

SPECIAL MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.  
THURSDAY, April 12, 1906.

The Common Council of the City of Indianapolis, met in the Council chamber, Thursday evening, April 12, 1906, at 7:30 o'clock, in special session, President Frederick W. Eppert in the chair, pursuant to the following call:

EXECUTIVE DEPARTMENT,  
CITY OF INDIANAPOLIS,  
INDIANAPOLIS, IND., April 11, 1906.

*To the President and Members of the Common Council:*

You are hereby notified that there will be a special meeting of the Common Council in the Council Chamber on Thursday evening, April 12, 1906, at 7:30 P. M. for the introduction, consideration and reference to the proper committee of "An ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 11th day of April, 1906, between the City of Indianapolis by and through its Board of Public Works, and the Chicago, Indianapolis and Evansville Railway Company, whereby said Railway Company is authorized to construct its track or tracks, along and across certain streets, alleys and public places in the City of Indianapolis, and to maintain same and operate same thereon; prescribing the terms and conditions upon which such rights are granted and fixing a time when the same shall take effect."

I have the honor to remain,

Yours very truly,  
CHARLES A. BOOKWALTER,  
*Mayor.*

I, James McNulty, Clerk of the Common Council, do hereby certify that I have served the above and foregoing notice to each and every member of the Common Council, prior to the time of meeting, pursuant to the rules.

JAMES McNULTY,  
City Clerk.

Which was read.

Present: The Hon. Frederick W. Eppert, President of the Common Council, and 17 members, viz : Messrs. Cottey, Hamlet,

Wood, Davis, Neukom, Smither, Rhodes, Uhl, Stickelman, Royse, Donovan, Sullivan, Hofmann, Hilkene, Wright and Henry.

Absent, 4, viz: Messrs. Brown, Bangs, Hartmann, Portteus.

#### INTRODUCTION OF GENERAL ORDINANCES.

General Ordinance No. 15—1906: An ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 11th day of April, 1906, between the City of Indianapolis, by and through its Board of Public Works, and the Chicago, Indianapolis and Evansville Railway Company, whereby said Railway Company is authorized to construct its track, or tracks, along and across certain streets, alleys and public places in the City of Indianapolis, and to maintain same and operate thereon; prescribing the terms and conditions upon which such rights are granted; and fixing a time when the same shall take effect.

WHEREAS, heretofore, to-wit: On the 11th day of April, 1906, the City of Indianapolis, by and through its Board of Public Works, entered into the following agreement with the Chicago, Indianapolis and Evansville Railway Company, viz.:

THIS AGREEMENT, made and entered into this 11th day of April, 1906, by and between the City of Indianapolis, Marion County, Indiana, (hereinafter called the City) by and through its Board of Public Works, party of the first part, and the Chicago, Indianapolis and Evansville Railway Company, (hereinafter called the Railway Company) a corporation duly organized and incorporated under and by virtue of the laws of the State of Indiana, party of the second part, *Witnesseth*: That

WHEREAS, Said Railway Company has presented its written petition to the Board of Public Works of said City of Indianapolis asking permission to be allowed to construct, maintain and operate a line of railway from the corporate limits of said City on the western side thereof to, or near, Senate avenue in said City between Market street on the north and Court street on the south, with switches, side-tracks and turn-outs, including a line or turn-out, in a southwesterly direction from the east side of Geisendorf street to a point south of Maryland street between Plum street and the first alley west of Plum street, as shown by the plat of said line of railway filed in the office of said Board of Public Works, and asking permission of said Board of Public Works to authorize said Railway Company to so construct, lay, maintain and operate its line of railway with tracks, necessary switches, side-tracks and turn-outs on, over, across and along public grounds, streets and alleys in and through said City.

*Now, Therefore*, Said Board of Public Works of said City of Indianapolis, in consideration of the several agreements of said Railway Company, party of the second part, hereinafter contained, prescribed, expressed, and set forth, does hereby (subject to the ratification and approval of the Common Council of said City), consent, authorize, empower and permit said Chicago, Indianapolis and Evansville Railway Company, subject to the conditions hereinafter prescribed and expressed, to construct its grade, structures, lay its ties and rails, construct, equip, operate and run its line of railway upon the following route within the limits of said City, to-wit:

Beginning with the center line of a double track railway, at a point on the west corporation line of said City about sixty-nine (69) feet north of the center line of Clark street produced; thence north eighty-eight (88) degrees, fifteen (15) minutes east (Magnetic, February 12, 1906,) across a north and south alley one hundred and eighty-five (185) feet to the center of Tremont street, seventy-two (72) feet north of the intersection of Tremont and Clark streets; thence across Tremont street north eighty-eight (88) degrees, fifteen (15) minutes east, ninety-six and seven-tenths (96.7) feet to the beginning of a three (3) degree curve to the right; thence with said three (3) degree curve across a north and south alley between Tremont street and Bismark avenue to the west line of Bismark avenue, twenty-five (25) feet from the intersection of the north line of Clark street and the west line of Bismark avenue; thence with said curve across Bismark avenue to the north line of Clark street, seventy-nine and five-tenths (79.5) feet from the intersection of the east line of Bismark avenue and north line of Clark street; thence with said three (3) degree curve across Clark street to west line of Sheffield avenue, seven and five-tenths (7.5) feet from the intersection of the west line of Sheffield avenue and south line of Clark street; thence with said three (3) degree curve across Sheffield avenue and a twenty-five (25) foot alley, between Sheffield and Belmont avenues, to east line of Belmont avenue, one hundred and ninety-three and six-tenths (193.6) feet south of the intersection of the west line of Belmont avenue and south line of Clark street; thence across Belmont avenue one hundred seventy and three-tenths (170.3) feet to the end of said three (3) degree curve; thence south fifty-four (54) degrees, thirty (30) minutes east on a line tangent to said three (3) degree curve, across alley, to the west line of Reynolds avenue, one hundred and forty-two and five-tenths (142.5) feet north of the intersection of the north line of Eleventh street and west line of Reynolds avenue; thence with said tangent across Reynolds avenue and the alley between Reynolds and Elder avenues to a point in the north line of Eleventh street, one hundred and thirty (130) feet east of the intersection of the east line of Reynolds avenue and north line of Eleventh street; thence across Eleventh street and an east and west alley between Tenth and Eleventh streets to a point in the west line of Elder avenue, five hundred and forty-nine (549) feet from the intersection of the north line of Tenth street and west line of Elder avenue; thence across Elder avenue and an alley between Elder and Miley avenues to a point in the west line of Miley avenue two hundred and seventy-five (275) feet north from the intersection of the north line of Tenth street and west line of Miley avenue; thence across Miley avenue and a north and south alley and an east and west alley, between Miley avenue and Cable street, to a point in the west line of Cable street, forty-six and seven-tenths (46.7) feet north of the intersection of north line of Tenth street and west line of Cable street; thence across Cable street with said tangent to a point in the north line of Tenth street, sixteen and five-tenths (16.5) feet from the intersection of the north line of Tenth street and east line of Cable street; thence across Tenth street with said tangent to a point in the west line of boulevard, or Sherman Drive, one hundred and eighty-nine (189) feet south of the intersection of the south line of Tenth street and west line of Sherman Drive; thence across Sherman Drive to a point in the north line of Walnut street, eight hundred and eighty (880) feet east from the intersection of the north line of Walnut street and the east line of Sherman Drive; thence with tangent, across Walnut street and a north and south alley, between Kane and Parkman streets, to a point in the west line of Parkman street, one hundred and fifty (150) feet south of the intersection of the west line of Parkman street and south line of Walnut street; thence with said tangent, across Parkman street and a north and south alley between Parkman and Porter streets, to a point in the west line of Porter street, a distance of thirty-two and four-tenths (32.4) feet north of the intersection of the north line of North street and west line of Porter

street; thence across Porter and North streets and a north and south alley to a point in the west line of Elwood street, one hundred and twenty-five (125) feet from the intersection of the west line of Elwood street and south line of North street; thence with said tangent across Elwood street and a north and south alley between Elwood and Caldwell streets to a point in the west line of Caldwell street; three hundred and forty-seven and five-tenths (347.5) feet from the intersection of the west line of Caldwell street and south line of North street; thence with said tangent across Caldwell street to a point in the north line of Michigan street, eighty-five (85) feet from the intersection of the east line of Caldwell street and north line of Michigan street; thence with said tangent across Michigan street to a point in the west line of Hanson avenue, thirty-nine (39) feet south of the intersection of the south line of Michigan street and west line of Hanson avenue; thence with said tangent across Hanson avenue one hundred and fifty-four and nine-tenths (154.9) feet from the east line of Hanson avenue to the beginning of a one (1) degree curve to the right; thence with said one (1) degree curve to a point in the north line of Holborn street, two hundred and twenty (220) feet east from the intersection of the east line of Hanson avenue and north line of Holborn street; thence with said one (1) degree curve crossing Holborn street to a point in the north line of Vermont street two hundred and seventy (270) feet east from the intersection of the east line of Hanson avenue and north line of Vermont street; thence across Vermont street one hundred seventeen and nine-tenths (117.9) feet to the end of said one (1) degree curve; thence south forty-nine (49) degrees, twenty-two (22) minutes east on a line tangent to said one (1) degree curve across an east and west alley to a point in the north line of New York street five hundred forty-eight and eight-tenths (548.8) feet east from the intersection of the east line of Hanson avenue and north line of New York street; thence with said tangent across New York street ten hundred twenty-one (1021) feet to the beginning of a three (3) degree curve to the left; thence with said three (3) degree curve to a point in the line of Wabash street twenty-three (23) feet west of the intersection of west line of Blake street and north line of Wabash street; thence with said three (3) degree curve in Wabash street and across Blake street to a point in the east line of Blake street, three hundred one (301) feet north from the intersection of the north line of Market and east line of Blake streets; thence with said three (3) degree curve across an east and west alley, and north and south alley, to a point in the west line of Douglas street two hundred seven (207) feet north from the intersection of the west line of Douglas street and the north line of Market street; thence across Douglas street and a north and south alley with said three (3) degree curve to a point in the west line of Geisendorf street, one hundred thirty-three (133) feet north from the intersection of the north line of Market street and the west line of Geisendorf street; thence across Geisendorf street, one hundred sixty-one (161) feet to the end of said three (3) degree curve; thence south seventy-four (74) degrees, fifty-two (52) minutes east on a line tangent to said three (3) degree curve, two hundred and ninety-two (292) feet to a point in the west line of Blackford street, fifteen (15) feet north from the intersection of the west line of Blackford street and the north line of Market street; thence continuing in an easterly direction with any number of tracks between the north line of Court street on the south and a line for a sidewalk curb on the north side of Market street, the said line for the curb on the north side of Market street, to be parallel with, and twenty (20) feet south from, the north line of said Market street, across Blackford street, the first alley east of Blackford street, California street, the first alley east of California street, West street, the first alley east of West street, and Missouri street, and in said Market street to a point thirty (30) feet west of the first alley east of Missouri street. Also two (2) additional tracks in addition to the main tracks aforesaid, branching from the said main tracks at or near the south line of Holborn street, and

running along the south side of said main tracks in a southeasterly direction, the said additional tracks to cross the north line of Vermont street at a point about twenty-six (26) feet west of the center of the two aforesaid main tracks; thence crossing Vermont street, one hundred and forty-two and two-tenths (142.2) feet to a point about twenty-six (26) feet west of the end of the one degree curve of the said two main tracks; thence on a line nearly parallel to and south of the main line heretofore described, across an east and west alley to a point in the north line of New York street four hundred eighty-nine (489) feet east from the intersection of the east line of Hanson avenue and the north line of New York street; thence continuing on a straight line across New York street to a point in the west line of Sanborn street three and five-tenths (3.5) feet south from the intersection of the south line of New York street and west line of Sanborn street; thence with said straight line across Sanborn street, and across an east and west alley, to a point in the north line of Owosso avenue, a distance of two hundred (200) feet east from the intersection of the east line of Sanborn street and north line of Owosso avenue; thence to a point in the west line of Wabash street, twenty-three (23) feet west of the intersection of west line of Blake street and north line of Wabash street; thence following underneath the line of the two (2) main tracks heretofore described (said two (2) main tracks to be elevated as hereinafter provided) from the north side of Wabash street to the east line of Blackford street. Also beginning and running with four tracks from a point in the east line of Blackford street about sixty-four (64) feet south from the intersection of the east line of Blackford street with the south line of Market street; running thence in a westerly direction on a tangent across Blackford and Market streets to the beginning of a curve to the south or left, with a radius of eight hundred seventy-two (872) feet, which point of curve is three hundred and eighty-two (382) feet west from the west line of Blackford street; thence with said curve, with a radius of eight hundred seventy-two (872) feet to a point in the center of Geisendorf street one hundred twenty-one (121) feet north from the intersection of Market and Geisendorf streets; thence with said curve, crossing a north and south alley to a point in the center of Douglas street one hundred thirty-two (132) feet north from the intersection of Market and Douglas streets; thence with said curve, crossing a north and south alley to a point in the center of Blake street, ninety-eight (98) feet north from the intersection of Market and Blake streets; thence on said curve with a radius of eight hundred seventy-two (872) feet to the end of said curve, a distance of three hundred three (303) feet from the center of Blake street, measured along said curve; thence with the tangent to said curve four hundred (400) feet to the beginning of a curve to the south or left, with a radius of six hundred sixty-seven (667) feet; thence with said curve to a point in the center of Washington street, three hundred ninety-three (393) feet west from the intersection of Washington street and Perry avenue; thence with said curve to a point in the west line of Plum street, four (4) feet south from the intersection of the south line of Washington street with the west line of Plum street; thence with said curve, crossing an east and west alley between Washington and Maryland streets to a point in the center of Maryland street, eighty-two (82) feet west of the intersection of Maryland and Plum streets; thence with said curve across Maryland street. Also a north connecting track with the track, or tracks, (commonly known as the Belt Railroad) of The Indianapolis Union Railway Company starting at a point in the west line of Elder avenue, a distance of five hundred forty-nine (549) feet from the intersection of the north line of Tenth street and west line of Elder avenue, following a six (6) degree curve to the left from the main line across Elder avenue, and a north and south alley, between Miley and Elder avenues to a point in the west line of Miley avenue, a distance of three hundred thirty-five (335) feet north from the intersection of the north line of Tenth street and west line of Miley avenue; thence with said

six (6) degree curve across Miley avenue, and a north and south alley, between Miley avenue and Cable street, to a point in the west line of Cable street, a distance of two hundred seventy (270) feet from the intersection of the north line of Tenth street and the west line of Cable street; thence with said six (6) degree curve across Cable street and in Torbett street, a distance of two hundred twelve and five-tenths (212.5) feet to a point in the north line of Torbett street, one hundred fifty-five (155) feet east from the intersection of the east line of Cable street and the north line of Torbett street; thence with said six (6) degree curve, one hundred and fifteen (115) feet to a point in the west line of a fifty (50) foot street with no name, thirty (30) feet north from the intersection of the north line of Torbett street and west line of said fifty (50) foot street; thence with said six (6) degree curve across said fifty (50) foot street and an alley to a point on the Belt Railroad to the end of said six (6) degree curve. Also a south connecting track with the track, or tracks, (commonly known as the Belt Railroad) of the Indianapolis Union Railway Company starting at a point in the east line of Miley avenue two hundred fifty (250) feet north from the intersection of the north line of Tenth street and east line of Miley avenue; thence with a ten (10) degree curve to the right, crossing an east and west alley, between Tenth and Eleventh streets and a north and south alley between Miley avenue and Cable street, to a point in the west line of Cable street five (5) feet north from the intersection of the north line of Tenth and the west line of Cable street; thence with said ten (10) degree curve across Tenth street to a point in the south line of Tenth street, thirty (30) feet west from the intersection of the east line of Cable street produced, to the south line of Tenth street; thence with said ten (10) degree curve to a point on said Belt Railroad. The general route of said Railway shall be substantially as herein above provided but, as the necessities of the case may require, in the work of construction, or subsequent reconstruction or renewal, of any of the work, the precise points, distances, curves and angles hereinabove shown may be varied from; provided no such variation shall depart substantially from the general plan and route as aforesaid, nor shall any such variation be such as to cross any other street or alley, or as to cross any street or alley between other streets, than as hereinabove shown.

No substantial  
variation.

*Provided, however,* That the right of said Railway Company to construct, maintain and operate said railway in said City, as aforesaid, is granted and held upon and subject to the terms and conditions following, to-wit:

1. All tracks of said Railway Company—excepting only two (2) tracks to descend from the elevation so as to cross Wabash street and Blake street at grade of Blake street and continuing thence in an easterly direction to the west line of West street, and intended for the carriage of freight to and from the elevation to the surface of the ground (elsewhere hereinafter called the freight tracks); and excepting tracks north and west of Michigan street (to be elevated in the future as hereinafter provided)—*shall be elevated*, with steel structures, or steel bridges, at street and alley crossings, all as follows:

Elevated  
tracks.

Michigan street will be crossed by an overhead steel bridge, with abutments on the street lines and supporting columns on the curb lines, giving a clear span from curb to curb, and with a clearance of not less than fourteen (14) feet beneath the bridge.

Hanson avenue will be crossed by an overhead steel bridge, with abutments on the street lines, giving a clear span across the street, and with a clearance of not less than fourteen (14) feet beneath the bridge. Holborn street (to be vacated as hereinafter provided) will be crossed at an elevation of 712.5 city datum.

Vermont street will be crossed by an overhead steel bridge, with abutments on the street lines, and supporting columns at the curb lines, giving a clear span between the curbs and with a clearance of not less than fourteen (14) feet beneath the bridge. An east and west alley between New

York and Vermont streets (to be vacated as hereinafter provided) will be crossed at an elevation of not to exceed 718.6 city datum.

New York street will be crossed by overhead steel bridge, or bridges, with abutments at the street lines, and supporting columns at the curb lines, giving a clear span between the curbs, and with a clearance of not less than fourteen (14) feet and six inches beneath the bridge, or bridges.

Sanborn street (to be vacated as hereinafter provided) will be crossed at an elevation of about 710.4 city datum. An east and west alley between Sanborn street and Owosso avenue (to be vacated as hereinafter provided) will be crossed at an elevation of about 708.8 city datum.

From the west side of Blake street to a point thirty (30) feet west of the first alley east of Missouri street all tracks (excepting only said freight tracks) shall be upon elevated steel structure, or structures, with street and alley crossings as follows:

At Wabash and Blake streets there shall be supporting columns at curb lines, with clear spans from curb to curb, and a clearance of not less than eighteen (18) feet beneath the bridge or bridges.

The north and south alley, and the east and west alley between Blake and Douglas streets will be crossed by overhead steel bridge, or bridges, with clear spans across said alleys, giving a clearance beneath the bridge, or bridges, of about eighteen (18) feet above the rails of said two (2) freight tracks.

Douglas street will be crossed by an overhead steel bridge, with a clear span across the street, giving a clearance beneath the bridge of about eighteen (18) feet above the rails of said two (2) freight tracks.

The north and south alley between Douglas and Geisendorf streets will be crossed by an overhead steel bridge, with a clear span across said alley, having a clearance of about eighteen (18) feet beneath the bridge above the rails of said two (2) freight tracks.

Geisendorf street will be crossed by an overhead steel bridge, with a clear span across the street, giving a clearance beneath the bridge above the rails of said freight tracks of about eighteen (18) feet.

Blackford street will be crossed by an overhead steel bridge, with supporting columns at the curb lines, having a clear span between the curbs, with a clearance of about twenty-one and one-half ( $21\frac{1}{2}$ ) feet beneath the bridge to the top of the rails of said freight tracks. A north and south alley between Blackford and California streets (to be vacated as hereinafter provided) will be crossed at an elevation of about 731.3 city datum. California street (to be vacated as hereinafter provided) will be crossed at an elevation of about 731.3 city datum. A north and south alley between California and West streets (to be vacated as hereinafter provided) will be crossed at an elevation of 731.3 city datum.

West street will be crossed by an overhead steel bridge, or bridges, with supporting columns at the curb lines, with a clear span, or spans, between the curbs, and a clearance of about twenty-one and one-half ( $21\frac{1}{2}$ ) feet beneath the bridge, or bridges. A north and south alley between West and Missouri streets (to be vacated as hereinafter provided) will be crossed at an elevation of 731.3 city datum.

Missouri street will be crossed by overhead steel bridge, or bridges, having supporting columns at the curb lines, with clear span, or spans, between the curbs, and a clearance of not less than twenty-one and one-half ( $21\frac{1}{2}$ ) feet beneath the bridge, or bridges, and the top of the rails of the railroad track now on said street.

All tracks on, or in, Market street, (unless herein otherwise provided), will be upon elevated steel structure or structures, as aforesaid, extending along the line of the route from west to east in said street, and between the south line of said street and the aforesaid line for a curb on the north side of said street, the columns in said street supporting the same to be along a line parallel with and ten (10) feet north of the south line of said street and along said line for a

curb on the north side, as aforesaid, and along a line parallel, as near as may be, and midway between said line ten (10) feet from the south line of said street and said line for a curb on the north side of said street; none of said columns to be nearer than twenty-five (25) feet apart from east to west, and at the crossings of West street and Missouri street there shall be a clear span from curb to curb across the street, and the clearance underneath all of said structure on Market street to be not less than twenty-one and one-half ( $21\frac{1}{2}$ ) feet; *Provided further*, That in consideration of the right to occupy said Market street with elevated structure, or structures, as aforesaid, said Railway Company shall, and agrees to, when it shall have completed said construction on said street, at its own expense, improve the then unimproved portion of said street underneath said elevated structure with brick, or with like material then in use on the improved part of that part of said Market street, between the curbs (to be twenty (20) feet from the property line on the north side and ten (10) feet from the property line on the south side of said street) from the west line of Senate avenue westerly to the east line of West street; with the necessary inlets and catch basins; said improvement of said street to be made when, and as required, by the Board of Public Works of said City, and to conform to the reasonable requirements of said Board.

On the said line running in a westerly and southerly direction from the east side of Blackford street to the south line of Maryland street all tracks shall be elevated on steel bridges at street and alley crossings as follows:

Blackford street will be crossed by an overhead steel bridge, with supporting columns at the curb lines, having a clear span between the curbs, with a clearance of about twenty-two (22) feet beneath the bridge.

Geisendorf street will be crossed by an overhead steel bridge, with a clear span across the street, and a clearance of about twenty-six (26) feet or more beneath the bridge.

A north and south alley between Geisendorf street and Douglas street will be crossed by an overhead steel bridge, having a clear span across the alley, with a clearance of about twenty-five (25) feet or more beneath the bridge.

Douglas street will be crossed by an overhead steel bridge, with a clear span across the street, and a clearance of about twenty-four (24) feet or more beneath the bridge.

A north and south alley between Douglas street and Blake street will be crossed by an overhead steel bridge having a clear span across the alley, with a clearance of not less than twenty (20) feet beneath the bridge.

Blake street will be crossed by an overhead steel bridge, with supporting columns at curb lines, having a clear span between the curbs, with a clearance of not less than about eighteen (18) feet beneath the bridge.

Washington street will be crossed by an overhead steel bridge, having supporting columns at the curb lines, with a clear span between the curbs, and a clearance of not less than fifteen (15) feet beneath the bridge.

Plum street will be crossed by an overhead steel bridge, having a clear span across the street, with a clearance of not less than fifteen (15) feet beneath the bridge.

An east and west alley between Washington street and Maryland street will be crossed by an overhead steel bridge having a clear span across the alley, with a clearance of not less than fifteen (15) feet beneath the bridge.

Maryland street will be crossed by an overhead steel bridge, with a clear span across the street, at a clearance of not less than fifteen (15) feet beneath the bridge.

It is expressly agreed that all overhead iron bridges at crossings of streets between the property lines on either side, and the full width of the bridges; and also the said overhead structure on Market street covering the space extending ten (10) feet from the south line of said street, shall be fully covered by good and sufficient flooring to the approval of the City Engineer of said City and there shall also be likewise covered with such



flooring if, and when and as, required by written order of said Board of Public Works the remainder of said structure in Market street.

Said two (2) freight tracks crossing Wabash and Blake streets at the grade of Blake street and continuing in an easterly direction will be a grade crossing over the first alley east of Blake street at an elevation requiring the present grade to be raised to an elevation of 706 city datum; and will cross Douglas street with an elevated steel structure with a clear span crossing the street, and a clearance underneath the structure of about eight and three-tenths (8.3) feet; and will cross the first north and south alley east of Douglas street on an elevated steel structure, with a clear span across the alley, having a clearance of about eight and a half (8½) feet beneath the structure; and will cross Geisendorf street on an elevated steel structure, with a clear span across the street, having a clearance of about nine and two-tenths (9.2) feet underneath the structure; and will cross Blackford street at grade crossing requiring the present grade of the street to be raised to an elevation of 706 city datum; and said freight tracks thence continuing to the west side of West street with one of them running from the southwest corner of California and Market streets along and on the south side of Market street, within ten (10) feet from said south line, to the west side of West street.

2. All crossings of tracks of said Railway Company over or across streets and alleys from the western corporation line of said City to Walnut street (they to be elevated in the future as hereinafter provided) shall be grade crossings, the present grade, where required, to be so changed as to make the elevations, city datum, as hereinafter shown: Grade cross-  
ings.

The first north and south alley east of the corporation line of said City from the point of beginning of said route to be a grade crossing requiring the present grade to be raised to an elevation of 713.8.

Tremont street requiring present grade to be raised to an elevation of 712.95; the north and south alley between Tremont and Bismark avenue requiring present grade to be raised to an elevation of 710.7; Bismark avenue at grade at present elevation of 711.10; Clark street requiring the lowering of the present grade to an elevation of 710.15 at the intersection of the railway with the center of the street; Sheffield avenue requiring the lowering of the present grade to an elevation of 709.15; the north and south alley between Sheffield avenue and Belmont avenue requiring the raising of the present grade to an elevation of 708.5; Belmont avenue requiring the raising of the present grade to an elevation of 707.15; a north and south alley between Belmont and Reynolds avenues (to be vacated as hereinafter provided) requiring the raising of the present grade to an elevation of 706.4; Reynolds avenue requiring the raising of the present grade to an elevation of about 704.9; a north and south alley between Reynolds avenue and Eleventh street (to be vacated as hereinafter provided) requiring the raising of the present grade to an elevation of 704.2; Eleventh street requiring the raising of the present street grade to an elevation of 703.65; an east and west alley between Eleventh street and Elder avenue (to be vacated as hereinafter provided) requiring the present grade to be raised to an elevation of 703.2; Elder avenue requiring the raising of the present grade to an elevation of 702.9; the north and south alley between Elder avenue and Miley avenue requiring the raising of the present grade to an elevation of 702.0; Miley avenue requiring the lowering of the present grade to an elevation of 700.65; a north and south alley and an east and west alley between Miley avenue and Cable street, requiring the lowering of the alleys to an elevation of 699.6; Cable street requiring the lowering of the present street grade to an elevation of 698.65; Tenth street at an elevation of 698.0; and crossing the Belt Railroad at grade; Sherman Drive (Boulevard) at its present elevation of 695.4. All approaches are to be built on each side of the Railway with gradients not to exceed five (5) feet in one hundred (100) feet. All crossings of streets and alleys by said north connecting track, and south connecting track, with said track, or

tracks, (commonly known as the Belt Railroad) of The Indianapolis Union Railway Company shall be at grade. From the west line of Walnut street to the north line of Michigan street all streets and alleys are to be crossed overhead, with supporting columns at the curbs of streets, except at North street where there will be supporting columns at the curbs and center of the street, giving a clearance beneath the bridges, at each crossing, of not less than fourteen (14) feet, except at Walnut street which shall have a clearance of not less than twelve and six-tenths (12.6) feet.

Future elevation at expense of Railway.

3. It is expressly understood and agreed, as one of the conditions precedent to the granting of this franchise, that whenever the City of Indianapolis, through any order of said Board of Public Works, or by contract or by ordinance duly passed by the Common Council, or otherwise, in the carrying out of any general system of railway track elevation in said City, by which plan the track or tracks (commonly known as the Belt Railroad) now used by the Indianapolis Union Railway Company, and any other railroads connecting therewith, shall be changed from present grade, the Railway Company, party hereto of the second part, shall be required to elevate any of the tracks of said Railway Company upon or along the said route of said railway from the corporate limits of said City on the west in an easterly direction to Michigan street, that said Railway Company will promptly observe, perform and execute the work of elevation so required in strict conformity with such requirements as to method and manner of construction, and limit of time, and otherwise in all respects according to the terms and provisions of such requirements; and all at the expense of said Railway Company, and without any charge, cost, or expense to said City. Should said Railway Company fail, refuse or neglect to comply with any such requirements for the elevation of any of its said tracks, the said City shall have the right to advertise and contract for such elevation of said tracks and the cost of such work shall be recovered in a proper action brought by said City in any Court of competent jurisdiction.

4. Said Railway Company, and its assigns, expressly agree to construct, or procure to be constructed, within six years from the date of this instrument, and thereafter to maintain and operate so long as said Railway Company, or its assigns, shall maintain and operate its said line of railway, in connection with said line of railway a suitable and commodious passenger station at the eastern termination of its said tracks, which eastern termination shall be, at all events, at a point thirty (30) feet or more west from the first alley east of Missouri street; and further agree that the said elevated main tracks, as herein provided for, east of Blake street shall be used and operated only for the carriage of passengers, baggage, mail and express, or parcels and things carried as express matter, or by, or on behalf of, express companies, and not for the carriage of freight; and further agree that the half block, or half square, of ground bounded by Senate avenue, Market street, Court street and the first alley west of Senate avenue, shall not be used for tracks of any description by said Railway Company, or its assigns, and shall be used by it, or them, only for a building for a passenger station, or for building, or buildings, for passenger station, offices, stores, shops, or some such or other like purposes, and expressly and especially agree that no track, or tracks, of said Railway Company shall be at, or extend to, a point nearer the State House, or State Capitol, of the State of Indiana, than thirty (30) feet west of the first alley west of Senate avenue.

5. The following streets and alleys shall be vacated:

Street and alley vacations.

The first north and south alley east of the corporation line of said City from the north line of Clark street to the first street next north thereof shall be vacated.

The north and south alley between Belmont and Reynolds avenues shall be vacated from Eleventh street to the north end of said alley.

The north and south alley between Reynolds and Elder avenues shall be vacated from the north line of Eleventh street to Clark street.

The first east and west alley south of Eleventh street between Reynolds and Elder avenues shall be vacated.

Holborn street shall be vacated from a point one hundred eighty-five (185) feet east of the east line of Hanson avenue to a point three hundred and fifteen (315) feet east of the east line of Hanson avenue.

The east and west alley between Vermont and New York streets shall be vacated from the Mill Race property in a westerly direction to the east line of the first north and south alley.

Sanborn street from the south line of New York street to the north line of the east and west alley between New York street and Owosso avenue shall be vacated.

The east and west alley between New York street and Owosso avenue shall be vacated from Sanborn street east to the eastern end of said alley.

The north and south alley between Blackford and California streets shall be vacated from the north line of Court to the south line of Market streets.

California street shall be vacated from the north line of Court street to the south line of Market street.

The north and south alley between California and West streets shall be vacated from the north line of Court street to the south line of Market street.

The north and south alley between West and Missouri streets shall be vacated from the north line of Court street to the south line of Market street.

The north and south alley between Missouri street and Senate avenue shall be vacated from the north line of Court street to the south line of Market street.

The vacation of said streets and alleys to be subject to the right of said City to maintain any sewers located therein, and subject also to any right of any corporation or corporations to maintain any gas or water mains now located and existing therein. All costs and expenses incident to the vacation of such streets and alleys incurred by said City shall be borne and paid by said Railway Company.

6. Said Railway Company shall permit the use of its track, or tracks, by <sup>Use of tracks</sup> any duly incorporated railroad using the same motive power as then being <sup>by other roads</sup> used by the said Railway Company, and engaged as a common carrier for hire, from or near the corporate limits, or from any connecting point within the corporate limits of said City; *Provided*, That the trains of said Railway Company, party hereto of the second part, shall have precedence over trains of the same grade of other railroads, and that the compensation to the said Railway Company, party hereto of the second part, by any such newly entering railroad company shall be upon such terms as may be agreed upon between the companies, but in case such companies cannot agree as to such compensation within thirty (30) days after the application has been made therefor to said Railway Company, party hereto of the second part, by said newly entering railroad company, then such compensation shall be fixed and determined in an action instituted by either of such companies in any court of competent jurisdiction, and pending the determination of such suit, such newly entering railroad company shall have the right to use said track or tracks, upon executing a bond in such amount and with such security as shall be approved by the court, conditioned for the payment to said Railway Company, party hereto of the second part, of the compensation which may accrue up to the time of the final decision in said action; *Provided, further*, That the provisions hereof shall not operate to compel the said Railway Company, party hereto of the second part, to grant the right to any other company to use the side-tracks, spur tracks, yards or stations of the said Railway Company, party hereto of the second part, in the City of Indianapolis, but shall operate only to require the said Railway Company, party hereto of the second part, to permit to other companies the use of its main tracks and passing tracks necessary to the use of its main tracks. The Railway Company, party hereto of the second part, shall at all times

be entitled to sufficient use of its main and passing tracks to accommodate its own traffic, and to this extent the use of its tracks by other companies shall at all times be subject to such sufficient use of its own tracks by said Railway Company, party hereto of the second part, The Railway Company, party hereto of the second part, shall be under no obligation to increase the number of its main or passing tracks in order to provide accommodations for the traffic of other companies. The compensation to be received by the Railway Company, party hereto of the second part, for the use of its main or passing tracks by other companies shall be such as is usual and customary under similar circumstances between railroad companies, and shall in no event be less than the Railway Company, party hereto of the second part, would be entitled to receive if such use of the said tracks were acquired by condemnation proceedings on behalf of the other companies acquiring such use of such main or passing tracks. *Provided, further, however,* That said Railway Company, party hereto of the second part, shall have the right, upon the terms and compensation to be agreed on between the companies, to permit the use, at any time, and from time to time, to any other railroad company, or companies, of any of its facilities, including side-tracks, spur tracks, yards or stations, as well as of its main tracks and passing tracks to the use of its main tracks.

Construction, restoration streets, crossings, guards and warnings, as required by City.

7. Said Railway Company is further authorized, empowered and permitted to enter upon any of the streets and alleys aforesaid with its engineers, surveyors, superintendents, track men, train men or other employes for the purpose of surveying or constructing its structures, grade and railway track or tracks, as aforesaid. Said Railway Company in the construction of its structures, grade and tracks as aforesaid, shall so construct the same as to conform to the reasonable requirements of the Board of Public Works of said City, and when its railway is constructed as aforesaid shall restore all such streets, alleys and public grounds to as good condition as the same were in at the time said construction was commenced; and said Railway Company shall make all proper crossings as required by said Board of Public Works of said City, so that travel shall not be seriously inconvenienced by the construction of said railway, and shall improve and repair on and along its right-of-way, in conformity with their improvements, all said streets and alleys at all times as required by the said Board of Public Works, and during the period of construction of said railway shall keep and maintain at all places where said track is crossed by a public thoroughfare proper and sufficient guards and warnings, to the approval of the said Board of Public Works, for the protection of pedestrians and other traffic desiring to cross said tracks during said period of construction.

Bond to protect City against liability.

8. The granting of said right, as aforesaid, shall in no wise be construed as granting a right-of-way over private property, and said Railway Company shall be and become liable for all damages for which said Railway Company or City may be legally liable which may be sustained by any person on account of the construction or operation of said railway, as aforesaid, either to property, by reason of the depreciation of value thereof along said right-of-way, or by reason of the carelessness, negligence or misconduct of any of its agents, servants or employes in the construction or use of said railway as aforesaid; and said Railway Company hereby agrees, when duly notified in writing and permitted to defend and appeal, to indemnify and hold harmless said City from any liability as aforesaid, and agrees to pay any final judgment, or judgments with all costs, rendered against said City on account thereof, and to defend, upon written notice from and in the name of said City, any action against it on account thereof; and the record of judgments against the City shall be final and conclusive evidence in the cause to entitle said City to recover in any court of competent jurisdiction against said Railway Company; and upon entering upon any of the city streets or alleys for the purpose of constructing its said structures, grade and track; or tracks, said Railway Company shall immediately file with the

Board of Public Works of said City a surety company bond to the approval of said Board of Public Works in the sum of twenty-five thousand dollars (\$25,000), so conditioned as to secure the performance of its part of the conditions contained in this section, provided, that if said bond be for a limited time only the same shall be renewed, or extended, from time to time, or a new bond filed with said Board, all to the approval of said Board, until the work of construction of said railway shall be complete.

City Engineer to approve plans.

9. At least ten (10) days prior to the commencement of the work of construction over any public street the plans and specifications therefor shall be submitted to the City Engineer of the City for his examination, and if he find the same in accordance with the provisions hereof, he shall approve the same and work done in accordance therewith shall be deemed to be in conformity with this agreement.

10. Said Railway Company shall, except where said tracks are elevated as provided herein, and grades changed as provided herein, (no substantial variation therefrom to be made) construct and maintain its said grade and tracks so as to conform, as nearly as practicable, to the grade of all streets and alleys as now established, or as hereafter may be established, and shall not impede travel or interfere with the free use of the street at the crossings thereof; and shall keep all said crossings so improved and repaired as may be required by the City Engineer of said City under the written direction of the Board of Public Works; said Railway Company shall also construct and keep in repair any bridges which may be necessary for it to use along its right-of-way, and shall construct and keep in repair any approaches to the approval of the City Engineer, under the written directions of said Board of Public Works, wherever the grade of its said tracks does not conform to the grade of any street or alley crossing said track, or tracks: And said Railway Company shall pay all expenses of or incident to, the change of grade of any street and alley crossing, as herein provided, and damages, if any, to property occasioned thereby.

Grade conform, not impede travel, crossings, improved, etc.

11. Said Railway Company shall at all times in accordance with any requirements of the said Board of Public Works permit the crossing of its right-of-way, through, under, or over, by any viaduct; or the passage, through, or under its right-of-way, of any sewer, tunnel, or subway, that may be authorized to be constructed by the Board of Public Works, and as shall not interfere with traffic of said Railway Company; *Provided*, That said Railway Company, upon not less than ten (10) days previous, written notice from said Board of Public Works, shall provide and construct all supports or other structures necessary to maintain and protect its said tracks during the progress of such work and failing so to do shall bear and pay all additional expense necessarily incurred by said City in providing the support, protection or maintenance of the tracks made necessary by the work so ordered by said Board of Public Works.

Crossing of right-of-way.

12. Said Railway Company shall construct and continually keep in good repair through and along its grade and tracks as aforesaid at such points as may be deemed necessary by the City Engineer under written orders by the Board of Public Works, sufficient culverts, ditches, drains and sewers to permit the free discharge of water under its said grade and track, or tracks, and along and over the streets and alleys aforesaid.

13. All acts and things required to be done by said Railway Company with reference to said streets and alleys and public places, or the crossings thereof, and the approaches thereto, or the construction and maintenance of culverts and drains, shall be done promptly after the construction of said grade and tracks along, across or over said streets, alleys and public places as aforesaid; and in case said Company shall fail to perform said acts and things required to be done, and to keep the same properly improved and repaired to the approval of the City Engineer, or said Board of Public Works, said City may perform such work and collect the cost thereof with twenty per cent. (20%) damages in addition thereto by suit against said Company in any court of competent jurisdiction and the bond heretofore

Bonds secures requirement as to streets, alleys, culverts, etc., with damages.

required of said Railway Company shall also be conditioned to cause said surety to become liable for the payment of any judgment rendered in such proceeding. In the event said Board of Public Works shall by proper resolution, decree the improvement of any street, alley or public ground crossed by said railway at grades, said Railway Company shall pay its proportionate share of the cost thereof as may be adjudged by said Board.

Where elevated tracks no require ment to maintain improve ment after construction.

14. After the construction of that part of said railway which shall be elevated above the streets or alleys, in accordance with this contract, the Railway Company shall be under no obligations to construct, improve or repair the streets or alleys which its tracks shall not at grade occupy, traverse, or cross, nor shall the Railway Company be required to construct or repair culverts, ditches, drains or sewers in, or under, streets or alleys the drainage of which shall not be affected by the construction, maintenance or operation of the tracks of the railway in or upon the same; *Provided*, That nothing in this section shall be construed to release said Railway Company from the payment of any benefits that may be assessed against it as an abutting property owner.

Temporary obstruction during construction.

15. Permission and authority are hereby given to said Railway Company, whenever the same shall be necessary in the prosecution of the work it is herein authorized or required to perform, to obstruct temporarily any public street, avenue or alley to such extent, and for such length of time, as may be approved by the said Board of Public Works, and it is also hereby authorized, whenever the same shall become necessary, to erect and maintain temporary structures and false work in any of said streets and alleys during the construction of its said elevated railway, subject to like approval of the said Board.

Flagmen, safety gates, etc.

16. Said Railway Company shall provide and maintain flagmen, or erect and maintain safety gates, or such other approved protections, at such alley and street grade crossings as may be ordered or directed by said Board of Public Works in writing at any time, or from time to time.

17. Said Railway Company shall not permit any car or locomotives to stand at the crossings of any street or alley crossing said right-of-way so as to obstruct the free passage of teams, vehicles or persons over said right-of-way, or to cause danger, or inconvenience, and said Railway Company shall in all cases cause the engine bell to ring as its locomotives and trains are moving along said tracks, and said Railway Company shall not run any locomotives or cars along its said tracks at a faster rate than allowed by the general ordinance of said City under the penalties therein prescribed.

Speed, etc., ordinances not applicable to elevated tracks.

18. When said Railway shall have been constructed in accordance with the provisions of this agreement from time to time, as soon as the same shall be ready for use, then, and thereupon, all ordinances of said City relating to the speed of railway trains, length of trains, and number of cars to constitute a train, and maintenance of gates, flagmen, watchmen, signals and signal towers, and the ringing of bells, and construction of crossings, shall not be applicable to that part of said railway which shall be elevated above the streets or alleys in accordance with this agreement; *Provided, however*, This agreement is not to be construed as a waiver or surrender by the City of any of its police powers, or of the right at any time hereafter to pass necessary and reasonable police ordinances in relation to any of the matters contained in this contract.

Forfeiture of franchise if railway not in operation in six years.

19. In case said Railway Company shall fail within six (6) years to sufficiently construct said road as to have trains regularly running and in operation from either the City of Bloomington in Monroe County, Indiana, or the City of Logansport in Cass County, Indiana, over the line aforesaid and the line of the Chicago, Indianapolis and Evansville Railroad Company to within said City, all rights and privileges hereby granted said Railway Company may be forfeited, and said City shall have the right to enter the streets, alleys and public grounds (the right to cross, run upon, and use which is granted herein) and remove therefrom the tracks and other prop-

erty of said Railway Company upon proper written resolution of said Board of Public Works.

20. This agreement, and all rights, privileges, powers, and authority hereby given or granted to said Railway Company shall be assignable and transferable by and with the consent and approval of said Board of Public Works first had and obtained and not otherwise. Franchise Assignable only by consent of City.

21. This contract shall take effect, and be in full force, from and after the date of its approval and ratification by ordinance of the Common Council of said City.

*In Witness Whereof*, The said parties have hereunto set their hands this 11th day of April, 1906.

CITY OF INDIANAPOLIS,  
By JOSEPH T. ELLIOTT,  
P. C. TRUSLER,  
F. J. MACK,  
*Board of Public Works.*

Approved:  
CHARLES A. BOOKWALTER, *Mayor.*

CHICAGO, INDIANAPOLIS AND EVANSVILLE RAILWAY COMPANY,  
[SEAL.] By John B. Carter, *President.*

Attest:  
CHARLES A. DENNEEN, *Secretary.*

And, WHEREAS, Said contract and agreement has been submitted by the said Board of Public Works of the City of Indianapolis to the Common council of said City for its action thereon, therefore:

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis that the foregoing contract and agreement made and entered into on the 11th day of April, 1906, by the City of Indianapolis, by and through its Board of Public Works, with the Chicago, Indianapolis and Evansville Railway Company be, and the same is hereby, in all things ratified, confirmed and approved, and said Chicago, Indianapolis and Evansville Railway Company is granted all rights, privileges and franchises as is in said contract and agreement set forth, in accordance with the terms, conditions and provisions thereof.

Referred to Committee on Contracts and Frachises.

At 7:40 o'clock P. M., Messrs. Brown and Bangs entered the Council Chamber.

On motion of Mr. Rhodes, the Common Council, at 7:45 o'clock, P. M., adjourned.

*Fred W. Cooper*  
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*President.*

ATTEST:

*James M. Nulty*  
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*City Clerk.*