

PROCEEDINGS
OF THE
COMMON COUNCIL.

CALLLED SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
THURSDAY, OCTOBER 7, 1869, 7½ O'CLOCK, P. M.

The Common Council met pursuant to call of the Mayor.

Present—His Honor, the Mayor, Daniel Macauley, in the chair,
and the following members :

Councilmen Brown, Cottrell, Harrison, Heckman, Kahn, Kenning-
ton, Locke, Marsee, Shepherd, Thalman, Thoms, Weaver, Wiles and
Woodburn—14.

Absent—Councilmen Gimber, Newman, Pyle and Whitsit—4.

His Honor, the Mayor, announced that the object of the meeting
was the consideration of an ordinance granting a Charter to the Wa-
ter Works Company of Indianapolis.

Mr. Kahn introduced the following ordinance, No. 55, 1869 :

AN ORDINANCE authorizing the Water Works Company of Indianapolis to
construct, maintain and operate Water Works, and supply water to the
city and citizens of Indianapolis, defining their powers and privileges, and
prescribing their duties. (W)

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,*
that under and by virtue of an Act of the General Assembly of the State of
Indiana, entitled "An act to authorize the formation of companies for the

construction of Water Works in, and for incorporated cities, to enable such cities to subscribe for stock in such companies, and to issue and sell bonds for the payment thereof." approved March 6, 1865. And by virtue of the further powers and authority of said Common Council, otherwise in them by law vested, consent, permission and authority are hereby given, granted and duly vested in and unto "The Indianapolis Water Work's Company," a body politic and corporate, organized in the month of October, in the year 1869, under the laws of the State of Indiana, and their successors, the privilege to construct, maintain and operate Water Works in and for the City of Indianapolis, to take, hold and convey pure filtered water, by steam or other power, to, into and throughout the said city, by aqueducts, pipes or conduits; and also to take and hold by purchase or otherwise, as by law authorized, any land, real estate, easement or water rights, deemed necessary for erecting, laying and maintaining, and to erect and construct, lay, maintain and operate such aqueducts, pipes, conduits, dams, gates, pumps, bridges, reservoirs, embankments, waterways, drains and other structures, as may be necessary, or convenient to insure a sufficient supply of pure and wholesome water, and to convey the same into and throughout the City of Indianapolis.

Sec. 2. That the said Water Work's Company of Indianapolis, and their successors, are hereby invested with the privilege of using the streets, alleys and public grounds of the City of Indianapolis, as it is now, or may hereafter be laid out and enlarged, for the purpose of laying down in said streets, alleys and public grounds, pipes, conduits, waterways and other structures for the conveyance in and throughout said city, of pure water, for the use of said city, and the inhabitants thereof, subject to the limitations, conditions and provisions herein contained, and provided that said pipes, conduits, waterways and other structures shall be so laid as not to interfere with or abridge the rights and privileges of the Indianapolis Gas Light and Coke Company, or interfere with other public works, nor with the present or future drainage of said city.

Sec. 3. That whenever said Company propose to open and tear up any part of any street, alley or public ground for the purpose of laying down pipes or water courses, they shall give to the Street Commissioners of said city at least three days' notice thereof, and shall not, during the progress of their work, unnecessarily obstruct the passage of said street or alley, and said Company shall, without unnecessary delay, complete their work upon said street or alley, and re grade, *re gravel*, re-pave, or re bowlder the same, leaving it in as good condition as the same was when opened or torn up by said Company; and should they fail to do so, or should they subsequently get out of repair or good condition, in consequence of such opening or tearing up, or because of imperfect repairs, then, and in that case, the city may cause the work to be done, and may retain the amount of the cost thereof out of any moneys due, or afterwards becoming due, to said Company; and the Company shall be liable for any damages to any person or property resulting from any neglect, mismanagement or fault of themselves or their employes. And should the city be sued therefor, the company, or some officer thereof, shall be notified of such suit, and thereupon it shall be the duty of said company to defend or settle the same; and should a judgment be recovered against the city, the city shall recover the amount, with all costs, from said Company, and the record of such judgment against the city shall be final and conclusive evidence in the cause to entitle the city to recover in any suit brought against said company.

Sec. 4. That in consideration of the privileges herein granted, the said company shall furnish to the said city, upon the several streets on which pipes and water courses may be laid, and in such cisterns and localities off from said pipes and water courses as the city may conduct the same to, such quantity of water as may be required by the City Council for public use and drainage and fire purposes, and upon such terms and conditions as may be agreed upon between said Company and said Council; but in no case is said city to pay more for such supply of water than is paid by other cities of the

United States, of equal population, that are supplied with as efficient water works. That for the purpose of obtaining such supply of water the city may attach to the mains or supply pipes of said company as many hydrants and fire plugs as the Council may deem necessary, and shall be entitled to draw therefrom all water necessary for the prevention or extinguishment of fires, washing, cleaning, cooling, flushing or sprinkling the streets, pavements, gutters, alleys, sewers and public grounds; and may also attach to each fire plug a cock, faucet, or nozzle, from which water may be drawn, by citizens or passers by, for all purposes of drinking for persons or animals; and said company shall afford the city any and all needed facilities and convenience for attaching such plugs or hydrants. The city may at any time remove any plug or hydrant, and after such removal the same shall be no longer charged or paid for. In the attachment, and in the removal of fire plugs and hydrants by the city, the work shall be done skilfully and carefully, so as not to injure or endanger the pipes, waterways, or other structures of the company.

Sec. 5. That said company shall, within ninety days from the passage of this ordinance, commence the construction of said water works; and shall, within one year and three months from the time the same is commenced, have their pipes and water courses laid down into and connecting the same with the city. - And should said company fail to commence the construction of said water works within ninety days, or having commenced the same shall fail to lay down pipes connecting the same with the city, and furnish water therefrom, within one year and three months from the commencement of said work, or shall fail to furnish the city and citizens with pure water, at as low rates as other cities of like population are supplied with as efficient supply of water, then, and in either case, all the rights and privileges herein granted shall be forfeited by said company, and shall revert to the City of Indianapolis.

Sec. 6. That said company shall extend their pipes or mains for conducting water on or along any street, or any alley, in said city, wherever the same shall be ordered by the Common Council: *Provided*, The said city, or Common Council, shall attach thereto at least one hydrant or fire plug on each five hundred feet of pipe or main so laid or extended, and shall pay therefor, as provided in section four of this ordinance.

Sec. 7. The said company shall, as soon as practicable after the adoption of this ordinance, prepare books for the subscription of stock, and keep the same open for thirty days, at some accessible and convenient place, during business hours, in the said City of Indianapolis, and of which due notice shall be given in at least two of the daily papers of said city; and said city shall, at any time, have the right to subscribe for and take any such amount or portion of said stock as said Council may direct by resolution, and remaining unsubscribed for at the time of such subscription by said city.

Sec. 8. From and after the expiration of five years from the time of the organization of said company, the Common Council of the City of Indianapolis shall have the right and privilege of purchasing from said company all the buildings, machinery, aqueducts, pipes, water courses, easements, fixtures, apparatus, and other property of such company, with all its corporate rights and privileds, at such price as may be agreed upon by the Common Council of said city and the Board of Directors of said Company; and in case of disagreement between said parties, the price to be ascertained and determined by five disinterested persons, non-residents of said city, two of whom shall be chosen by the Common Council, and two by the Board of Directors of said Company, and the fifth by the four thus chosen: *Provided*, That said Water Work's Company shall not be allowed to sell out to any company whatsoever within five years, without first giving to the City Council the refusal to purchase at the same rates as offered to others.


Sec. 9. The said company shall have the exclusive privilege of constructing and operating water works in the City of Indianapolis for the term of five years: *Provided*, That said Water Work's Company comply with each and every one of the foregoing conditions.

SEC. 10. This ordinance shall be in force from and after its passage: *Provided*, There shall be filed with the Mayor of the City within thirty days from the time of such passage, a certified copy, from the records of said Water Work's Company, of a resolution of the Board of Directors of said Company accepting the terms and conditions herein recited; and it is hereby made the duty of the Mayor to make proclamation of such acceptance, accompanying such proclamation with a copy of this ordinance, and should the same not be so accepted within thirty days, then this ordinance shall be null and void.

Which was read the first time, and,

On motion by Mr. Shepherd, the further consideration of said ordinance was deferred until the first meeting in November, 1869.

On motion the Council adjourned.


~~DANIEL MACAULEY~~, Mayor.

ATTEST:


~~D. M. RANSDALL~~, City Clerk.

465

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Which was read the first time, and,

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On motion the Council adjourned.

DANIEL MACAULEY, *Mayor*.

ATTEST:

A. M. Russell
~~D. M. Russell~~, *City Clerk*.