

REGULAR MEETING

Monday, June 7, 1948

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall Monday, June 7, 1948, at 7:30 P. M., in regular session. President Emhardt in the chair.

The Clerk called the roll.

Present: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Absent: Miss Connor.

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

COMMUNICATIONS FROM THE MAYOR

May 18, 1948.

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. Richard Stewart, the following Ordinances:

APPROPRIATION ORDINANCE NO. 5, 1948.

AN ORDINANCE transferring funds from the general fund of the Board of Public Health and Hospitals of the City of Indianapolis, Indiana, for the fiscal year 1948; and fixing a time when same shall take effect.

GENERAL ORDINANCE NO. 31, 1948.

AN ORDINANCE amending Section 45 of General Ordinance 96, 1928, as amended to provide additional one-way streets and fixing the time when the same shall take effect.

GENERAL ORDINANCE NO. 32, 1948.

AN ORDINANCE prohibiting left turns at the intersection of 30th and Central Avenue, providing the penalty for the violation thereof and fixing the time when the same shall take effect.

GENERAL ORDINANCE NO. 33, 1948.

AN ORDINANCE authorizing the Board of Public Works to purchase through its duly authorized Purchasing Agent, certain materials and equipment to be paid out of funds heretofore appropriated and fixing the time when the same shall take effect.

GENERAL ORDINANCE NO. 34, 1948.

AN ORDINANCE to amend 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.

GENERAL ORDINANCE NO. 35, 1948 (As Amended)

AN ORDINANCE prohibiting the operating, towing, pulling, storage, parking or loading of vehicles upon the streets, boulevards, bridges, alleys, or curbs of the City of Indianapolis, in any manner that would cause or result in or to damage to the pavement, shoulders or curbs of such streets, and fixing the time when the same shall take effect.

Respectfully,

AL FEENEY,
Mayor.

COMMUNICATIONS FROM CITY OFFICIALS

May 31, 1948.

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

Gentlemen:

In Re: General Ordinances Nos. 31, 32, 34 and 35
As Amended, 1948.

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. Nos. 31, 32, 34, and 35 As Amended, 1948 Friday, May
21 and 28, 1948—The Marion County Messenger and The Marion
County Mail

and that said ordinances are in full force and effect as of the last
date of publication and compliance with laws pertaining thereto.

Sincerely yours,

RICHARD G. STEWART,
City Clerk.

June 3, 1948.

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

Gentlemen:

Submitted herewith are copies of reports of a preliminary sur-
vey made by the Trustees of the Public Employees' Retirement Fund
of Indiana with reference to the Indianapolis Policemens' and Fire-
mens' Pension Funds as now constituted and compared to administr-
ation under the Public Employees' Retirement Law of 1945 as amended
by the Acts of 1947.

These reports have been submitted pursuant to a request of the Indianapolis City Council as adopted by Resolution No. 6 on September 3, 1947.

Very truly yours,

RICHARD G. STWART,
City Clerk.

May 27, 1948.

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

Gentlemen:

Transmitted herewith is 22 copies of Appropriation Ordinance No. 6, 1948 asking for the transfer of \$1000.00 from Fund 72, Equipment, to Fund No. 36, Supplies, Department of Finance, City Controller's Office.

I recommend the passage of this Ordinance.

PHILLIP L. BAYT,
City Controller.

June 7, 1948.

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

Gentlemen:

Attached hereto are 22 copies of Appropriation Ordinance No. 7, 1948. This ordinance is designed to supplement the recent Sewer program adopted by the Board of Public Works.

I respectfully recommend the passage of his ordinance.

Yours very truly,

M. G. "OLE" JOHNSON,
City Civil Engineer.

June 7, 1948]

City of Indianapolis, Ind.

233

June 7, 1948.

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

Gentlemen:

Transmitted herewith are copies of Appropriation Ordinance No. 8, 1948, creating a fund to be known as the Cigarette Tax Fund, and allocating funds therein in specific budget items.

I recommend the passage of this Ordinance.

PHILLIP L. BAYT,
City Controller.

May 25, 1948.

C. J. Emhardt, President and
Members of the Common Council
City of Indianapolis.

Gentlemen:

We attach hereto copies of General Ordinance No. 45, authorizing the Board of Safety to purchase certain equipment for the Gamewell Department.

I respectfully recommend the passage of this Ordinance.

Yours very truly,

EDWARD G. HERETH,
Purchasing Agent.

June 3, 1948.

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

Gentlemen:

Attached hereto are copies of General Ordinance No. 46, 1948,

an ordinance to amend General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance.

The City Plan Commission at its regular meeting May 24, 1948, held a public hearing on this proposed ordinance and, by a unanimous vote, the members present approved and recommended passage.

Respectfully submitted,

NOBLE P. HOLLISTER,
Executive Secretary
City Plan Commission.

June 3, 1948.

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

Gentlemen:

Attached hereto are copies of General Ordinance No. 47, 1948, an ordinance to amend General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance.

The City Plan Commission, at its regular meeting May 24, 1948, held a public hearing on this proposed ordinance and, by a unanimous vote, the members present approved and recommended passage.

Respectfully submitted,

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Gentlemen:

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COMMUNICATIONS FROM CITY OFFICIALS

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Gentlemen:

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vey made by the Trustees of the Public Employes' Retirement Fund
of Indiana with reference to the Indianapolis Policemens' and Fire-
mens' Pension Funds as now constituted and compared to administr-
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an ordinance to amend General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance.

The City Plan Commission at its regular meeting May 24, 1948, held a public hearing on this proposed ordinance and, by a unanimous vote, the members present approved and recommended passage.

Respectfully submitted,

NOBLE P. HOLLISTER,
Executive Secretary
City Plan Commission.

June 3, 1948.

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Members of the Common Council
of the City of Indianapolis.

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The City Plan Commission, at its regular meeting May 24, 1948, held a public hearing on this proposed ordinance and, by a unanimous vote, the members present approved and recommended passage.

Respectfully submitted,

NOBLE P. HOLLISTER,
Executive Secretary
City Plan Commission.

June 3, 1948.

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

Gentlemen:

Attached hereto are copies of General Ordinance No. 48, 1948,

APPROPRIATION ORDINANCE NO. 7, 1948.

AN ORDINANCE to abolish a certain position and to create certain new positions and salaries therefor, and for payment thereof, and appropriating, transferring, reappropriating and reallocating, as of July 1, 1948, certain sums (tax monies) to certain designated items and funds in the Department of Public Works, City Civil Engineer as heretofore appropriated under the 1948 Budget (G. O. 98, 1947)

WHEREAS, there is an extracrinary emergency for the abolition of a certain position and the creation of certain new positions and salaries therefor and for payment thereof, and the transferring, appropriating, reappropriating and reallocating of certain funds in the Department of Public Works, City Civil Engineer.

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

Section 1. The following position with the annual salary indicated thereafter as shown in the 1948 Budget (G. O. 98, 1947) Classification is hereby abolished effective July 1, 1948.

DEPARTMENT OF PUBLIC WORKS
CITY CIVIL ENGINEER

1. SERVICES—PERSONAL	Tax Levy
11. 1 Office Division	
1 Sewer Engineer	\$4,200.00

The following new positions with the salaries indicated thereafter are hereby created and added to the 1948 Budget (G. O. 98, 1947) Classification, to be in effect for six months from July 1, 1948, to and including December 31, 1948.

DEPARTMENT OF PUBLIC WORKS
CITY CIVIL ENGINEER

1. SERVICES—PERSONAL	Tax Levy
11. Salaries and Wages, Regular	
11. 1 Office Division	
1 Sewer Engineer, Supervisor	\$2,490.00

1 Sewer Engineer, Design -----	2,100.00
1 Structural Design Engineer -----	1,950.00
1 Draftsman, Layout -----	1,200.00

Section 2. That the total sum of Eight Thousand Two Hundred and Forty (\$8,240.00) Dollars out of funds as now apportioned and allocated to the following items and funds of the Department of Public Works, City Civil Engineer, according to the 1948 Budget (G. O. 98, 1947) Classification, to-wit:

DEPARTMENT OF PUBLIC WORKS
CITY CIVIL ENGINEER

1. SERVICES—PERSONAL	Tax Levy
11. Salaries and Wages, Regular	
11. 1 Office Division	
1 Sewer Engineer (balance of Salary from July 1 to December 31, 1948)-----	\$2,100.00
4. MATERIALS	
43. Street, Sidewalk and Curb Materials-----	6,140.00
Total-----	\$8,240.00

be and the same is hereby eliminated from the total sums heretofore appropriated to the above items, by reducing the original appropriation for said budgeted items in the respective amounts as indicated above, effective July 1, 1948.

That the sum of Eight Thousand Two Hundred and Forty (\$8,240.00) Dollars is hereby declared to be available for reappropriation by reason of the above reduction, and said sum is hereby appropriated, transferred, reappropriated and reallocated, as of July 1, 1948, from the estimated, anticipated and unappropriated 1948 balance of the General Fund of the City of Indianapolis to the following items and in the respective amounts as follows, to-wit:

DEPARTMENT OF PUBLIC WORKS
CITY CIVIL ENGINEER

1. SERVICES—PERSONAL	Tax Levy
11. Salaries and Wages, Regular	
11. 1 Office Division	
1 Sewer Engineer, Supervisor-----6 mos.	\$2,490.00
1 Sewer Engineer, Design-----6 mos.	2,100.00
1 Structural Design Engineer -----6 mos.	1,950.00
1 Draftsman, Layout -----6 mos.	1,200.00
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Total Appropriation to No. 11-----	\$7,740.00
2. SERVICES—CONTRACTUAL	
24. Printing and Advertising -----	\$ 500.00
	<hr/>
Grand Total Appropriation-----	\$8,240.00

Section 3. The above transfer and reappropriation is necessary because of an existing emergency. There are sufficient funds by virtue of the above reduction in said budget to meet this appropriation, and said appropriation will not result in any increase in the total original budget.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and compliance with all laws pertaining thereto.

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

By the City Controller:

APPROPRIATION ORDINANCE NO. 8, 1948.

AN ORDINANCE creating in the City of Indianapolis, a fund to be known as the Cigarette Tax Fund, and appropriating and allocating funds therein in specific budget items.

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

Section 1. That by reason of the distribution by the State of

Indiana of a portion of the Cigarette Tax Fund to this Municipality in the sum of \$175,067.74 and by reason of the fact that the streets, highways, bridges and their appurtenances of this Municipality are in poor repair and are constantly deteriorating and require immediate attention and an emergency now exists for the expenditure of more money therefor during the current year than was set out in the published budget and in the budget adopted for the current year an emergency exists for the making of additional appropriation therefor.

Section 2. BE IT FURTHER ORDAINED, that there is hereby created in the City of Indianapolis, a special fund to be known as the "Cigarette Tax Fund" into which this allotment and all future disbursement of cigarette tax funds from the State of Indiana shall be placed, which fund shall be credited as follows:

Cigarette Tax Fund of the City of Indianapolis -----	\$175,067.74
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Section 3. BE IT FINALLY ORDAINED, that there is hereby appropriated out of the monies in the cigarette tax fund of the City of Indianapolis, the sum of \$175,067.74.

That said sum is hereby allocated to the following specific funds in the current Budget of the City of Indianapolis, to-wit:

DEPARTMENT OF PUBLIC WORKS
ADMINISTRATION

2. SERVICES—CONTRACTUAL -----	\$165,000.00
26A Other Contractual	

DEPARTMENT OF PUBLIC WORKS
STREET COMMISSIONER

4. MATERIALS	
43 Unimproved Street Materials -----	10,067.74

Section 4. Said additional appropriations are made subject to the approval of the State Board of Tax Commissioners.

Section 5. 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 Finance.

INTRODUCTION OF GENERAL ORDINANCES

By the Purchasing Agent:

GENERAL ORDINANCE NO. 45, 1948.

AN ORDINANCE authorizing the Board of Public Safety to purchase, through its duly authorized Purchasing Agent, certain 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 Safety of the City of Indianapolis, be and it is hereby authorized and empowered to purchase, through its duly authorized Purchasing Agent, the hereinafter equipment to be used by the respective departments as indicated. The said equipment is to be purchased from the lowest and best bidder, or bidders, whose bids have been received and opened in public by said Board after advertisement therefor, and the total cost of said equipment shall not exceed the sum of money hereinafter set out, to be paid out of funds heretofore appropriated for the use of said Board.

Req. No. 8884—Gamewell Division—

- (1) Line Construction and General Maintenance Body to be mounted on a truck chassis furnished by the City @ \$3,421.65 net of Federal Tax

Req. No. 7416—Police and Fire Radio Division

- (16) 30 Watt Mobile Transmitters complete @ \$366.00 ----- \$5,376.00
- 4 Complete Two Way Instal-

lations, having a 30 Watt Trans-
mitter @ \$606.00----- 2,424.00

Grand Total \$7800.00

less trade in allowance on 20
old transmitters @ \$15.00-----\$300.00

Net \$7500.00

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 Safety.

By the City Plan Commission:

GENERAL ORDINANCE NO. 46, 1948.

AN ORDINANCE to amend 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 be in effect.

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

Section 1. That General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance of the City of Indianapolis, Indiana, be and the same is hereby amended, supplemented and extended as to the U1 or Dwelling House District, A2 or 4800 Square Feet Area District, H1 or 50 Feet Height District so as to include the following described territory, to-wit:

Beginning at the southeast corner of Lot 13 in Woolling's Gold Coast Addition, an addition to the City of Indianapolis, as recorded in Plat Book 24, Page 534 in the office of the Recorder of Marion County, Indiana; thence west on and along the south line of said Lot 13 and said south line extended, and the north lines of Lot 73 to 84 inclusive in said Woolling's Gold Coast Addition, and said north lines extended to the east property line of Warman Ave-

nue; thence south on and along the east property line of Warman Avenue to the Northwest corner of Lot 107 in said Woolling's Gold Coast Addition; thence east on and along the north line of said Lot 107 to the northeast corner thereof; thence southeasterly on and along the east or rear lines of Lots 107, 106, 105, and 104 in said Woolling's Gold Coast Addition, to the north property line of 21st Street; thence eastward on and along the north property line of 21st Street to the west property line of Cold Spring Road; thence north on and along west property line of Cold Spring Road to the southeast corner of Lot 13 in said Woolling's Gold Coast Addition, or the place of beginning.

Beginning at the northwest corner of Lot 17 in Woolling's Gold Coast Addition, 2nd Section, an addition to the City of Indianapolis, as recorded in Book 25, pages 45 to 48, in the office of the Recorder of Marion County, Indiana; thence east on and along the south property line of 21st Street to the west property line of Cold Spring Road; thence south on and along the west property line of Cold Spring Road to the northeast corner of Lot 3 in said Woolling's Gold Coast Addition, 2nd Section; thence west on and along the north line of said Lot 3 to the northwest corner thereof, thence northwesterly on and along the west or rear lines of Lots 4 to 10, inclusive, and along the south or rear line of Lot 17, all in said Woolling's Gold Coast Addition, 2nd Section, to the southwest corner of said Lot 17; thence north on and along the west line of said Lot 17 to the place of beginning.

Section 2. That General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance of the City of Indianapolis, Indiana, be and the same is hereby amended, supplemented and extended as to the U1 or Dwelling House District A3 or 2400 Square Feet Area District, H1 or 50 Feet Height District so as to include the following described territory, to-wit:

Beginning at the southwest corner of Lot 30 in Woolling's Gold Coast Addition, 2nd Section, an

addition to the City of Indianapolis, as recorded in Book 25, pages 45 to 48, in the office of the Recorder of Marion County, Indiana; thence northeasterly on and along the south line of said Lot 30 to the southeast corner thereof; thence northwesterly on and along the east or rear lines of Lots 30 to 21, inclusive, in said Woolling's Gold Coast Addition, 2nd Section, to the northeast corner of Lot 21; thence southwesterly on and along the north line of said Lot 21 to the northwest corner thereof; thence southeasterly on and along the east property line of LaFayette Road to the place of beginning.

Section 3. That General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance of the City of Indianapolis, Indiana, be and the same is hereby amended, supplemented and extended as to the U3 or Business District, A3 or 2400 Square Feet Area District, and H1 or 50 Feet Height District so as to include the following described territory, to-wit:

Beginning at the northwest corner of Lot 31 in Woolling's Gold Coast Addition, 2nd Section, an addition to the City of Indianapolis, Indiana, as recorded in Book 25, pages 45 to 48, in the office of the Recorder of Marion County, Indiana; thence northeasterly on and along the north line of said Lot 31 to the Northeast corner thereof; thence northwesterly on and along the east or rear line of Lot 30 to the northwest corner of Lot 3, all in said Woolling's Gold Coast Addition, 2nd Section; thence east on and along the north line of said Lot 3 to the northeast corner thereof; thence south on and along the west property line of Cold Spring Road to its intersection with the east property line of LaFayette Road; thence northwesterly on and along the east property line of LaFayette Road to the place of beginning.

Beginning at the northwest corner of Lot 18 in said Woolling's Gold Coast Addition, 2nd Section; thence northeasterly and eastward on and along the south property line of 21st Street to the northeast corner of Lot 20 in said Woolling's

Gold Coast Addition, 2nd Section; thence south on and along the east line and southwesterly on and along the southeast line of said Lot 20 to the east property line of LaFayette Road; thence northwesterly on and along said east property line of LaFayette Road to the place of beginning.

Beginning at the southwest corner of Lot 104 in Woolling's Gold Coast Addition, an addition to the City of Indianapolis, Indiana, as recorded in Book 24, Page 534 in the office of the Recorder of Marion County, Indiana; thence northeasterly on and along the curving north property line of 21st Street to the southeast corner of said Lot 104; thence northwesterly on and along the east or rear lines of Lots 104, 105, 106 and 107, all in said Woolling's Gold Coast Addition, to the northeast corner of said Lot 107, thence west on and along the north line of said Lot 107 to the east property line of Warman Avenue; thence south on and along the east property line of Warman Avenue to its intersection with the east property line of LaFayette Road; thence southeasterly on and along the east property line of LaFayette Road to the place of beginning.

Section 4. 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 Health.

By the City Plan Commission:

GENERAL ORDINANCE NO. 47, 1948.

AN ORDINANCE to amend 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 be in effect.

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

Section 1. That General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance of the City of Indianapolis, Indiana, be and the same is hereby amended, supplemented and extended as to the U1 or Dwelling House District, A2, or 4800 Square Feet Area District, H1 or 50 Feet Height District so as to include the following described territory, to-wit:

Beginning at a point, said point being at the intersection of the west property line of North Arlington Avenue and the south line of the northeast quarter of the southeast quarter of Section 27, Township 16 North, Range 4 East, in Marion County, Indiana; thence west on and along said south line to the west line of the east half of said northeast quarter of the southeast quarter of said Section 27; thence north on and along said west line to the south right-of-way line of the Peoria and Eastern Railway, now the C. C. C. & St. L. Railway Company; thence northeasterly on and along said south right-of-way line of said Railway to the west property line of North Arlington Avenue; thence south on and along the west property line of North Arlington Avenue to the point of beginning.

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

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

By the City Plan Commission:

GENERAL ORDINANCE NO. 48, 1948.

AN ORDINANCE to amend 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 be in effect.

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

Section 1. That General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance of the City of Indianapolis, Indiana, be and the same is hereby amended, supplemented and extended as to the U1 or Dwelling House District, A2 or 4800 Square Feet Area District, H1 or 50 Feet Height District so as to include the following described territory, to-wit:

Beginning at a point, said point being in the north line of the southwest quarter of Section 34, Township 16 North, Range 4 East, in Marion County, Indiana, and two hundred seven and three one-hundredths (207.03) feet east of the northwest corner of said southwest quarter section; thence east on and along said north line of said southwest quarter section a distance of eleven hundred twenty-four and nine one-hundredths (1124.09) feet to the northeast corner of the west half of said southwest quarter section; thence south on and along the east line of said west half of said southwest quarter section a distance of two hundred fifteen (215) feet to a point; thence west and parallel to the north line of said southwest quarter section a distance of eleven hundred twenty-four and eighty-six one-hundredths (1124.86) feet to a point; thence north and parallel to the west line of said southwest quarter section to the place of beginning.

Section 2. That General Ordinance No. 114, 1922 (as amended), commonly known as the Zoning Ordinance of the City of Indianapolis, Indiana, be and the same is hereby amended, supplemented and extended as to the U3 or Business District, A3 or 2400 Square Feet Area District, H1 or 50 Feet Height District so as to include the following described territory, to-wit:

Beginning at a point, said point being the northwest corner of the southwest quarter of Section 34, Township 16 North, Range 4 East, in Marion County, Indiana; thence east on and along the north line of said southwest quarter section a distance of two hundred seven and three one-hundredths

(207.03) feet to a point; thence south and parallel to the west line of said southwest quarter section a distance of two hundred fifteen (215) feet to a point; thence west and parallel to the north line of said southwest quarter section to the west line thereof; thence north on and along said west line of said southwest quarter section to the place of beginning.

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 Health.

By the Board of Public Works:

SWITCH PERMIT

GENERAL ORDINANCE NO. 49, 1948.

AN ORDINANCE approving a certain agreement and permit granting The Indianapolis Union Railway Company the right-to-lay and maintain a sidetrack or switch across Oliver Avenue, according to blue print attached, in the City of Indianapolis, Indiana.

Whereas, heretofore, to-wit: on the 19th day of May, 1948, The Indianapolis Union Railway Company filed his petition before the Public Works of the City of Indianapolis, as follows:

PETITION

To Board of Public Works,
City of Indianapolis.

Gentlemen:

We hereby request the privilege of building one railroad switch track across Oliver Avenue connecting our track with proposed interchange tracks; the proposed switch track to cross Oliver Avenue at grade two hundred six and seven tenths (206.7) feet west of

the west property line of Harding Street; all as shown on blue print hereto attached, marked "Exhibit A" and made a part of this petition. Said switch track to be on same grade as existing street at point of crossing.

THE INDIANAPOLIS UNION RAILWAY CO.

C. H. McKINNER, Superintendent.

Now, therefore, this agreement made and entered into this 3rd day of June, 1948, by and between The Indianapolis Union Railway 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 permit for a right-of-way for a sidetrack from South property line of Oliver Avenue to the North property line of said street in the City of Indianapolis, which is more specifically described as follows:

"Exhibit A" The Indianapolis Union Railway Company Belt Railroad proposed Oliver Avenue crossing to New Interchange tracks

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 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 elevations 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, shall, at all times, be kept improved and in repair and free from obstructions of defects of any kind. No car or cars shall be permitted to obstruct such crossings 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 of 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 or 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 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 expense that may be incurred by said city in defending against any such claims.

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

Said party of the second part by virtue of the provisions of an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and of all acts amendatory thereof or supplemental thereto, and in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby grants and duly permits said party of the first part to exercise the right, privilege and authority to lay and maintain an additional sidetrack or switch across Oliver Avenue 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 3 day of June, 1948.

Witness:

C. H. McKINNER, Superintendent.

Party of the First Part.

CITY OF INDIANAPOLIS

PAUL D. CAVE, President

By

STANLEY L. FEEZLE

MARTIN McDERMOTT

CARL N. ANGST

As Board of Public Works,

Party of the Second Part.

Approved by me

AL FEENEY

as Mayor.

And, Whereas, Said agreement and permit 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,

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 Public Works.

By the City Controller:

GENERAL ORDINANCE NO. 50, 1948.

AN ORDINANCE authorizing the City of Indianapolis, to make a temporary loan in the sum of One Hundred Twenty-five Thousand (\$125,000.00) Dollars for the use for the Board of Trustees of the Firemen's Pension Fund of said City, in anticipation of and payable out of the current taxes for the Firemen's Pension Fund actually levied for said fund and in the course of collection for the fiscal year in which said loan is made payable; and fixing a time when the same shall take effect.

WHEREAS, heretofore on the 4th day of June, 1948, the Board of Trustees of the Firemen's Pension Fund of the City of Indianapolis, Indiana, has, by resolution duly adopted, determined to

General Ordinance No. 37, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Wallace called for General Ordinance No. 40, 1948 for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Ehlers, General Ordinance No. 40, 1948 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 40, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Wallace called for Special Ordinance No. 7, 1948 for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Ehlers, Special Ordinance No. 7, 1948 was ordered engrossed, read a third time and placed upon its passage.

Special Ordinance No. 7, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Ross called for General Ordinance No. 36, 1948

for second reading. It was read a second time.

Mr. Ross presented the following motion to amend General Ordinance No. 36, 1948:

Indianapolis, Ind. June 7, 1948.

Mr. President:

I move that General Ordinance No. 36, 1948 be amended by adding the following subsection to Section I thereof;

- (c) A loading zone to begin at a point 45 feet east of the east curb line of Pierson Street and extending east 25 feet on the south side of Ohio Street, for the use and occupancy of the West Point Hotel, at 31 West Ohio Street.

GUY O. ROSS, Councilman.

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

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

On motion of Mr. Ross, seconded by Mr. Seidensticker, General Ordinance No. 36, 1948, As Amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 36, 1948, As Amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Ross called for General Ordinance No. 38, 1948 for second reading. It was read a second time.

On motion of Mr. Ross, seconded by Mr. Seidensticker, General Ordinance No. 38, 1948 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 38, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Seidensticker called for General Ordinance No. 39, 1948 for second reading. It was read a second time.

On motion of Mr. Seidensticker, seconded by Mr. Ehlers, General Ordinance No. 39, 1948 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 39, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Jameson called for Special Ordinance No. 8, 1948 for second reading. It was read a second time.

On motion of Mr. Jameson, seconded by Mr. Seidensticker, Special Ordinance No. 8, 1948 was ordered engrossed, read a third time and placed upon its passage.

Special Ordinance No. 8, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr.

Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Bright called for General Ordinance No. 43, 1948 for second reading. It was read a second time.

On motion of Mr. Bright, seconded by Mr. Wicker, General Ordinance No. 43, 1948 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 43, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

MISCELLANEOUS BUSINESS

The Council reverted to the previous order of business.

Mr. Wallace moved that the rules be suspended for further consideration and passage of Special Ordinance No. 9, 1948.

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

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

The rules were suspended.

General Ordinance No. 37, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Wallace called for General Ordinance No. 40, 1948 for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Ehlers, General Ordinance No. 40, 1948 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 40, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Wallace called for Special Ordinance No. 7, 1948 for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Ehlers, Special Ordinance No. 7, 1948 was ordered engrossed, read a third time and placed upon its passage.

Special Ordinance No. 7, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Ross called for General Ordinance No. 36, 1948

for second reading. It was read a second time.

Mr. Ross presented the following motion to amend General Ordinance No. 36, 1948:

Indianapolis, Ind. June 7, 1948.

Mr. President:

I move that General Ordinance No. 36, 1948 be amended by adding the following subsection to Section I thereof;

- (c) A loading zone to begin at a point 45 feet east of the east curb line of Pierson Street and extending east 25 feet on the south side of Ohio Street, for the use and occupancy of the West Point Hotel, at 31 West Ohio Street.

GUY O. ROSS, Councilman.

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

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

On motion of Mr. Ross, seconded by Mr. Seidensticker, General Ordinance No. 36, 1948, As Amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 36, 1948, As Amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Ross called for General Ordinance No. 38, 1948 for second reading. It was read a second time.

On motion of Mr. Ross, seconded by Mr. Seidensticker, General Ordinance No. 38, 1948 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 38, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Seidensticker called for General Ordinance No. 39, 1948 for second reading. It was read a second time.

On motion of Mr. Seidensticker, seconded by Mr. Ehlers, General Ordinance No. 39, 1948 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 39, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Jameson called for Special Ordinance No. 8, 1948 for second reading. It was read a second time.

On motion of Mr. Jameson, seconded by Mr. Seidensticker, Special Ordinance No. 8, 1948 was ordered engrossed, read a third time and placed upon its passage.

Special Ordinance No. 8, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr.

Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Bright called for General Ordinance No. 43, 1948 for second reading. It was read a second time.

On motion of Mr. Bright, seconded by Mr. Wicker, General Ordinance No. 43, 1948 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 43, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

MISCELLANEOUS BUSINESS

The Council reverted to the previous order of business.

Mr. Wallace moved that the rules be suspended for further consideration and passage of Special Ordinance No. 9, 1948.

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

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

The rules were suspended.

COMMITTEE REPORT

Indianapolis, Ind., June 7, 1948.

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 Special Ordinance No. 9, 1948, entitled

AN ORDINANCE authorizing the grant of an easement over certain land in the City of Indianapolis and fixing a time when the same shall take effect. (Sixteenth Street and White River).

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

JOSEPH C. WALLACE, Chairman
GUY O. ROSS
J. PORTER SEIDENSTICKER
JOSEPH E. BRIGHT
DONALD B. JAMESON.

Mr. Wallace called for Special Ordinance No. 9, 1948 for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Seidensticker, Special Ordinance No. 9, 1948 was ordered engrossed, read a third time and placed upon its passage.

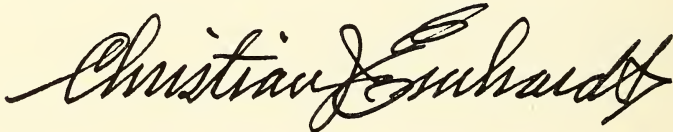
Special Ordinance No. 9, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

On motion of Mr. Ross, seconded by Mr. Seidensticker, the Common Council adjourned at 8:50 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 7th day of June, 1948, 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.

A handwritten signature in cursive script, reading "Christian J. Eubank". The signature is written in dark ink and is positioned above the title "President."

President.

ATTEST:

A handwritten signature in cursive script, reading "Richard L. Stewart". The signature is written in dark ink and is positioned above the title "City Clerk."

City Clerk.

(SEAL)