

REGULAR MEETING

Monday, April 21, 1947
7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, April 21, 1947, at 7:30 P. M., in regular session. President Schumacher in the chair.

The Clerk called the roll.

Present: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

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

COMMUNICATIONS FROM THE MAYOR

April 12, 1947

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

Gentlemen: --

I have this day approved with my signature and delivered to the City Clerk, Mr. Frank J. Noll, Jr., the following ordinances:

GENERAL ORDINANCE NO. 16, 1947 (As Amended)

AN ORDINANCE amending Section 21 of General Ordinance No. 87, 1935, as amended, and establishing the rates of taxicab fares in

the City of Indianapolis, repealing all laws in conflict herewith and naming an effective date.

GENERAL ORDINANCE NO. 28, 1947

AN ORDINANCE amending General Ordinance No. 144, 1946, (establishing a 25 foot "loading zone" on a certain part of North Capitol Avenue in the City of Indianapolis), so as to increase the loading zone thereby established to fifty (50) feet instead of twenty-five (25) feet; And fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 32, 1947

AN ORDINANCE regulating parking on a certain part of Wendell Street in the City of Indianapolis, Indiana; Providing a penalty for violation thereof; And fixing a penalty for violation thereof.

GENERAL ORDINANCE NO. 35, 1947

AN ORDINANCE to amend Section 1 of General Ordinance No. 75, 1945, "An Ordinance to amend Sections 3 and 4 and part of Section 2 of General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance; and fixing a time when the same shall take effect"; and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 37, 1947

AN ORDINANCE approving a certain agreement and permit granting INDIANAPOLIS NEWS PUBLISHING CO., INC., the right to lay and maintain a sidetrack or switch from C.C.C. & St. L. Main line in Missouri Street to and across Pearl Street, according to blue print attached, in the City of Indianapolis, Indiana.

GENERAL ORDINANCE NO. 38, 1947

AN ORDINANCE TO AMEND Section 1 and 2 of General Ordinance No. 10, 1947, which amended General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance of the City of Indianapolis, Indiana, and fixing a time when the same shall take effect.

SPECIAL ORDINANCE N. 6, 1947

AN ORDINANCE annexing certain contiguous territory to the City of Indianapolis; and fixing a time when the same shall take effect.

Respectfully,

ROBERT H. TYNDALL,

Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

April 21, 1947.

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

Gentlemen:

In Re: Appropriation Ordinance No. 7, 1947.

I beg leave to report that pursuant to the laws of the State of Indiana, I caused "Notice to Taxpayers" to be inserted in the following newspapers, to-wit:

A. O. No. 7, 1947—Saturday, April 12 and 19, 1947—The Indianapolis Star and Indianapolis Commercial,

that taxpayers would have the right to be heard on the above ordinance at the meeting of the Common Council to be held at 7:30 P. M., April 21, 1947 and by posting copies of said notices in the City Hall, Court House and Police Station in the City of Indianapolis, which notices remained posted for ten days or more prior to date of hearing.

Very truly yours,

FRANK J. NOLL, Jr.,

City Clerk.

April 21, 1947.

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

Gentlemen:

In Re: General Ordinances Nos. 16, (As Amended), 32, 35, 38,
1947 and Special Ordinance No. 6, 1947.

I hereby report that pursuant to the laws of the State of Indiana, I caused publication to be inserted in the following newspapers, to-wit:

G. O. No. 16, 1947 (As Amended)—Tuesday, April 15 and 22, 1947—The Indianapolis News and Indianapolis Commercial,

G. O. No. 32, 1947—Friday, April 18 and 25, 1947—The Indianapolis Recorder and Indiana Catholic and Record,

G. O. No. 35, 1947—Wednesday, April 16 and 23, 1947—The Indianapolis Star and Indianapolis Times,

G. O. No. 38, 1947—Friday, April 18 and 25, 1947—The Indianapolis Times and Marion County Mail,

S. O. No. 6, 1947—Tuesday, April 15 and 22, 1947—The Indianapolis News and Indianapolis Commercial,

and that said ordinances are in full force and effect as of the last date of publication.

Very truly yours,

FRANK J. NOLL, Jr.,

City Clerk.

April 21, 1947.

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

Gentlemen:

Submitted herewith is General Ordinance No. 47, 1947, establishing a certain passenger and/or loading zone in the City of In-

dianapolis, pursuant to the provisions of Section 26 of General Ordinance No. 96, 1928, as amended; And fixing a time when the same shall take effect.

We respectfully recommend the passage of this ordinance.

Very truly yours,

BOARD OF PUBLIC SAFETY.

By WM. H. REMY, President.

April 21, 1947.

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

Gentlemen:

Submitted herewith is General Ordinance No. 48, 1947, regulating parking on a certain part of 34th Street in the City of Indianapolis, Indiana; Providing a penalty for violation thereof; And fixing a time when the same shall take effect.

We respectfully recommend the passage of this ordinance.

Very truly yours,

BOARD OF PUBLIC SAFETY.

By WM. H. REMY, President.

April 21, 1947.

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

Gentlemen:

Submitted herewith is General Ordinance No. 49, 1947, amending Section 45 of General Ordinance No. 96, 1928, as amended, so as to change Ogden Street in the City of Indianapolis from a southbound

traffic alley to a northbound traffic alley; And fixing a time when the same shall take effect.

We respectfully recommend the passage of this ordinance.

Very truly yours,

BOARD OF PUBLIC SAFETY,
By WM. H. REMY, President.

April 16, 1947.

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

Gentlemen:

Attached hereto are copies of General Ordinance No. 50, 1947, authorizing and empowering the Board of Works & Sanitation, Engineering Department, through its duly appoint Purchasing Agent, to contract for the purchase of supplies and installation of equipment for the Asphalt Plant, as per specifications on Requisition No. 10000.

I respectfully recommend the passage of this Ordinance.

Yours very truly,

EDWARD G. HERETH,
Purchasing Agent.

April 21, 1947.

Honorable President & Members
Common Council of the
City of Indianapolis.

Gentlemen:

Attached hereto are copies of General Ordinance No. 51, 1947, an ordinance to amend General Ordinance No. 9, 1925 (as amended), known as the Official Thoroughfare Plan of the City of Indianapolis.

Respectfully submitted,

NOBLE P. HOLLISTER, Secretary,
CITY PLAN COMMISSION.

April 18, 1947.

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

Gentlemen:

Attached hereto is a copy of General Ordinance No. 52, 1947, an ordinance approving a certain agreement and permit granting Food Machinery Corporation the right to lay and maintain a sidetrack or switch across Northwestern Avenue, south of Twenty-first Street.

Th Board requests that the passage of this Ordinance be passed under suspension of rules.

Very truly yours,

BOARD OF PUBLIC WORKS AND
SANITATION,
EMANUEL B. WETTER,
Executive Secretary.

SPECIAL ORDER OF BUSINESS

April 21, 1947.

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

Gentlemen:

I have this day received and placed on file in my office a resolution and/or petition signed by 1453 persons, alleged to be citizens of the City of Indianapolis requesting the Common Council to take immediate action as provided by law to remove such officers of the Citizens Gas and Coke Utility as it deems necessary and replace them with citizens of public responsibility.

I have also received and placed on file three (3) affidavits pur-

porting to substantiate the allegations contained in the aforesaid resolutions and/or petitions.

Very truly yours,

FRANK J. NOLL, Jr.

City Clerk.

The following representatives of the CIO spoke reference to the petitions signed by 1453 persons requesting the Common Council to take immediate action to remove such officers of the Citizens Gas and Coke Utility as it deems necessary and replace them with citizens of public responsibility:

Lynville Miles, Mr. Frisbie, Powers Hapgood, Lloyd Walker, Russell Bocks, Walter Apple, Clement Stanford and Walter Apple, a citizen of Indianapolis, who is not a Gas Company employee, also spoke opposing the Gas Company.

Councilman Dauss reported back to the Council for the Safety Committee of the meeting held at the Gas Company before the Board of Directors.

Mr. Bowers moved that the Council adopt a Resolution asking the Corporation Council to prepare immediately for Council the necessary legal steps to be taken to obtain action necessary for the clarification for the issues involved in the petitions presented to the Council by petitioners, names of which are on file with the City Clerk. Which was seconded by Mr. Dauss and adopted by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

At this time those present were given an opportunity to be heard on Appropriation Ordinance No. 7, 1947, General Ordinances Nos. 20, 31, 34, 36, 39, 40, 41, 42, 43, 44, 45, 46, 1947 and Special Ordinances Nos. 7 and 8, 1947.

Mr. Manly asked for recess. The motion was seconded by Mr. Bowers, and the Council recessed at 8:20 P. M.

The Council reconvened at 10:00 P. M., with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., April 21, 1947.

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

Gentlemen:

We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 7, 1947, entitled

AN ORDINANCE transferring \$200.00 from Fund 12 to Fund 11,
Department of Public Health and Hospitals,

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

HERMAN E. BOWERS, Chairman
EDWARD R. KEALING
R. C. DAUSS
LUCIAN B. MERIWETHER

Indianapolis, Ind., April 21, 1947.

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

Gentlemen:

We, your Committee on Public Safety, to whom was referred General Ordinance No. 20, 1947, entitled

AN ORDINANCE increasing the number of taxicabs,
beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

R. C. DAUSS, Chairman
HERMAN E. BOWERS

Indianapolis, Ind., April 21, 1947.

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

Gentlemen:

We, your Committee on Public Safety, to whom was referred General Ordinance No. 31, 1947, entitled

AN ORDINANCE prohibiting left-turns at the intersection of 16th Street and Central Ave.,

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

R. C. DAUSS, Chairman
HERMAN E. BOWERS

Indianapolis, Ind., April 21, 1947.

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

Gentlemen:

We, your Committee on Finance, to whom was referred General Ordinance No. 34, 1947, entitled

AN ORDINANCE establishing 2 loading zones,

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

HERMAN E. BOWERS, Chairman
EDWARD R. KEALING
R. C. DAUSS
LUCIAN B. MERIWETHER
A. ROSS MANLY

Indianapolis, Ind., April 21, 1947.

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

Gentlemen:

We, your Committee on Finance, to whom was referred General Ordinance No. 36, 1947, entitled

AN ORDINANCE amending the 1925 Code relating to bonds of City Officials and employees,

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

HERMAN E. BOWERS, Chairman
EDWARD R. KEALING
R. C. DAUSS
LUCIAN B. MERIWETHER

April 21, 1947.

Mr. Otto H. Worley, Chairman
Committee on Law & Judiciary
Common Council of the
City of Indianapolis.

Dear Mr. Worley:

The City Plan Commission, at its regular meeting, April 21, 1947, approved and recommended passage of General Ordinance No. 39, 1947 provided it be so amended as to correct the typographical error "A2 or 2400 square feet per family District," which should read "A3 or 2400 square feet per family district."

Respectfully yours,

NOBLE P. HOLLISTER, Secretary,
CITY PLAN COMMISSION.

Indianapolis, Ind., April 21, 1947.

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

Gentlemen:

We, your Committee on Law & Judiciary, to whom was referred
General Ordinance No. 39, 1947, entitled

AN ORDINANCE amending the Zoning Ordinance (Grinslade's 38th
Street Addition),

beg leave to report that we have had said ordinance under consider-
ation, and recommend that the same be passed, as amended.

OTTO H. WORLEY, Chairman
WM. A. BROWN
HERMAN E. BOWERS
EDWARD R. KEALING
LUCIAN B. MERIWETHER

Indianapolis, Ind., April 21, 1947.

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

Gentlemen:

We, your Committee on Public Safety, to whom was referred
General Ordinance No. 40, 1947, entitled

AN ORDINANCE establishing and abolishing passenger and/or load-
ing zones,

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

R. C. DAUSS, Chairman
EDWARD R. KEALING
HERMAN E. BOWERS
OTTO H. WORLEY
MAX WHITE

Indianapolis, Ind., April 21, 1947.

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

Gentlemen:

We, your Committee on Public Health, to whom was referred
General Ordinance No. 41, 1947, entitled

AN ORDINANCE regulating the temperatures to be maintained in
Schools, Hospitals, Theatres, etc.,

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

LUCIAN B. MERIWETHER, Chairman
EDWARD R. KEALING
A. ROSS MANLY
OTTO H. WORLEY
WILLIAM A. BROWN

Indianapolis, Ind., April 21, 1947.

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

Gentlemen:

We, your Committee on Public Safety, to whom was referred
General Ordinance No. 42, 1947, entitled

AN ORDINANCE authorizing the Board of Public Safety to sell a
Dodge Tractor-Trailer Emergency Broadcasting Station (Mobile
Unit),

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

R. C. DAUSS, Chairman
EDWARD R. KEALING
HERMAN E. BOWERS
OTTO H. WORLEY
MAX WHITE

Indianapolis, Ind., April 21, 1947.

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

Gentlemen:

We, your Committee on Public Works, to whom was referred
General Ordinance No. 43, 1947, entitled

AN ORDINANCE establishing passenger and/or loading zones,

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

EDWARD R. KEALING, Chairman
HERMAN E. BOWERS
R. C. DAUSS
WM. A. BROWN
MAX WHITE

Indianapolis, Ind., April 21, 1947.

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

Gentlemen:

We, your Committee on Law & Judiciary, to whom was referred
General Ordinance No. 44, 1947, entitled

AN ORDINANCE amending the 1928 traffic ordinance,

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

OTTO H. WORLEY, Chairman
WILLIAM A. BROWN
HERMAN E. BOWERS
EDWARD R. KEALING
LUCIAN B. MERIWETHER

Indianapolis, Ind., April 21, 1947.

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

Gentlemen:

We, your Committee on City Welfare, to whom was referred
General Ordinance No. 45, 1947, entitled

AN ORDINANCE establishing and abolishing certain bus loading
zones,

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

MAX WHITE, Chairman
WILLIAM A. BROWN
A. ROSS MANLY
LUCIAN B. MERIWETHER
HERMAN E. BOWERS

Indianapolis, Ind., April 21, 1947.

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

Gentlemen:

We, your Committee on Election, to whom was referred General
Ordinance No. 46, 1947, entitled

AN ORDINANCE prohibiting parking on a certain part of Highland
Avenue,

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

WILLIAM A. BROWN, Chairman
MAX WHITE
R. C. DAUSS
HERMAN E. BOWERS
A. ROSS MANLY

Indianapolis, Ind., April 21, 1947.

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

Gentlemen:

We, your Committee on Law & Judiciary, to whom was referred
Special Ordinance No. 7, 1947, entitled

AN ORDINANCE annexing territory to the City of Indianapolis
(Little Ranches),

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

OTTO H. WORLEY, Chairman
WILLIAM A. BROWN
HERMAN E. BOWERS
EDWARD R. KEALING
LUCIAN B. MERIWETHER

Indianapolis, Ind., April 21, 1947.

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

Gentlemen:

We, your Committee on Parks, to whom was referred Special
Ordinance No. 8, 1947, entitled

AN ORDINANCE changing the name of Wallace Avenue from Wash-
ington St. to Pleasant Run Parkway, North Drive, to Wallace
Lane,

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

A. ROSS MANLY, Chairman
R. C. DAUSS
LUCIAN B. MERIWETHER
OTTO H. WORLEY
WILLIAM A. BROWN

INTRODUCTION OF GENERAL ORDINANCES

By the Board of Public Safety:

GENERAL ORDINANCE NO. 47, 1947.

AN ORDINANCE establishing a certain passenger and/or loading zone in the City of Indianapolis, pursuant, to the provisions of Section 26 of General Ordinance No. 96, 1928, as amended; And fixing a time when the same shall take effect.

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

Section 1. That, for the purpose of providing the owners or occupants of certain premises fronting on certain public streets in the City of Indianapolis, with ingress and egress for passengers, materials and merchandise coming to or going from such premises,—such owners and/or occupants having complied with all provisions of law relating to the establishment of passenger and/or loading zones at the place hereinafter set out and the Board of Public Safety having recommended the establishment thereof after due investigation, the following passenger and/or loading zone be and the same is hereby established in the City of Indianapolis, Indiana, to-wit:

“To begin at a point 50 feet west of the west property line of South Meridian Street and extend west 50 feet on the south side of Jackson Place.”

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

By the Board of Public Safety:

GENERAL ORDINANCE NO. 48, 1947.

AN ORDINANCE regulating parking on a certain part of 34th Street in the City of Indianapolis, Indiana; Providing a penalty for violation thereof; And fixing a time when the same shall take effect.

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

Section 1. That it shall be unlawful for the owner or operator of any vehicle to park the same, or to suffer, permit or allow the same to be parked, for a longer period of time than one and one-half (1½) hours, between the hours of 7:00 o'clock A. M. and 6:00 o'clock P. M., on every day of the week excepting Sundays and holidays, upon the following part of 34th Street in the City of Indianapolis, Indiana, to-wit:

“On the south side of 34th Street between Meridian Street and Pennsylvania Street.”

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

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

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

By the Board of Public Safety:

GENERAL ORDINANCE NO. 49, 1947.

AN ORDINANCE amending Section 45 of General Ordinance No. 96, 1928, as amended, so as to change Ogden Street in the City of Indianapolis from a south-bound traffic alley to a northbound traffic alley; And fixing a time when the same shall take effect.

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

Section 1. That Section 45 of General Ordinance No. 96, 1928, as amended, be and the same is hereby amended so as to change Ogden Street in the City of Indianapolis, Indiana, from a southbound traffic only alley to a northbound traffic only alley.

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

Which was read for the first time and referred to the Committee on Law & Judiciary.

By the Purchasing Agent:

GENERAL ORDINANCE NO. 50, 1947.

AN ORDINANCE authorizing the Board of Public Works and Sanitation, Engineering Department, through its duly appointed Purchasing Agent, to purchase certain materials and equipment, to be paid for out of funds heretofore appropriated; And fixing a time when the same shall take effect.

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

Section 1. That the Board of Public Works and Sanitation, Engineering Department, of the City of Indianapolis, be and it is hereby authorized and empowered to purchase, through its duly authorized Purchasing Agent, the following materials and equipment to fit the existing Plant structure and replace the bin and screen equipment at the 1725 South West Street Asphalt Plant,—such materials and equipment to be purchased from the lowest and best bidder, or bidders, whose bids have heretofore been received and opened in public by said Board after advertisement therefor, and the total cost of said materials and equipment shall not exceed the sums of money as hereinafter set out, to be paid out of funds heretofore appropriated for the use of said Board:

- Req. No. 10,000—One 3-compartment 30-ton capacity Bin with 3'0" x 6'0" 3-deck enclosed vibrating screen complete in every detail so as to fit the existing plant structure and to replace the present bin and screen. A new section of casing for the hot elevator and additional chain and buckets to meet the requirements of the new bin, as per drawing submitted. -----\$4,755.00
- Bidder to inspect the premises and con-

sult with the City Civil Engineer for full information of the work and equipment required.

Bid price to be F. O. B. City Asphalt Plant, Indianapolis, Indiana, and in compliance with specifications attached.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

By the City Plan Commission:

GENERAL ORDINANCE NO. 51, 1947

AN ORDINANCE to amend General Ordinance No. 9, 1925 (as amended), known as the Official Thoroughfare Plan of the City of Indianapolis, and fixing a time when the same shall take effect.

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

Section 1. That General Ordinance No. 9, 1925 (as amended), known as the Official Thoroughfare Plan of the City of Indianapolis, be and the same is hereby amended and changed so as to establish and provide on that portion of North Meridian Street located between the south property line of Sixteenth Street and the south end of Fall Creek Bridge, a roadway width of fifty-six (56) feet and a property line width of seventy (70) feet and coinciding with the present alignment.

Section 2. That all copies of the Official Thoroughfare Plan maps be amended and changed so as to include the revisions as set out in Section 1 hereof.

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

Which was read for the first time and referred to the Committee on Law & Judiciary.

By the Board of Public Works and Sanitation:

SWITCH PERMIT

GENERAL ORDINANCE NO. 52, 1947

AN ORDINANCE approving a certain agreement and permit granting **Food Machinery Corporation** the right to lay and maintain a sidetrack or switch across **Northwestern Avenue, south of Twenty-first Street**, according to blue print attached, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit: on the **21st day of April, 1947**, **Food Machinery Corporation** filed its petition before the Board of Public Works and Sanitation of the City of Indianapolis, as follows:

PETITION

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

Gentlemen:

Food Machinery Corporation respectfully requests permission to construct and maintain a switch track across Northwestern Avenue, south of Twenty-first Street, in the City of Indianapolis, Indiana as now located and established in accordance with the attached blueprint.

FOOD MACHINERY CORPORATION

By **H. J. McKENZIE**,
Works Manager, Peerless
Pump Division

Now, therefore, this agreement made and entered into this 21st day of April, 1947, by and between Food Machinery Corporation of the City of Indianapolis, County of Marion, State of Indiana, party of the first part, and the City of Indianapolis, by and through its board

of Public Works and Sanitation, party of the second part.

Witnesseth: That the party of the first part, being desirous of securing a permit for a right of way for a side-track or switch across Northwestern Avenue, south of Twenty-first Street as now located and established in the City of Indianapolis, which is more specifically described as follows:

Part of Northwestern Avenue that is four feet on the north side and four feet on the South side of the following described line:

Beginning at a point on the East Property Line of Northwestern Avenue, said point being 327.10 feet South of the South Property Line of West 21st Street; running thence in a Southwestwardly direction along a curve to the right whose chord makes an angle of 110 degrees 45 minutes with the East Property line of Northwestern Avenue in the Northwest Quadrant and which is 12 feet North of said curve measured along the Center Line of Northwestern Avenue, to a point on the West Property Line of Northwestern Avenue as now plotted 60 feet wide.

hereby covenants and fully binds himself, his successors, legal representatives and assigns, that, in consideration of the grant of the privileges and authority herein given, he will lay, construct, maintain and pay all costs and expenses either now or hereafter connected with said track upon the terms and conditions hereinafter set forth, to-wit:

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

(2) Said track and switch shall be laid upon such grade as shall be established by said Board, and shall be put down under its supervision and to its satisfaction and approval. Said track shall be raised or lowered to conform to any grade which may, from time to time, be hereafter established, whenever so ordered, in writing, by said Board, and shall be made to conform in all respects with any ordinance passed by the Common Council, or with any resolution or

resolutions made by said Board, for the elevation or depression of said track, or tracks; provided further that all the costs thereof shall be paid by the said party of the first part, who hereby waives any division of such costs as now or hereafter provided by any statute, or otherwise.

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

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

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

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or

use of said track, and to pay any judgment, with costs that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

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

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

In witness whereof, We have hereunto set our hands this 21st day of April, 1947.

FOOD MACHINERY CORPORATION

By H. J. McKENZIE,
Works Manager, Peerless
Pump Division

Party of the First Part
City of Indianapolis

Witness:

By BLAINE H. MILLER
SHERLIE A. DEMING
JOSEPH B. WADE
GIDEON W. BLAIN

As Board of Public Works and
Sanitation,

Party of the Second Part

Approved by me

_____ as Mayor.

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

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

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

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

Attest:

Clerk of the Common Council

President of the Common Council

Approved by me, this _____ day of _____, 19____ Mayor

Which was read for the first time and referred to the Committee on Law and Judiciary.

ORDINANCES ON SECOND READING

Mr. Bowers called for Appropriation Ordinance No. 7, 1947 for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Dauss, Appropriation Ordinance No. 7, 1947 was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 7, 1947 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 7, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Dr. Meriwether, Mr. Worley, President Schumacher.

Noes 2, viz: Mr. Manly, Mr. White.

Mr. Dauss called for General Ordinance No. 20, 1947 for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. Bowers, General Ordinance No. 20, 1947 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 20, 1947 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 20, 1947 was read a third time by the Clerk and failed to pass by the following roll call vote:

Ayes 4, viz: Mr. Bowers, Mr. Dauss, Dr. Meriwether, President Schumacher.

Noes 5, viz: Mr. Brown, Mr. Kealing, Mr. Manly, Mr. White, Mr. Worley.

Mr. Dauss called for General Ordinance No. 31, 1947 for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. Bowers, General Ordinance No. 31, 1947, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 31, 1947 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 5, viz: Mr. Bowers, Mr. Dauss, Mr. Manly, Dr. Meriwether, President Schumacher.

Noes 4, viz: Mr. Brown, Mr. Kealing, Mr. White, Mr. Worley.

Mr. Bowers called for General Ordinance No. 34, 1947 for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Mr. Manly, General Ordinance No. 34, 1947 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 34, 1947 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Bowers called for General Ordinance No. 36, 1947 for second reading. It was read a second time.

On motion of Mr. Bowers, seconded by Dr. Meriwether, General Ordinance No. 36, 1947 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 36, 1947 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 5, viz: Mr. Bowers, Mr. Dauss, Mr. Kealing, Dr. Meriwether, President Schumacher.

Noes 4, viz: Mr. Brown, Mr. Manly, Mr. White, Mr. Worley.

Mr. Worley called for General Ordinance No. 39, 1947 for second reading. It was read a second time.

Mr. Worley presented the following motion to amend General Ordinance No. 39, 1947:

Indianapolis, Ind., April 21, 1947.

Mr. President:

I move that General Ordinance No. 39, 1947 be amended by striking out "A2" in the fifth line of Section 1 and inserting in lieu thereof the following: "A3".

OTTO H. WORLEY,
Councilman.

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

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

On motion of Mr. Worley, seconded by Mr. Bowers, General Ordinance No. 39, 1947 (As Amended) was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 39, 1947 (As Amended) was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr.

Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Dauss called for General Ordinance No. 40, 1947 for second reading. It was read a second time.

On motion of Mr. Dauss, seconded by Mr. Manly, General Ordinance No. 40, 1947 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 40, 1947 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Kealing called for General Ordinance No. 43, 1947 for second reading. It was read a second time.

On motion of Mr. Kealing, seconded by Mr. Manly, General Ordinance No. 43, 1947 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 43, 1947 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Worley called for General Ordinance No. 44, 1947 for second reading. It was read a second time.

On motion of Mr. Worley, seconded by Mr. Bowers, General Ordinance No. 44, 1947 was ordered engrossed,

read a third time and placed upon its passage.

General Ordinance No. 44, 1947 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. White called for General Ordinance No. 45, 1947 for second reading. It was read a second time.

On motion of Mr. White, seconded by Mr. Manly, General Ordinance No. 45, 1947 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 45, 1947 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Brown called for General Ordinance No. 46, 1947 for second reading. It was read a second time.

On motion of Mr. Brown, seconded by Mr. Kealing, General Ordinance No. 46, 1947 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 46, 1947 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

Mr. Manly called for Special Ordinance No. 8, 1947 for second reading. It was read a second time.

On motion of Mr. Manly, seconded by Mr. Worley, Special Ordinance No. 8, 1947 was ordered engrossed, read a third time and placed upon its passage.

Special Ordinance No. 8, 1947 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

MISCELLANEOUS BUSINESS

The Council reverted to the previous order of business.

Mr. Worley made a motion to suspend the rules for further consideration and passage of General Ordinance No. 52, 1947.

The motion was seconded by Mr. Bowers and carried by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr. Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley, President Schumacher.

The rules were suspended.

COMMITTEE REPORTS

Indianapolis, Ind., April 21, 1947

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

Gentlemen:

We, your Committee on Law & Judiciary to whom was referred
General Ordinance No. 52, 1947, entitled

AN ORDINANCE authorizing a switch permit—across Northwestern
Ave., south of Twenty-first St.,

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

OTTO H. WORLEY, Chairman
WM. A. BROWN
HERMAN E. BOWERS
EDWARD R. KEALING
LUCIAN B. MERIWETHER

ORDINANCES ON SECOND READING

Mr. Worley called for General Ordinance No. 52, 1947
for second reading. It was read a second time.

On motion of Mr. Worley, seconded by Mr. Bowers,
General Ordinance No. 52, 1947 was ordered engrossed,
read a third time and placed upon its passage.

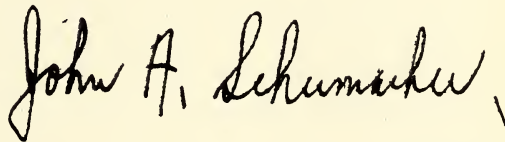
General Ordinance No. 52, 1947 was read a third time
by the Clerk and passed by the following roll call vote:

Ayes 9, viz: Mr. Bowers, Mr. Brown, Mr. Dauss, Mr.
Kealing, Mr. Manly, Dr. Meriwether, Mr. White, Mr. Worley,
President Schumacher.

On motion of Mr. Kealing, seconded by Mr. Dauss, the Common Council adjourned at 10:50 P. M.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, held on the 21st day of April, 1947, at 7:30 P. M.

In Witness Whereof, we have hereunto subscribed our signatures and caused the seal of the City of Indianapolis to be affixed.



President

ATTEST:



City Clerk

(SEAL)

April 21, 1947]

City of Indianapolis, Ind

307

