

REGULAR MEETING

November 18, 1940
7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, November 18, 1940, 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, Ernest C. Ropkey, Guy O. Ross, President Joseph G. Wood.

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

COMMUNICATIONS FROM THE MAYOR

November 7, 1940.

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:

APPROPRIATION ORDINANCE No. 11, 1940

AN ORDINANCE appropriating Two Thousand Seventy-five Dollars and Fifteen Cents (\$2,075.15) from the unappropriated and unexpended 1940 balance of the Park General Fund of the Department of Public Parks and allocating the same to a certain designated fund of said department; and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE No. 12, 1940

AN ORDINANCE appropriating Two Hundred Ten Dollars from the unappropriated and unexpended 1940 balance of the General Fund of the City of Indianapolis, creating a certain fund in the Department of Public Safety and allocating the said sum for the purpose of discharging a debt in the rental of a building as a dog pound from the Indianapolis Humane Society; and fixing a time when the same shall take effect.

APPROPRIATION ORDINANCE No. 13, 1940

AN ORDINANCE appropriating Two Hundred Forty-eight Dollars and Twenty-seven Cents (\$248.27) from the unappropriated and unexpended 1940 balance of the General Fund of the City of Indianapolis and allocating the same to a certain designated fund of the Department of Finance, for the purpose of providing the office of the City Clerk with sufficient funds to pay for printing and advertising as required by law; and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 95, 1940

AN ORDINANCE transferring moneys from certain funds in the 1940 budget of the Department of Public Parks and reappropriating the same to other funds of said department, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 98, 1940

AN ORDINANCE amending Section 44 of General Ordinance No. 96, 1928, as amended, by adding thereto sub-sections (62) to (66), inclusive, and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 100, 1940

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 1940; and fixing a time when the same shall take effect.

Respectfully,

R. H. SULLIVAN.
Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

PROOF OF POSTING OF NOTICE OF DETERMINATION
TO ISSUE BONDS

STATE OF INDIANA {
COUNTY OF MARION { SS:

G. O. 93, 1940, amended.

John M. Layton, being first duly sworn, upon his oath deposes and says:

That he did on the 26th day of October, 1940, post in three public places in the City of Indianapolis a copy of the attached notice of determination to issue bonds; that said notice was posted at the following places:

1. In a corridor of the Police Headquarters Building.
2. Bulletin Board at City Hall.
3. South door of Marion County Courthouse.

JOHN M. LAYTON,
City Clerk.

Subscribed and sworn to before me this 26th day of October, 1940.

ANNA F. HAMMERBECK,
Notary Public.

My commission expires:
4-15-42

NOTICE TO TAXPAYERS
OF DETERMINATION TO ISSUE BONDS
CITY OF INDIANAPOLIS

The taxpayers of the City of Indianapolis are hereby notified that the common council of said city, on the 21st day of October, 1940, by the adoption of General Ordinance No. 93, 1940, as amended, which ordinance was approved by the mayor of said city on the 26th day of October, 1940, authorized the issuance and sale of refunding bonds of said city in the sum of \$57,000.00 for the purpose of providing funds to be used in paying and canceling a like amount of outstanding bonds of said city which mature and are payable on January 1, 1941, and for the payment of which no provision has

been made in existing budgets and levies. Said refunding bonds will be payable serially over a period of nineteen (19) years beginning on July 1, 1942, and are to bear interest at a rate not exceeding 4% per annum, the exact rate to be determined by bidding.

The net assessed valuation of taxable property in the City of Indianapolis is \$511,220,980.00, and the outstanding indebtedness of said city, exclusive of the above mentioned bonds, is in the amount of \$8,723,090.58.

Objections to the issuance of said bonds may be made by ten (10) or more taxpayers by filing a petition in the office of the auditor of Marion County, Indiana, within the time and in the manner prescribed by statute, which petition, if any, will be heard and considered by the State Board of Tax Commissioners in the manner provided by law.

Dated at Indianapolis, Indiana, this 26th day of October, 1940.

CITY OF INDIANAPOLIS,

By John M. Layton,
City Clerk.

November 18, 1940.

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

Gentlemen:

Attached please find copies of Appropriation Ordinance No. 14, 1940, appropriating the sum of Fifty-seven Thousand Dollars (\$57,000.00) from the proceeds of the sale of certain bonds designated as "City of Indianapolis Refunding Bonds of 1941." These bonds are issued in accordance with the provisions of General Ordinance No. 93, 1940.

I respectfully recommend the passage of this ordinance.

Yours very truly,

JAMES E. DEERY,
City Controller.

November 18, 1940.

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

Gentlemen :

Submitted herewith is General Ordinance No. 103, 1940, amending Section 44 of General Ordinance No. 96, 1928, as amended, by adding thereto sub-sections 67 and 68, making Fort Wayne Avenue and Central Avenue preferential between certain points.

We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,
By L. J. Keach,
President.

November 18, 1940.

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

Gentlemen :

Attached herewith are copies of General Ordinance No. 104, 1940, providing for the granting of the Pennsylvania Railroad Company the right to lay and maintain a side track or switch from P. R. R. switching track along the west side of Kentucky Avenue connecting with former Indianapolis Railway track in Henry Street and operating over this track from Kentucky Avenue to the U. S. Cooperatives, Inc., tracks at the west end of Henry Street, according to blue print attached.

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

Very truly yours,

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

City of Indianapolis, Ind. November 18, 1940]

November 18, 1940

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

Gentlemen:

Attached herewith are copies of General Ordinance No. 105, 1940, approving a certain agreement to permit granting the New York, Chicago and St. Louis Railroad Company the right to lay and maintain a side track or switch from its existing track across Yandes Street, Columbia Avenue and Martindale Avenue, and operating over said track in E. 21st Street as now vacated, according to blue print attached.

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

Very truly yours,

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

November 15, 1940.

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

Gentlemen:

Re: S. O. No. 7, 1940.

Attached hereto are twenty copies of an ordinance annexing certain territory to the City of Indianapolis. One tier of lots on the east side of Emerson Avenue between 16th Street and 21st Street.

Very truly yours,

GEORGE F. ROOKER,
Secretary-Engineer,
CITY PLAN COMMISSION.

November 15, 1940

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

Gentlemen:

Re: S. O. No. 8, 1940.

Attached hereto are twenty copies of an ordinance annexing certain territory to the City of Indianapolis, Land on the east side of Emerson Avenue from 12th Street to a point north of 13th Street, and land at the northwest corner of Ritter Avenue and E. Tenth Street.

Very truly yours,

GEORGE F. ROOKER,
Secretary-Engineer,
CITY PLAN COMMISSION.

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

Mr. Moore made a motion that the Council recess. The motion was seconded by Mr. Bach, and the Council recessed at 7:45 P. M.

The Council reconvened at 9:30 P. M. with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., November 18, 1940.

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. 69, 1940, entitled:

AN ORDINANCE amending Section 9 of General Ordinance No. 87, 1935, as amended;

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

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

Indianapolis, Ind., November 18, 1940.

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. 85, 1940, entitled:

AN ORDINANCE amending Section 44 of General Ordinance No. 96, 1928, as amended, by adding thereto sub-section (60);

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

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

Indianapolis, Ind., November 18, 1940.

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. 96, 1940, entitled:

AN ORDINANCE to repeal General Ordinance No. 11, 1933, General Ordinance No. 23, 1933, as amended by General Ordinance No. 34, 1933, and General Ordinance No. 9, 1936, of the City of Indianapolis, Indiana;

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

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

Indianapolis, Ind., November 18, 1940.

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, 1940, entitled:

AN ORDINANCE to amend Sections 3, 5, 6, 7, 9, 10, 14 and 17 of General Ordinance No. 100, 1929, entitled "An Ordinance concerning billiard rooms, providing for the licensing of the same, providing penalties for the violation thereof, repealing all ordinances in conflict therewith, and fixing a time when the same shall take effect";

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., November 18, 1940.

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. 99, 1940, entitled:

AN ORDINANCE prohibiting parking on certain parts of
certain streets in the City of Indianapolis; limiting
parking on certain parts of certain other streets in
said city; providing a penalty for the violation
thereof;

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., November 18, 1940.

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. 101, 1940, entitled:

AN ORDINANCE authorizing the Board of Public Safety
of the City of Indianapolis, through its duly author-
ized purchasing agent, to purchase two De Lux Auto
Coupes for the Fire Department, suitable for use by
said department as Battalion Chiefs' cars;

beg leave to report that we have had said ordinance under con-
sideration, 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., November 18, 1940.

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. 102, 1940, entitled:

AN ORDINANCE regulating the parking of vehicles upon
certain streets and public places in the City of In-
dianapolis, Indiana; providing a penalty for the vio-
lation thereof;

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

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

Indianapolis, Ind., November 18, 1940.

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
Resolution No. 4, 1940, entitled:

A RESOLUTION approving, confirming and ratifying a
certain permit granted by the Board of Public Works
and Sanitation of the City of Indianapolis by its writ-
ten order entered on the 6th day of September, 1940,
to Indianapolis Railways, Incorporated, under and
pursuant to the provisions of the agreement entered
into by the City of Indianapolis and Indianapolis
Railways, Incorporated, dated May 25, 1936, as
amended and approved by General Ordinance No.
40, 1936;

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

F. B. RANSOM, Chairman
ERNEST C. ROPKEY
ALBERT O. DELUSE
DR. WALTER E. HEMPHILL
HARMON A. CAMPBELL

INTRODUCTION OF APPROPRIATION ORDINANCES

By the City Controller:

APPROPRIATION ORDINANCE No. 14, 1940

AN ORDINANCE of the City of Indianapolis, Indiana, appropriating the sum of Fifty-seven Thousand Dollars (\$57,000) from the proceeds of sale of certain refunding bonds, for the payment of certain outstanding bonds of said city not provided for in existing budgets and levies; and fixing a time when the same shall take effect.

WHEREAS, by General Ordinance No. 93, 1940, as amended, duly passed by the Common Council and approved by the mayor, the provisions of which are hereby included herein by this reference thereto, certain refunding bonds of the City of Indianapolis, aggregating a principal amount of Fifty-seven Thousand Dollars (\$57,000), were authorized to be issued and sold to provide funds for the payment of certain bonds maturing on January 1, 1941, for which no provision has been made in the existing budget and tax levies and no funds are available; and accordingly the common council now finds that an extraordinary emergency exists for such purpose and to preserve the credit of the city; 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 the refunding bonds, pursuant to the authority granted by and under General Ordinance No. 93, 1940, as amended, are hereby appropriated to and for the use of the Department of Finance for the purpose of paying and cancelling all of such outstanding bonds of the city designated in said ordinance, and described generally as follows, to-wit:

- (1) "Fire Department Equipment Bonds, 1920," issued under date of December 15, 1920, of which issue twenty (20) bonds, aggregating the sum of Twenty Thousand Dollars (\$20,000) will mature and are payable on January 1, 1941, and bear interest at the rate of five and one-quarter per cent (5¼ %) per annum; and

- (2) "City Hospital Bonds, 1925," issued under date of July 1, 1925, of which issue twenty (20) bonds, aggregating the sum of Twenty Thousand Dollars (\$20,000) will mature and are payable on January 1, 1941, and bear interest at the rate of four and one-half per cent (4½%) per annum; and
- (3) "Track Elevation Bonds of 1921," issued under date of April 25, 1921, of which issue fifteen (15) bonds, aggregating the sum of Fifteen Thousand Dollars (\$15,000) will mature and be payable on January 1, 1941, and bear interest at the rate of five and one-half per cent (5½%) per annum; and
- (4) "Municipal Bridge Bonds of 1926," issued under date of July 1, 1926, of which issue two (2) bonds, aggregating the sum of Two Thousand Dollars (\$2,000) will mature and be payable on January 1, 1941, and bear interest at the rate of four and one-half per cent (4½%) per annum.

Any surplus of such proceeds shall be credited to the general sinking fund for use as authorized by law.

Section 2. Immediately upon the final passage and approval of this ordinance and determination, the city clerk and the city controller shall deliver two certified copies thereof to the auditor of Marion County, with the request that a copy thereof be certified and transmitted immediately by him to the State Board of Tax Commissioners, for further action thereon as provided by chapter 150 of the Acts of 1935.

Section 3. This ordinance shall be in full force and effect immediately upon its passage and approval by the mayor.

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

INTRODUCTION OF GENERAL ORDINANCES

By the Department of Public Safety:

GENERAL ORDINANCE No. 103, 1940

AN ORDINANCE amending Section 44 of General Ordinance No. 96, 1928, as amended, by adding thereto sub-sections (67) and (68), 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 44 of General Ordinance No. 96, 1928, as amended, be amended, by adding thereto sub-sections (67) and (68), as follows:

- (67) Ft. Wayne Avenue from the east curb line of North Delaware Street to the north curb line of East Tenth Street where it merges with Central Avenue.
- (68) Central Avenue from its south extremity, where it merges with East Tenth Street, to the south curb line of Fall Creek Parkway, North Drive, except at its intersections with East Sixteenth and East Twenty-fifth Streets, at which intersections said streets shall be preferential.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval by the mayor, and publication according to law.

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

INTRODUCTION OF SPECIAL ORDINANCES

By the City Plan Commission:

SPECIAL ORDINANCE No. 7, 1940

AN ORDINANCE annexing certain contiguous territory to the City of Indianapolis, 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 City of Indianapolis, Indiana, be, and the same is, hereby extended so as to include the following described territory, which is hereby annexed to and made a part of the territory constituting the City of Indianapolis:

Beginning at a point on the present corporate line, said point being at the intersection of the center line of Emerson Avenue with the north property line of E. 21st Street; thence east on the north property line of 21st Street, a distance of 224' to a point; thence south and parallel to Emerson Avenue a distance of 769.85' to a point on the north property line of 20th St.; thence east on the north property line of 20th St. a distance of 12 feet; thence south and parallel to Emerson Avenue to a point on the south property line of 16th Street; thence west along the south property line of 16th Street to the center line of Emerson Avenue; thence north along the center line of Emerson Avenue to the north property line of 21st Street, the point or place of beginning.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval by the mayor, and publication according to law.

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

By the City Plan Commission:

SPECIAL ORDINANCE No. 8, 1940

AN ORDINANCE annexing certain contiguous territory to the City of Indianapolis, 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 City of Indianapolis, Indiana, be, and the same is, hereby extended so as to include the following described territory, which is hereby annexed to and made a part of the territory constituting the City of Indianapolis:

Part of the South half of the southwest quarter, Section 34, Township 16 North, Range 4 East. Beginning at a point on the present corporation line, said point being in

the center line of Emerson Avenue 667.9' north of the center line of Tenth Street; thence east and parallel to the center line of Tenth Street 532' to a point; thence north and parallel to the center line of Emerson Avenue 713.52' to a point; thence west and parallel to the center line of Tenth Street 532' to a point in the center line of Emerson Avenue; thence south along the center line of Emerson Avenue 713.52' to the place of beginning.

Part of S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Section 34, Township 16 North, Range 4 East, Marion County, Indiana, being more particularly described as follows: Beginning at the southeast corner of S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec. 34-16-4, thence north along the east line of S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec. 34-16-4 a distance of 789 feet, thence west parallel to the south line of S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec. 34-16-4 a distance of 305 feet, thence north parallel to the East line of S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec. 34-16-4 a distance of 14 feet, thence west parallel to the south line of S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec. 34-16-4 a distance of 180 feet, thence north parallel to the east line of S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec. 34-16-4 a distance of 26.6 feet, thence west parallel to the south line of S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec. 34-16-4 a distance of 205.97 feet, thence south parallel to the west line of S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec. 34-16-4 a distance of 26.6 feet, thence west parallel to the south line of S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec. 34-16-4 a distance of 310 feet, thence south parallel to the west line of S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec. 34-16-4 a distance of 558 feet, thence east parallel to the south line of S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec. 34-16-4 a distance of 152.63 feet, thence deflecting 83 degrees 32 minutes to the right in a southeasterly direction 246.57 feet to a point on the south line of S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec. 34-16-4, thence east along the south line of S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec. 34-16-4 a distance of 1001.58 feet to the place of beginning.

Excepting 175 feet by parallel lines off of the entire south side of above described tract.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval by the mayor, and publication according to law.

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

INTRODUCTION OF GENERAL ORDINANCES

Mr. Ransom made a motion that the rules be suspended to permit the introduction of General Ordinance No. 104, 1940. The motion was seconded by Mr. Ropkey 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, and President Wood.

The rules were suspended.

By the Board of Public Works and Sanitation:

SWITCH PERMIT

GENERAL ORDINANCE No. 104, 1940

AN ORDINANCE approving a certain agreement and permit granting The Pennsylvania Railroad Company the right to lay and maintain a sidetrack or switch from P. R. R. switching track along the west side of Kentucky Avenue, connecting with former Indianapolis Railway track in Henry Street, and operate over this track from Kentucky Avenue to the United Co-Operatives, Inc., tracks at the west end of Henry Street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 15th day of November, 1940, The Pennsylvania Railroad Company filed his petition before the Board of Public Works and Sanitation of the City of Indianapolis, as follows:

PETITION

To the Board of Public Works and Sanitation,
City of Indianapolis.

Gentlemen:

We hereby request the privilege of building a connection between our Kentucky Avenue switching track and the track in Henry Street formerly owned by Indianapolis Railways, and to operate over this track from Kentucky Avenue to the tracks of the United

Co-Operatives, Inc., at the west end of Henry Street, all as shown on blue print hereto attached, marked "Exhibit A" and made a part of this petition.

THE PENNSYLVANIA RAILROAD COMPANY,
By W. Senfel,
Superintendent.

NOW, THEREFORE, This agreement made and entered into this 15th day of November, 1940, by and between The Pennsylvania Railroad Company of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its Board of Public Works and Sanitation, party of the second part.

WITNESSETH: That the party of the first part, being desirous of securing a permit for a right of way for a sidetrack or switch from Kentucky Avenue to the west end of Henry Street in the City of Indianapolis, which is more specifically described as follows: hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, he will lay, construct, maintain and pay all costs and expenses either now or hereafter connected with said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, maintained, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works and Sanitation of the City of Indianapolis, and to all laws and ordinances, adopted and enacted pursuant to the police powers of said city.

(2) Said track and switch shall be laid upon such grade as shall be established by said board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said board, and shall be made to conform in all respects with any ordinance passed by the Common Council, or with any resolution or resolutions made by said board, for the elevation or depression of said track, or tracks; provided further that all the costs thereof shall be paid by the said party of the first part, who hereby waives any division of such costs as now or hereafter provided by any statute, or otherwise.

(3) The crossing where said track intersects, Kentucky Avenue and Henry Street shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said board, made for any cause affecting the interest of the city or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said board shall in no wise become a trespasser. Said notice shall fix a day for hearing before said board where objections to such removal may be heard; but the decision of said board shall be final and conclusive on the party of the first part who hereby expressly waives any right to have such exercise of discretion reviewed by any court.

(5) The party of the first part agrees to pave between the rails of said track and for eighteen inches on both sides thereof, to the entire satisfaction of the second party, and in case said tracks and pavement or either thereof shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair, reconstruct, or remove same, failing in which, after notification in writing of ten (10) days, said board may do or cause the same to be done at the expense of the said party of the first part and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance, or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violation of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this permit, provided, however, that the same may be terminated by said board as hereinbefore set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled, "An act concerning municipal corporations," approved March 6, 1905, and of all acts amendatory thereof or supplemental thereto, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby grants and duly permits said party of the first part to exercise the right, privilege and authority to lay and maintain an additional sidetrack or switch across and along Kentucky Avenue and Henry Street in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

In Witness Whereof, We have hereunto set our hands this 15th day of November, 1940.

THE PENNSYLVANIA RAILROAD COMPANY,
By W. Senfel,
Superintendent,
Party of the First Part.

Witness:

C. H. SUELL

CITY OF INDIANAPOLIS

By

Louis C. Brandt, President
Leo F. Welch
Maurice E. Tennant
Charles O. Britton

As Board of Public Works and Sanitation,

Party of the Second Part.

Approved by me

REGINALD H. SULLIVAN

As Mayor

And, Whereas, Said agreement and permit has been submitted by the Board of Public Works and Sanitation to the Common Council of the City of Indianapolis, for its consideration and action, now, therefore:

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

Section 1. That such agreement and permit above set forth be, and the same is hereby in all things confirmed and approved.

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

Attest:

.....
Clerk of the Common Council

.....
President of the Common Council

Approved by me, this.....day of....., 194.....

.....
Mayor

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

Mr. Ransom made a motion that the rules be suspended to permit the introduction of General Ordinance No. 105, 1940. The motion was seconded by Dr. Hemphill 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, and President Wood.

The rules were suspended.

By the Board of Public Works and Sanitation:

SWITCH PERMIT
GENERAL ORDINANCE No. 105, 1940

AN ORDINANCE approving a certain agreement and permit granting The New York, Chicago and St. Louis Railroad Company the right to lay and maintain a sidetrack or switch from its existing track across Yandes Street, Columbia Avenue and Martindale Avenue, and operate over said track in East Twenty-first Street, as now vacated, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: on the 16th day of November, 1940, The New York, Chicago and St. Louis Railroad Company filed its petition before the Board of Public Works and Sanitation of the City of Indianapolis, as follows:

PETITION

To Board of Public Works and Sanitation,
City of Indianapolis.

Gentlemen:

We hereby request the privilege of rebuilding and reconstructing a railway track connection between our existing track and the plant owned by the Indianapolis Industrial Center, Inc., (formerly the Atlas Engine Works); said present existing tracks in East 21st Street (as now vacated) will be moved to the south a distance of approximately four and one-half (4½) feet, and the said tracks will cross Yandes Street, Columbia Avenue and Martindale Avenue, all of which are public streets of the City of Indianapolis; all as shown on the blue print attached hereto, marked Exhibit "A" and by this reference made a part hereof.

The New York, Chicago and St. Louis Railroad Company,
By H. H. Hampton,
Vice-President.

NOW, THEREFORE, This agreement made and entered into this 16th day of November, 1940, by and between The New York, Chicago and St. Louis Railroad Company, a consolidated corporation of the State of Indiana and other states, with its principal office located in the City of Cleveland, State of Ohio, party of the first part, and the City of Indianapolis, by and through its Board of Public Works and Sanitation, party of the second part.

WITNESSETH: That the party of the first part, being desirous of securing a permit for a right of way for a sidetrack or switch from its railroad and in and along East 21st Street (as now vacated) to the plant owned by the Indianapolis Industrial Center, Inc., in the City of Indianapolis, which is more specifically described as follows: (See Exhibit "A" attached hereto) hereby covenants and fully binds itself, its successors and assigns, that, in consideration of the grant of the privileges and authority herein given, it will lay, construct, maintain and pay all costs and expenses either now or hereafter connected with said track upon the terms and conditions herein-after set forth, to-wit:

(1) They shall be so laid, maintained, improved and kept in repair as to be safe for persons on foot, in vehicles or otherwise, and shall, at all times, be subject to the orders of the Board of Public Works and Sanitation of the City of Indianapolis, and to all laws and ordinances, adopted and enacted pursuant to the police powers of said city.

(2) Said track and switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board, and shall be made to conform in all respects with any ordinance passed by the Common Council, or with any resolution or resolutions made by said Board, for the elevation or depression of said track, or tracks; provided further that all the costs thereof shall be paid by the said party of the first part, who hereby waives any division of such costs as now or hereafter provided by any statute, or otherwise.

(3) The crossing where said track intersects Yandes Street, Columbia and Martindale Avenues shall, at all times, be kept improved and in repair and free from obstructions or defects of any kind. No car or cars shall be permitted to obstruct such crossing or to be thereon except for such time as may be absolutely necessary in moving them back and forth, and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

(4) Said party of the first part agrees, upon the written order of said Board, made for any cause affecting the interest of the City or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said Board shall in no wise become a trespasser. Said notice shall fix a day for hearing before said Board where objections to such removal may be heard; but the decision of said Board shall be final and conclusive on the party of the first part who hereby expressly waives any right to have such exercise of discretion reviewed by any court.

(5) The party of the first part agrees to pave between the rails of said track and for eighteen inches on both sides thereof, to the entire satisfaction of the second party, and in case said tracks and pavement or either thereof shall be or become out of repair or in need of being reconstructed, or become in any way defective (of which fact the said Board shall be the exclusive judge), it shall be the duty of the said party of the first part to promptly repair, reconstruct, or remove same, failing in which, after notification in writing of ten (10) days, said Board may do or cause the same to be done at the expense of the said party of the first part and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

(7) Any violation of any of the provisions of this instrument by said party of the first part, or by any one for it or at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the privileges and authority given or granted by this permit, provided, however, that the same may be terminated by said Board as hereinbefore set forth.

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and of all acts amendatory thereof or supplemental thereto, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby grants and duly permits said party of the first part to exercise the right, privilege and authority to lay and maintain an additional sidetrack or switch across Yandes Street, Columbia and Martindale Avenues in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

IN WITNESS WHEREOF, We have hereunto set our hands this 16th day of November, 1940.

The New York, Chicago and St. Louis Railroad Company,

By H. H. Hampton,
Vice-President.

Witness:

CITY OF INDIANAPOLIS,

By Louis C. Brandt, President

Leo F. Welch

Maurice E. Tennant

Charles O. Britton

As Board of Public Works and Sanitation,
Party of the Second Part.

Approved by me

REGINALD H. SULLIVAN,
as Mayor.

AND, WHEREAS, Said agreement and permit has been submitted by the Board of Public Works and Sanitation to the Common Council of the City of Indianapolis, for its consideration and action, now, therefore,

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

Section 1. That such agreement and permit above set forth be, and the same is hereby in all things confirmed and approved.

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

Attest:

Clerk of the Common Council

President of the Common Council.

Approved by me, this.....day of....., 194.....

Mayor.

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

ORDINANCES ON SECOND READING

Mr. Deluse called for General Ordinance No. 85, 1940, for second reading. It was read a second time.

Mr. Deluse made a motion to strike General Ordinance No. 85, 1940, from the files. The motion was seconded by Mr. Moore 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. 85, 1940, was stricken from the files.

Mr. Deluse called for General Ordinance No. 97, 1940, for second reading. It was read a second time.

On motion of Mr. Deluse, seconded by Mr. Ropkey, General Ordinance No. 97, 1940, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 97, 1940, 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. 99, 1940, for second reading. It was read a second time.

On motion of Mr. Deluse, seconded by Mr. Ropkey, General Ordinance No. 99, 1940, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 99, 1940, 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 and President Wood.

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

Mr. Deluse called for General Ordinance No. 101, 1940, for second reading. It was read a second time.

On motion of Mr. Deluse, seconded by Mr. Bach, General Ordinance No. 101, 1940, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 101, 1940, 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 Resolution No. 4, 1940, for second reading. It was read a second time.

On motion of Mr. Ransom, seconded by Mr. Ross, Resolution No. 4, 1940, was ordered engrossed, read a third time and placed upon its passage.

Resolution No. 4, 1940, 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 made a motion that the rules be suspended for further consideration and passage of General Ordinance No. 104, 1940. The motion was seconded by Mr. Ropkey 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.

The rules were suspended.

The Council reverted to a previous order of business.

COMMITTEE REPORTS

Indianapolis, Ind., November 18, 1940.

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. 104, 1940, entitled:

SWITCH PERMIT—Pennsylvania Railroad Company to
operate on Kentucky Avenue;

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

F. B. RANSOM, Chairman
ERNEST C. ROPKEY
ALBERT O. DELUSE
WALTER E. HEMPHILL
HARMON A. CAMPBELL

ORDINANCES ON SECOND READING

Mr. Ransom called for General Ordinance No. 104, 1940, for second reading. It was read a second time.

On motion of Mr. Ransom, seconded by Dr. Hemphill, General Ordinance No. 104, 1940, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 104, 1940, 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 made a motion that the rules be suspended for further consideration and passage of General Ordinance No. 105, 1940. The motion was seconded by Dr. Hemphill 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.

The rules were suspended.

The Council reverted to a previous order of business.

COMMITTEE REPORTS

Indianapolis, Ind., November 18, 1940.

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. 105, 1940, entitled:

SWITCH PERMIT—New York Central & St. Louis Railroad Company to operate on Yandes Street, Columbia Avenue and Martindale Avenue;

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

F. B. RANSOM, Chairman
ERNEST C. ROPKEY
ALBERT O. DELUSE
WALTER E. HEMPHILL
HARMON A. CAMPBELL

ORDINANCES ON SECOND READING

Mr. Ransom called for General Ordinance No. 105, 1940, for second reading. It was read a second time.

On motion of Mr. Ransom, seconded by Dr. Hemphill, General Ordinance No. 105, 1940, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 105, 1940, 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 Ordinances No. 69, 96 and 102, 1940, were held for further consideration by the committees to which they were referred.

On motion of Mr. Ross, seconded by Mr. Moore, the Common Council adjourned at 10:00 P. M.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, held on the 18th day of November, 1940, 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.

Joseph L. Wood

Attest:

President.

John M. Layton

(SEAL)

City Clerk