

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, April 19, 1909.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, April 19, 1909, at 7:30 o'clock, in regular session, President Edward J. Stickelman in the chair.

Present: The Hon. Edward J. Stickelman, President of the Common Council, and 15 members, viz: Messrs. Brown, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Hartmann, Donavon, Sullivan, Hofmann, Hilkené and Wright.

Absent, 5, viz: Messrs. Cottey, Eppert, Portteus, Royse and Henry.

Mr. Uhl moved that the reading of the Journal be dispensed with. Carried.

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., April 7, 1909.

To the President and Members of the Common Council:

GENTLEMEN: I return herewith, with my approval, the following ordinances:

Special Ordinance No. 2, 1909. "An ordinance annexing certain territory to the City of Indianapolis, and defining a part of the boundary line of said city, and fixing a time when the same shall take effect."

General Ordinance No. 12, 1909. "An ordinance to amend Section 4 of an ordinance entitled 'An ordinance providing for the inspection of scales, weights and measures in the City of Indianapolis, Indiana; providing for the appointment of an Inspector of Scales, Weights and Measures;' providing for the violation thereof and fixing a time when the same shall take effect."

Appropriation Ordinance No. 11, 1909. "An ordinance appropriating the sum of \$1,454.24 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

Appropriation Ordinance No. 12, 1909. "An ordinance appropriating the sum of \$500.00 to the Department of Public Works, and fixing the time when the same shall take effect."

Appropriation Ordinance No. 13, 1909. "An ordinance appropriating the sum of \$3,000.00 to the Department of Public Health and Charities, and fixing a time when the same shall take effect."

I have the honor to remain,

Yours very truly,

C. A. BOOKWALTER,
Mayor.

REPORTS FROM CITY OFFICERS.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., April 19, 1909.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to forward to you, for consideration and action thereon, the attached switch ordinance granting to the Standard Vencer Company the right to lay and maintain a side-track or switch from the Belt Railway Company's tracks in and along the alley east of and parallel with the Belt Railway tracks, and across Pratt street.

Respectfully yours,

F. J. NOLL, Jr.,
Clerk Board Public Works.

REPORTS FROM STANDING COMMITTEES.

From the Committee on Contracts and Franchises:

INDIANAPOLIS, IND., April 19, 1909.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Contracts and Franchises, to whom

was referred General Ordinance No. 100, 1908, entitled "An ordinance ratifying, confirming and approving a certain contract and agreement made and entered into on the 4th day of November, 1908, between the Indianapolis Water Company and the City of Indianapolis, by and through its Board of Public Works, for furnishing and supplying said City of Indianapolis, in her corporate capacity, with pure and wholesome water at all times, and fixing the time when the same shall take effect," have had same under consideration and recommend that same do pass.

Respectfully submitted,

CHAS. G. DAVIS.
WILLIAM J. NEUKOM.
J. H. HAMLET.
BENJ. A. BROWN.
OTTO HOFMANN.
JACOB H. HILKENE.
JAS. F. SULLIVAN.

Mr. Davis moved that the report of the committee be concurred in. Carried.

From the Committee on Finance:

INDIANAPOLIS, IND., April 19, 1909.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Finance, to whom was referred Appropriation Ordinance No. 14, 1909, "An ordinance providing for the appropriation of \$3,794.00 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect," have had the same under consideration and would recommend that the same do pass.

Respectfully submitted,

W. A. RHODES
HARRY E. ROYSE.
JOHN L. DONAVON.
FAY WRIGHT.
H. C. SMITHER.
W. O. BANGS.

Mr. Rhodes moved that the report of the committee be concurred in. Carried.

From the Committee on Finance:

INDIANAPOLIS, IND., April 19, 1909.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Finance, to whom was referred Appropriation Ordinance No. 15, 1909, "An ordinance appropriating the sum of \$200.00 to and for the use of the Department of Finance, and

fixing the time when the same shall take effect," have had the same under consideration and would recommend that it do pass.

Respectfully submitted,

W. A. RHODES.
HARRY E. ROYSE.
JOHN L. DONAVON.
FAY WRIGHT.
H. C. SMITHER.
W. O. BANGS.

Mr. Rhodes moved that the report of the committee be concurred in. Carried.

From the Committee on Finance:

INDIANAPOLIS, IND., April 19, 1909.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Finance, to whom was referred Appropriation Ordinance No. 2, 1909, "An ordinance appropriating the sum of \$2,546.51 to and for the use of the Department of Public Works, and fixing a time when the same shall take effect," have had the same under consideration and would recommend that the same do pass.

Respectfully submitted,

W. A. RHODES.
HARRY E. ROYSE.
JOHN L. DONAVON.
FAY WRIGHT.
H. C. SMITHER.
W. O. BANGS.

Mr. Rhodes moved that the report of the committee be concurred in. Carried.

From the Committee on Public Safety and Comfort:

INDIANAPOLIS, IND., April 19, 1909.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Public Safety and Comfort, to whom was referred General Ordinance No. 108, 1907, entitled "An ordinance requiring the Indianapolis Union Railway Company, whose tracks cross Morris street and Kentucky avenue in the City of Indianapolis, Indiana, to erect and maintain safety gates for the protection of the public at each of said crossings; providing a penalty for the violation thereof, and fixing a time when the same shall take effect," beg to report that we have had same under consideration and recommend that said ordinance be, and the same is hereby amended to read as follows:

General Ordinance No. 108—1907: An ordinance requiring the Indianapolis Union Railway Company, whose tracks cross Morris street in

the City of Indianapolis, Indiana, to erect and maintain safety gates for the protection of the public at said crossing; providing a penalty for the violation thereof, and fixing a time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That the Indianapolis Union Railway Company be, and it is hereby required to erect and maintain safety gates on each side of its tracks where the same cross Morris street in the City of Indianapolis, Indiana, within ninety (90) days from the taking effect of this ordinance. Said gates shall be operated between the hours of six (6) a. m. and eight thirty (8:30) p. m. each day, including Sunday.

SEC. 2. It shall be the duty of the Board of Public Safety to serve notice of the passage of this ordinance on some officer of said Indianapolis Union Railway Company as soon as possible, and make return of said service to the city clerk; but failure to so serve said notice shall not be construed to release said company from the express provision thereof, when the same has been published, as required by law.

SEC. 3. Said railway company failing to erect and maintain safety gates, as herein provided, shall be fined the sum of ten dollars (\$10.00) for each day said crossing is allowed to remain unprotected and without said gates properly erected and maintained after expiration of the time, as specified above; each day shall be deemed a separate offense.

SEC. 4. This ordinance shall be in full force and effect from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Commercial, a daily newspaper printed and published in the City of Indianapolis, Indiana.

And, as so amended, your committee recommend its passage.

Respectfully submitted.

J. H. HAMLET.
CHAS. L. HARTMANN.
OTTO HOFMANN.
JAS. F. SULLIVAN.

Mr. Hamlet moved that the report of the committee be concurred in. Carried.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By Board of Public Works:

General Ordinance No. 15—1909: An ordinance approving a certain contract granting to the Standard Veneer Company the right to lay and maintain a sidetrack or switch from the Belt Railway Company's tracks in and along the alley east of and parallel with the Belt Railway tracks, and across Pratt street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, Heretofore, to-wit: on the 9th day of April, 1909, the Stand-

ard Veneer Company filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis:

GENTLEMEN: We hereby petition your honorable body to grant us the privilege of placing a switch, cutting the east track of the Belt Railroad, at the point 85 feet north of the north line of Pratt street, projected on the east side of the Belt Railroad right-of-way extending from said point 200 feet along and upon said right-of-way and the alley just east of said right-of-way on the Belt Railroad running south, southwest from said Pratt street and crossing on said right-of-way of said Belt Railroad, what would be Pratt street if said street were extended across said right-of-way of said Belt Railroad.

Now, Therefore, This agreement, made and entered into this 12th day of April, 1909, by and between Standard Veneer 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, party of the second part.

Witnesseth, That the party of the first part, being desirous of securing a right-of-way for a sidetrack or switch from a point 85 feet north of the north line of Pratt street and the Belt Railroad, 200 feet along said right-of-way and the alley south of Pratt street in the City of Indianapolis, which is more specifically described as follows:

Beginning at a point in the eastward main track of Belt Railroad, said point being 85 feet north of the north line of Pratt street, projected; thence southwardly on a curved line, curving to the left with a radius of 603 feet, a distance of 90 feet to a point; thence continuing in the southerly direction, curving to the left with a radius of 288 feet, a distance of 110 feet, and crossing the center line of E. Pratt street at a point 278 feet west of the west line of Sherman Drive; hereby convenants 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 and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, 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 of the City of Indianapolis.

(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 tracks.

(3) The crossing where said track intersects Pratt 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 good 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 nowise become a trespasser.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks 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 or remove same, failing in which, after notification in writing of ten (10) days, said Board shall 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 violations 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 contract; 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 in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional side-track or switch across _____ 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 heretunto set our hands this 12th day of April, 1909.

STANDARD VENEER CO.,
O. S. HAAS,
Secretary and Treasurer.
Party of the First Part.

Witness:

CITY OF INDIANAPOLIS,
By JOSEPH T. ELLIOTT,
P. C. TRUSLER,
F J. MACK,
Board of Public Works.
Party of the Second Part.

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

SECTION I. Be it ordained by the Common Council of the City of In-

dianapolis, Indiana, that such contract above set forth be, and the same is hereby in all things confirmed and approved.

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

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

By Mr. Hamlet (by request):

Special Ordinance No. 4—1909: An ordinance annexing certain territory to the City of Indianapolis, defining the boundaries thereof, providing for the publication of said ordinance, and fixing the time when the same shall take effect.

SECTION I. Be it ordained by the Common Council of the City of Indianapolis, That the boundary line of the City of Indianapolis be, and the same is hereby extended as hereinafter described, to include the territory contained within said boundary line, and that the said territory included therein be, and the same is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, Marion County, Indiana; the boundary of the territory so annexed being as follows, to-wit:

Beginning in the center of Central avenue at the point where the same intersects with the center of Forty-second street where said Forty-second street extends westward from said Central avenue, and from said beginning point running north with the center of Central avenue three hundred (300) feet; thence west on a line parallel with the north line of said Forty-second street to a point two hundred and ninety-seven and five-tenths (297 5-10) feet east of the east line of Meridian street; thence north parallel with the east line of Meridian street and at a uniform distance of two hundred and ninety-seven and five-tenths (297 5-10) feet east of said line to the north line of Forty-sixth street; thence west upon the north line of Forty-sixth street to a point two hundred and thirteen (213) feet east of the east line of Meridian street; thence north parallel with the east line of Meridian street and at a uniform distance of two hundred and thirteen (213) feet east of the said line to the north line of Meridian Heights Addition to the City of Indianapolis; thence east upon the north line of Meridian Heights Addition to a point two hundred and ninety-eight and five-tenths (298 5-10) feet east of the east line of Meridian street; thence north parallel with the east line of Meridian street and at a uniform distance of two hundred and ninety-eight and five-tenths (298 5-10) feet east of said line to the center of Fiftieth street; thence west with the center of Fiftieth street to a point two hundred and ninety-seven and five-tenths (297 5-10) feet west of the west line of Meridian street; thence south parallel with the west line of Meridian street and at a uniform distance of two hundred and ninety-seven and five-tenths (297 5-10) feet west of said line to the north line of Meridian Heights Addition to the City of Indianapolis; thence east along the north line of Meridian Heights Addition to a point two hundred and thirteen (213) feet west of the west line of Meridian street; thence south parallel with the west line of Meridian street, and at a uniform distance of two hundred and thirteen (213) feet west of said line to the north line of Forty-sixth street; thence west with the north line of Forty-sixth street to a point two hundred and ninety-seven and six-

tenths (297 6-10) feet west of the west line of Meridian street; thence south parallel with the west line of Meridian street, and at a uniform distance of two hundred and ninety-seven and six-tenths (297 6-10) feet west of said line to the center of Forty-second street; thence east with the center of Forty-second street along the present boundary line of said city to the place of beginning.

SEC. 2. This ordinance shall be in full force and effect from and after its passage and publication for two consecutive weeks in the Indianapolis Commercial, a daily newspaper of general circulation, printed and published in said city.

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

INDIANAPOLIS, IND., April 5, 1909.

To the Mayor, Board of Public Works and City Council of the City of Indianapolis:

GENTLEMEN: The undersigned property owners on North Meridian street, between the present city limits and Fiftieth street, respectfully request that the City of Indianapolis take the following steps for the improvement of our property:

1. That a strip of ground three hundred feet in width on each side of Meridian street to the center of Fiftieth street be annexed to the city.

2. That steps be taken to secure the construction of a sewer in Meridian street to Fiftieth street, to the end that Meridian street be ready for other improvement.

Sarah J. Cox, Linton B. Cox, Harry L. Robbins, E. J. Scoonover, Wm. P. Kappes, Edward E. Stout, Harry Short, Emerson W. Chaille, Frank W. Flanner, Wm. L. Bridges, James E. Dow, Chas. C. Hahn, Samuel Ashby, H. E. Smith, Wm. J. Mooney, Jas. M. Mowrer, John A. Kohl, Mary J. Hooker, Carl H. Graf, Edward H. Leib, G. A. Recker, H. D. Lane, W. H. Bockstahler, C. W. Dawson, Louis Hitzelberger, Julius Rutbart, Thomas C. Dow and Charles Lilly.

Names transferred from another copy, C. L. Buschmann, G. H. Buschmann.

By Mr. Uhl:

Special Ordinance No. 5—1909: An ordinance designating the names of certain streets within the City of Indianapolis, Indiana.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That Howland avenue and the Fall Creek and Warren Township Road in said city extending from Macy avenue east to School street extended north, be, and the same is hereby named and designated Thirty-fourth street.

SEC. 2. That the highway in said city extending from the north line of the intersection of Thirtieth and School streets, north to the Fall Creek and Warren Township Road, be, and the same is hereby named and designated School street.

SEC. 3. That the highway in said city extending from Sixteenth street and the east line of the right-of-way of the Belt Railroad and Stock Yards

Company east to the corporate limits of said city be, and the same is hereby named and designated Sixteenth street.

Sec. 4. That the highway in said city extending from Emerson avenue and the south line of Michigan street north to the south line of Sixteenth street extended east be, and the same is hereby named and designated Emerson avenue.

Sec. 5. That the highway in said city extending from Tenth street and the east line of the right-of-way of the Belt Railroad and Stock Yards Company east to the corporate limits of said city be, and the same is hereby named and designated Tenth street.

Sec. 6. This ordinance shall be in effect from and after its passage.

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

ORDINANCES ON SECOND READING.

Mr. Davis called for General Ordinance No. 100, 1908, for second reading. It was read a second time.

Mr. Bangs moved that further action on General Ordinance No. 100, 1908, be deferred until the next regular meeting.

Mr. Davis moved to lay the motion of Mr. Bangs on the table and called for the "ayes" and "noes", which motion to lay on the table carried by the following vote:

Ayes, 10, viz.: Messrs. Brown, Hamlet, Wood, Davis, Neukom, Uhl, Hartmann, Sullivan, Hofmann and Hilkené.

Noes, 6, viz.: Messrs. Smither, Rhodes, Bangs, Donavon, Wright and President Edward J. Strickelman.

Mr. Davis moved that General Ordinance No. 100, 1908, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 100, 1908, was read a third time and passed by the following vote:

Ayes, 13, viz.: Messrs. Brown Hamlet, Wood, Davis, Neukom, Smither, Uhl, Hartmann, Donavon, Sullivan, Hofmann, Hilkene and President Edward J. Stickelman.

Noes, 3, viz.: Messrs. Rhodes, Bangs and Wright.

Mr. Rhodes called for Appropriation Ordinance No. 15, 1909, for second reading. It was read a second time.

Mr. Rhodes moved that Appropriation Ordinance No. 15, 1909, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 15, 1909, was read a third time and passed by the following vote:

Ayes, 16, viz.: Messrs. Brown, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Hartmann, Donavon, Sullivan, Hofmann, Hilkene, Wright and President Edward J. Stickelman.

Noes, none.

Mr. Rhodes called for Appropriation Ordinance No. 14, 19 9, for second reading. It was read a second time.

Mr. Rhodes moved that Appropriation Ordinance No. 14, 1909, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 14, 1909, was read a third time and passed by the following vote:

Ayes, 16, viz.: Messrs. Brown, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Hartmann, Donavon, Sullivan, Hofmann, Hilkene, Wright and President Edward J. Stickelman.

Noes, none.

Mr. Rhodes called for Appropriation Ordinance No. 2, 1909, for second reading. It was read a second time.

Mr. Rhodes moved that Appropriation Ordinance No. 2, 1909, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 2, 1909, was read a third time and passed by the following vote:

Ayes, 16, viz.: Messrs. Brown, Hamlet, Wood, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Hartmann, Donavon, Sullivan, Hofmann, Hilken, Wright and President Edward J. Stickelman.

Noes, none.

Mr. Hamlet called for General Ordinance No. 108, 1907, for second reading. It was read a second time.

Mr. Hamlet moved that General Ordinance No. 108, 1907, be amended as recommended by the committee. Carried.

At this time Mr. Stickelman called Mr. Hamlet to the chair, and after some discussion on the merits of General Ordinance No. 108, 1907, Mr. Stickelman resumed the chair.

Mr. Sullivan moved that General Ordinance No. 108, 1907, be ordered engrossed as amended, read a third time and placed upon its passage. Carried.

General Ordinance No. 108, 1907, was read a third time and passed by the following vote:

Ayes, 14, viz.: Messrs. Brown, Hamlet, Davis, Neukom, Smither, Bangs, Uhl, Hartmann, Donavon, Sullivan, Hofmann, Hilken, Wright and President Edward J. Stickelman.

Noes, none.

April 19, 1909.]

CITY OF INDIANAPOLIS, IND.

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On motion of Mr. Bangs, the Common Council at 9:05 o'clock
P. M., adjourned.

Edw. J. Stickelman

President.

ATTEST:

James M. Nulty

City Clerk.

