four hundredths (127.04) feet along the northeast right of way line of the

said C. C. C. & St. L. R. R. to the point of beginning, containing six-tenths (0.6) acres more or less.

4. Parcel B consists of about six-tenths (0.6) acres, a small part Block B, lying south of and adjacent to Langsdale Avenue and east of and adjacent to the right of way of the C. C. C. & St. L. R. R., now used as a pipe storage yard, and described more particularly, to-wit: Block B is in the Langsdale Estate Partition Subdivision of part of the south half of the southwest quarter of Section twenty-six (26), Township sixteen (16) north, Range three (3) east, according to Marion Circuit Court, Cause No. 6115, Order Book 99, page 147, Plat Book 10, page 172 in the Marion County Recorder's office at Indianapolis, Ind.

5. All of the equipment of said Indianapolis Gas Company used and useful in the manufacture and distribution of gas to consumers within the corporate limits of the City of Indianapolis, Marion County, Indiana, and six miles beyond the corporate limits and adjacent to said municipality.

6. All of the equipment, including but not limited to, tools, vehicles, and other accessory items used and useful as maintenance equipment.



7. All the distribution system, including but not limited to, piping, outlets and other property used and useful in connection with the distribution of gas.

Section 2. That the Board of Directors for Utilities of the City of Indianapolis, is hereby empowered to proceed toward the purchase or condemnation of all the utility property as hereinabove described, of the Indianapolis Gas Company, used and useful in manufacturing and supplying gas to the City of Indianapolis, the inhabitants of said city, and the inhabitants adjacent to said city, but not extending more than six miles beyond.

Section 3. This ordinance shall be in effect after passage by the Common Council of the City of Indianapolis and approval by the Mayor of the City of Indianapolis.

Which was read the first time and referred to the Committee of the Whole Council.

#### ORDINANCES ON SECOND READING

Mr. Deluse called for General Ordinance No. 97, 1939, for second reading. It was read a second time.

On motion of Mr. Deluse, seconded by Mr. Moore, General Ordinance No. 97, 1939, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 97, 1939, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

Mr. Deluse called for General Ordinance No. 98, 1939, for second reading. It was read a second time.

On motion of Mr. Deluse, seconded by Mr. Bach, General Ordinance No. 98, 1939, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 98, 1939, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

Mr. Ransom called for General Ordinance No. 99, 1939, for second reading. It was read a second time.

On motion of Mr. Ransom, seconded by Mr. Ropkey, General Ordinance No. 99, 1939, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 99, 1939, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 6, viz: Mr. Bach, Mr. Deluse, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

Noes, 3, viz: Mr. Campbell, Dr. Hemphill, Mr. Moore.

Mr. Deluse called for General Ordinance No. 100, 1939, for second reading. It was read a second time.

On motion of Mr. Deluse, seconded by Mr. Moore, General Ordinance No. 100, 1939, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 100, 1939, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

Mr. Ransom called for General Ordinance No. 101, 1939, for second reading. It was read a second time.

Dr. Hemphill presented the following written motion to be considered by the Council concerning General Ordinance No. 101, 1939:

December 18, 1939.

Mr. President:

I move that further action on General Ordinance No. 101, 1939, be deferred until the next meeting of the Common Council.

DR. WALTER E. HEMPHILL, Councilman.

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

Ayes, 5, viz: Mr. Bach, Mr. Campbell, Dr. Hemphill, Mr. Moore, Mr. Ross.

Noes, 4, viz: Mr. Deluse, Mr. Ransom, Mr. Ropkey, President Wood.

Further action on General Ordinance No. 101, 1939, was deferred until the next meeting of the Common Council.

Mr. Ropkey called for General Ordinance No. 102, 1939, for second reading. It was read a second time.

On motion of Mr. Ropkey, seconded by Mr. Deluse, General Ordinance No. 102, 1939, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 102, 1939, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 9, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey, Mr. Ross, President Wood.

General Ordinance No. 91, 1939, was held for further consideration by the Committee to which it was referred.

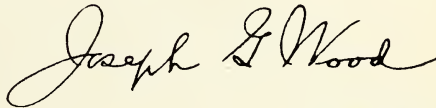
MISCELLANEOUS BUSINESS

President Wood reported that the Mayor appointed him to represent the Common Council as a member of the Central Buying Committee.

On motion of Mr. Moore, seconded by Mr. Ross, the Common Council adjourned at 9:45 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 18th day of December, 1939, 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.



Attest:

President.



City Clerk.

(SEAL)