

REGULAR MEETING

Monday, June 5, 1939  
7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, June 5, 1939, at 7:30 P. M. in regular session. President Joseph G. Wood in the chair.

The clerk called the roll.

Present: Ollie A. Bach, Harmon A. Campbell, Albert O. Deluse, Dr. Walter E. Hemphill, Ralph F. Moore, F. B. Ransom, Ernest C. Ropkey, President Joseph G. Wood.

Absent: Guy O. Ross.

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

COMMUNICATIONS FROM THE MAYOR

May 16, 1939.

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

Gentlemen:

I have this day approved with my signature and delivered to Mr. John M. Layton, City Clerk, the following ordinances:

## GENERAL ORDINANCE No. 27, 1939

AN ORDINANCE to restrain and punish any known prostitute or any known gambler or any person known or reputed to be such from entering into or remaining or loitering in any public room or corridor of a hotel, and fixing a time when the same shall take effect.

## GENERAL ORDINANCE No. 31, 1939

AN ORDINANCE regulating the management and running of engines or trains upon and over the crossing of the Belt Railroad and the Peoria & Eastern Division of the C. C. C. & St. L. Railway Company and the Springfield Division of the Baltimore & Ohio Railroad Company in the City of Indianapolis, Indiana, and providing a penalty for the violation thereof, and fixing a time when the same shall take effect.

## SPECIAL ORDINANCE No. 2, 1939

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

Respectfully,

R. H. SULLIVAN,

Mayor.

## COMMUNICATIONS FROM CITY OFFICIALS

June 5, 1939.

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

Gentlemen:

Attached please find copies of Appropriation Ordinance No. 6, 1939, appropriating the sum of Five Thousand Seven Hundred Dollars (\$5,700.00) from the anticipated unappropriated and unexpended 1939 balance of the city general fund, to certain funds of certain departments of the City of Indianapolis.

I respectfully recommend the passage of this appropriation ordinance.

Yours very truly,

JAMES E. DEERY,

City Controller.

June 5, 1939.

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

Gentlemen:

Attached are copies of an ordinance to authorize a contract by the mayor and the corporation counsel of the City of Indianapolis with special attorneys to aid in the collection, by foreclosure proceedings if necessary, of certain assessments formerly made by the city in the proceedings for opening and widening Sixteenth Street between Delaware Street and Northwestern Avenue, upon which benefit assessments waivers were signed by the property owners, and thereupon bonds were issued by the city. In order to secure money on these bonds to pay property owners damages where property had been taken in widening the street, money from prepayments of street assessments, held by the city treasurer, was invested in these bonds, as authorized by law, and it is now necessary to enforce payment of delinquent assessments in order to take up these bonds and repay that money.

Under an act of the legislature in 1932, employment of special counsel in such matters was authorized, and counsel have been serving in collecting delinquent assessments upon which no waivers were signed; so this ordinance merely supplements that employment to include their services on waived assessments. All payment of special attorneys will be made by fees allowed by the court as part of the costs of collection, and the city will not be involved in any direct expenditure therefor. This work is of a special type and requires so much time and detail that the members of the city legal department cannot well handle it.

I recommend that this ordinance be passed, so this work can be undertaken at once.

Respectfully yours,

EDW. H. KNIGHT,  
Corporation Counsel.

June 5, 1939.

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

Gentlemen:

Attached are copies of an ordinance to authorize the employment by the mayor and the corporation counsel of the City of Indianapolis of special attorneys to assist in a pending suit against the N. Y., C. & St. L. R. R. for the collection of large assessment of the cost of track elevation work, involving Pogue Run, which has been owing the city since 1925. An appeal by the railroad company delayed such collection for many years, and was dismissed without the knowledge of the city. When this was ascertained, this assessment was placed on the tax duplicates and ordered collected as street assessments, pursuant to law. Since a collection under the law regulating street assessments would include allowance by the court of a reasonable attorney fee against the railroad company, and would not involve the city in any obligation for paying such fee, we desire to secure the assistance of a well qualified attorney to aid in this suit, and this ordinance is to authorize such employment upon the terms just suggested, where he would look wholly for his fee to the railroad company.

I recommend the prompt passage of this ordinance, so the case can be carried promptly to a conclusion.

Respectfully yours,

EDW. H. KNIGHT,  
Corporation Counsel.

June 3, 1939.

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

Gentlemen:

Attached hereto are 18 copies of General Ordinance No. 37, authorizing the Board of Public Works and Sanitation, through its duly appointed Purchasing Agent, to purchase Sheet Asphalt for the repair of W.P.A. Project No. 6090—Prospect Street—from Virginia Avenue to Keystone Avenue.

These bids were duly advertised according to law and opened in public before the Board of Public Works and Sanitation at 10:00 A. M. Friday, May 26, 1939, and after being duly considered by the board, the award was made to the lowest and best bidder.

The Purchasing Agent respectfully recommends the passage of this ordinance.

Respectfully submitted,

DEPARTMENT OF PUBLIC PURCHASE,

Albert H. Losche,

Purchasing Agent.

June 5, 1939.

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

Gentlemen:

Attached please find copies of General Ordinance No. 38, 1939, authorizing the City Controller of the City of Indianapolis to make a temporary loan in the sum of Sixty Thousand (\$60,000.00) Dollars

for the use and benefit of the Board of Trustees of the Firemen's Pension Fund of said city.

I respectfully recommend the passage of this general ordinance.

Yours very truly,

JAMES E. DEERY,  
City Controller.

June 3, 1939.

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

Gentlemen:

Attached please find fourteen copies of Special Ordinance No. 3, 1939, authorizing the sale, alienation and conveyance of certain real estate by the Board of Park Commissioners of the City of Indianapolis.

This real estate lies in the northwest section of Eagle Creek Park, and borders the north line of the park property.

We respectfully recommend the passage of this ordinance.

Respectfully submitted,

DEPARTMENT OF PUBLIC PARKS,  
Mary E. Griffin, Secretary,  
BOARD OF PARK COMMISSIONERS.

June 5, 1939.

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

Gentlemen:

Attached find copies of Resolution No. 4, 1939, providing for an appropriation of not less than \$1500.00 from the Mayor's Contingent Fund. In connection with the proposal that the City of Indianapolis purchase the Indianapolis Water Company, it became necessary to engage the expert services of a consulting engineer to investigate the present value of the Indianapolis Water Company. This appropriation is necessary to compensate for these services.

I hereby approve said proposed expenditure and do recommend the adoption of the resolution as set out in the attached copies.

Very respectfully yours,

JAMES E. DEERY,  
City Controller.

May 5, 1939.

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

Gentlemen:

Attached please find 18 copies of Special Ordinance No. 4, 1939, authorizing the sale, alienation and conveyance of certain real estate by the Board of Public Works and Sanitation of the City of Indianapolis.

This real estate consists of two small parcels of land acquired by the board by the opening and widening of Cruse Street.

We respectfully recommend the passage of this ordinance.

Respectfully yours,

BOARD OF PUBLIC WORKS AND SANITATION,  
By Louis C. Brandt,  
President.

At this time Mr. Moore asked for a recess. The motion was seconded by Mr. Campbell, and the Council recessed at 7:55 P. M.

The Council reconvened at 9:45 P. M. with the same members present as before.

## COMMITTEE REPORTS

Indianapolis, Ind., June 5, 1939.

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. 5, 1939, entitled:

AN ORDINANCE appropriating the sum of One Thousand Five Hundred Twenty-nine Dollars and Thirty-eight Cents which said sum has been and is now held in trust by the City Hospital of the City of Indianapolis, and allocating the same to a certain designated fund of the Department of Public Health and Charities.

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

ERNEST C. ROPKEY, Chairman

F. B. RANSOM

ALBERT O. DELUSE

OLLIE A. BACH



Indianapolis, Ind., June 5, 1939.

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. 23, 1939, entitled:

AN ORDINANCE prohibiting the placing and maintenance  
of obstructions in the proximity of the intersections  
of public streets and alleys

beg leave to report that we have had said ordinance under consid-  
eration, and recommend that the same be held for further con-  
sideration.

ALBERT O. DELUSE, Chairman  
ERNEST C. ROPKEY  
F. B. RANSOM  
H. A. CAMPBELL  
RALPH F. MOORE

Indianapolis, Ind., June 5, 1939.

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. 28, 1939, entitled:

AN ORDINANCE authorizing the Board of Public Works  
and Sanitation of the City of Indianapolis, through  
its duly authorized purchasing agent, to purchase  
gasoline and coal, and to purchase one truck for  
hauling ash and garbage trailers

beg leave to report that we have had said ordinance under consid-  
eration, and recommend that the same be held for further con-  
sideration.

F. B. RANSOM, Chairman  
ERNEST C. ROPKEY  
ALBERT O. DELUSE  
WALTER E. HEMPHILL  
RALPH F. MOORE

Indianapolis, Ind., June 5, 1939.

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. 30, 1939, entitled:

AN ORDINANCE amending Section 29 of General Ordinance No. 96, 1928

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

ALBERT O. DELUSE, Chairman  
ERNEST C. ROPKEY  
F. B. RANSOM  
H. A. CAMPBELL  
RALPH F. MOORE

Indianapolis, Ind., June 5, 1939.

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. 32, 1939, entitled:

AN ORDINANCE authorizing the Board of Public Safety  
of the City of Indianapolis, through its duly authorized  
purchasing agent to purchase gasoline

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

ALBERT O. DELUSE, Chairman  
ERNEST C. ROPKEY  
F. B. RANSOM  
HARMON A. CAMPBELL  
RALPH F. MOORE

Indianapolis, Ind., June 5, 1939.

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. 33, 1939, entitled:

AN ORDINANCE amending Section 44 of General Ordinance No. 96, 1928, by adding a sub-section thereto

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

ALBERT O. DELUSE, Chairman  
ERNEST C. ROPKEY  
F. B. RANSOM  
HARMON A. CAMPBELL  
RALPH F. MOORE

Indianapolis, Ind., June 5, 1939.

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. 34, 1939, entitled:

AN ORDINANCE amending Section 2 of General Ordinance No. 13, 1939, by adding sub-section "I" thereto

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

ALBERT O. DELUSE, Chairman  
ERNEST C. ROPKEY  
F. B. RANSOM  
HARMON A. CAMPBELL  
RALPH F. MOORE

## INTRODUCTION OF APPROPRIATION ORDINANCES

By Councilman Ransom:

## APPROPRIATION ORDINANCE No. 6, 1939

AN ORDINANCE appropriating the sum of Five Thousand Seven Hundred Dollars (\$5,700.00) from the anticipated unappropriated and unexpended 1939 balance of the city general fund, to certain funds of certain departments 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 the sum of Four Thousand Five Hundred Dollars (\$4,500.00) is hereby appropriated from the anticipated unappropriated and unexpended 1939 balance of the city general fund to the following fund as per 1939 budget classification:

## CITY PLAN COMMISSION

Fund No. 26-1 (hereby created).....\$4,500.00

Section 2. That the sum of One Thousand Two Hundred Dollars (\$1200.00) is hereby appropriated from the anticipated unappropriated and unexpended 1939 balance of the city general fund to the following fund as per 1939 budget classification:

## DEPARTMENT OF PUBLIC SAFETY

Administration Fund No. 26-1 (hereby  
created) .....\$1,200.00

Section 3. This ordinance shall be in full force and effect from and after its passage and approval by the mayor.

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

## INTRODUCTION OF GENERAL ORDINANCES

By Councilman Ransom:

### GENERAL ORDINANCE No. 35, 1939

AN ORDINANCE authorizing the employment of special attorneys to aid in the collection of certain delinquent assessments upon which waivers have been signed and which are due upon Barrett Law bonds held by the City of Indianapolis, and fixing a time when the same shall take effect.

WHEREAS, pursuant to the provisions of Section 4 of Chapter 99 of the Acts of 1931, page 407, providing for the reinvestment of prepaid Barrett Law funds in Barrett Law bonds of the same kind and character, the City of Indianapolis reinvested certain prepaid Barrett Law funds which it had on hand in Barrett Law bonds issued for the opening and widening of 16th Street from Delaware Street to Northwestern Avenue, resolution number 14054, roll number 1449, and may hereafter have other similar bonds; and

WHEREAS, the City of Indianapolis now has on hand, as a result of such reinvestment of prepaid Barrett Law funds, certain delinquent and unpaid Barrett Law bonds in a large sum on said improvement; and

WHEREAS, said bonds are or may become delinquent because of the non-payment of certain assessments against real estate upon which waivers were executed and said bonds are a lien; and

WHEREAS, said delinquent assessments can only be collected by legal action, as provided by statute, and such legal action would involve a large amount of work, and the present legal staff of the City of Indianapolis is not large enough to adequately do such work, because of many other duties, and by reason of the premises it is necessary that additional assistants be obtained by the legal department of the City of Indianapolis in order that said bonds may be collected;

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

Section 1. To meet the situation, as set forth in the foregoing preamble, said preamble is hereby adopted and included herein by this reference thereto.

Section 2. That the mayor and the corporation counsel of the City of Indianapolis be, and they are hereby authorized and directed to employ and execute contracts with special legal counsel to represent said city, in co-operation with the legal department thereof, in all matters whatsoever pertaining to the enforcement and collection of the aforesaid delinquent assessments, and any similar ones, and in said contract to provide for the payment of the expense of said collection, including court costs and attorney's fees; which said attorney's fees shall, however, be contingent upon the recovery of judgments by the City of Indianapolis for said respective assessments, including therein attorney's fees as provided by statute, or upon the payment of such assessments and attorney's fees by property owners without foreclosure, and said attorney's fees, so to be paid to said special legal counsel, shall be paid solely out of such payments thereof by said property owners or others and shall not be obligations of said city, and shall not exceed the amount allowed and collected in any judgment or settlement of said assessments. Said contract may provide for the retention by said special attorneys of sums paid by property owners on account of attorney's fees and of any expenses of foreclosure advanced or incurred by such attorneys.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval by the mayor.

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

By Councilman Ransom:

GENERAL ORDINANCE No. 36, 1939

AN ORDINANCE authorizing the employment of special attorneys to aid in the pending action for the collection of the assessment representing the apportioned part of the expense of certain railroad track elevation, due the city from the New York, Chicago, and St. Louis Railroad Company; and fixing a time when the same shall take effect.

WHEREAS, by an act of the General Assembly of the State of Indiana, being Chapter 82, p. 144, of the Acts of 1905, as amended and supplemented by subsequent acts, there were provided a method and proceedings for track elevations in cities of the first class, the said act providing that a certain proportion of the total cost of such track elevation should be apportioned by the Board of Public Works among and be paid by the railroad or railroads whose tracks should be affected, and further, that upon default in payment thereof the defaulting railroad's portion of such cost may be placed upon the tax duplicate and collected as are special assessments; and

WHEREAS, in pursuance of the provisions of said statutes, the Board of Public Works of the City of Indianapolis, on the 22nd day of March, 1911, adopted its original resolution No. 7 for the elevation of certain portions of the tracks of several railroads, and thereafter supplemented such project by supplemental resolutions and by agreements with the railroads affected thereby, pursuant to all of which said work was duly commenced and was completed about the 29th day of June, 1925, and of the total cost of said track elevation the share of said expense duly allotted and to be borne by the New York, Chicago and St. Louis Railroad Company was fixed at Ninety-eight Thousand Two Hundred Ninety-one Dollars and Eighty-seven Cents (\$98,291.87); and

WHEREAS, said railroad has refused and failed to pay said assessment, after being duly notified to pay the same, it was placed on the tax duplicate of said railroad, as provided by law, and it became necessary for said city to file its action to collect the same, which action is now pending in the Marion Circuit Court; and

WHEREAS, such legal action will involve a large amount of work, and the present legal staff of the City of Indianapolis is not large enough to adequately do such work, because of the many other duties devolving upon it, and by reason of the premises it is deemed necessary that additional special assistants be obtained by the legal department of the City of Indianapolis in order that said action may be duly prosecuted and said assessment may be collected; NOW, THEREFORE,

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

Section 1. To meet the situation as set forth in the foregoing preamble, said preamble is hereby adopted and included herein by this reference thereto.

Section 2. That the mayor and the corporation counsel of the City of Indianapolis be, and they are hereby authorized and directed to employ and execute contracts with special legal counsel to represent said city, in co-operation with the legal department thereof, in all matters whatsoever pertaining to the enforcement and collection of the aforesaid assessment against said railroad company for the aforesaid track elevation, and in said contract to provide for the payment of the expenses of said collection, including court costs and attorney's fees, which said attorney's fees of special counsel, however, shall be contingent upon the recovery and payment of a judgment, or settlement by compromise, by the City of Indianapolis for said assessment, and the inclusion therein of attorney's fees.

Section 3. Any attorney's fees so payable under such contract by the City of Indianapolis to such special legal counsel shall be paid solely out of the amount so allowed and collected by the said city on any judgment that may be rendered on said assessment, or in any compromise and settlement of said claim, and shall not constitute any obligation of the city if not so collected from said railroad company; and any such attorney's fees so paid by the city shall not exceed the amount recovered and collected by the city as attorney's fees in the action and claim upon said assessment, and any residue thereof shall belong to the city as a part of its general fund.

Section 4. This ordinance shall be in full force and effect from and after its passage and approval by the mayor.

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

By Councilman Ransom:

GENERAL ORDINANCE No. 37, 1939

AN ORDINANCE authorizing the Board of Public Works and Sanitation to purchase certain materials and supplies to be paid for out of the Gasoline Tax 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 of the City of Indianapolis, through its duly authorized purchasing agent, be and it is hereby authorized to purchase four hundred (400) tons (more or less) Sheet Asphalt Topping, as per city specifications, for the Department of Engineering, used and to be used on Prospect Street, a street and thoroughfare in the City of Indianapolis, in connection with W.P.A. Project No. 6090, the said materials and supplies 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 such materials and supplies shall not exceed the sum of Thirty-one Hundred Eighty Dollars (\$3180.00), to be paid out of the Gasoline Tax funds heretofore appropriated for use by said board.

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

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

By Councilman Ransom:

GENERAL ORDINANCE No. 38, 1939

AN ORDINANCE authorizing the city controller of the City of Indianapolis to make a temporary loan in the sum of Sixty Thousand Dollars (\$60,000) for the use of 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 29th day of May, 1939, the Board of Trustees of the Firemen's Pension Fund of the City of Indianapolis, Indiana, has, by resolution duly adopted, determined to make a temporary loan in the sum of Sixty Thousand Dollars (\$60,000) principal amount, without considering the interest thereon to be added thereto in the sum of Five Hundred Dollars (\$500.00), in anticipation of and payable out of the current

taxes for the Firemen's Pension Fund actually levied and in the course of collection for the fiscal year in which said loan is made payable, and has requested the common council of the City of Indianapolis, Indiana, to authorize such temporary loan; and

WHEREAS, the Board of Trustees of the Firemen's Pension Fund of the City of Indianapolis, Indiana, is now and will continue to be until the 15th day of November, 1939, without sufficient funds to meet the payments of pensions and benefits to retired members and dependents of deceased members and other death benefits, and for other necessary current and incidental expenses of the year 1939, payable out of the Firemen's Pension Fund; and

WHEREAS, the second annual installment of taxes levied by the City of Indianapolis for the use of the Firemen's Pension Fund for the year 1939 will amount to more than Sixty Thousand Dollars (\$60,000); NOW, THEREFORE,

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

Section 1. That the City Controller of the City of Indianapolis is hereby authorized and empowered to negotiate a temporary loan for the use and benefit of the Board of Trustees of the Firemen's Pension Fund of the City of Indianapolis, Indiana, in anticipation of the current taxes for said Firemen's Pension Fund actually levied in the year 1938 and in the course of collection in the fiscal year 1939 for the use of the Firemen's Pension Fund, not to exceed the sum of Sixty Thousand Dollars (\$60,000), without considering the interest thereon to be added thereto, for a period of not to exceed the time hereinafter fixed in this ordinance, at a rate of interest not to exceed six per cent (6%) per annum, the rate of interest to be fixed by the highest bidder bidding for said loan on an interest rate basis. Said loan shall run for a period not to exceed one hundred twenty (120) days. The city controller is authorized to make sale of said time warrants after a notice thereof shall have been published once each week for two consecutive weeks in two newspapers of general circulation, printed in the English language, and published in the City of Indianapolis, and said sale to be not less than ten (10) days after the last publication of said notice. Said time warrants are to be signed by the mayor of the City of Indianapolis and the

city controller, countersigned by the president of the Board of Trustees of the Firemen's Pension Fund, and attested by the city clerk, and the seal of the City of Indianapolis to be attached thereto, and said time warrants shall be payable at the office of the city treasurer of the City of Indianapolis, Indiana; and to the payment of said time warrants the current revenues and taxes levied in the year 1938, payable in the year 1939, for the Firemen's Pension Fund of the City of Indianapolis are hereby irrevocably appropriated and pledged.

Section 2. That for the repayment of the principal amount of the temporary loan herein authorized by this ordinance, there is hereby appropriated to Fire Pension Fund No. 63—Payment of Temporary Loans, out of the current revenues and taxes levied in the year 1938, payable in the year 1939, for the Firemen's Pension Fund of the City of Indianapolis, the sum of Sixty Thousand Dollars (\$60,000); and for the payment of the interest thereon there is hereby appropriated to Fire Pension Fund No. 61—Interest on Temporary Loans, out of the above designated revenues and taxes, the sum of Five Hundred Dollars (\$500.00).

Section 3. This ordinance shall be in full force and effect from and after its passage and approval by the mayor.

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

## INTRODUCTION OF SPECIAL ORDINANCES

By Councilman Ransom:

### SPECIAL ORDINANCE No. 3, 1939

AN ORDINANCE authorizing the sale, alienation and conveyance of certain lands in the City of Indianapolis, and fixing a time when the same shall take effect.

WHEREAS, the Board of Park Commissioners of the City of Indianapolis has determined that certain lands, hereinafter described, are no longer necessary for the public use and that it would be to the best interests of the said City of Indianapolis to dispose of said lands by sale, NOW, THEREFORE,

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

Section 1. That the Board of Park Commissioners is hereby authorized to sell, alienate and convey for cash, at public or private sale, for not less than the appraised value thereof, which value is to be hereafter determined by appraisers appointed by the judge of the Circuit Court of Marion County, Indiana, as required by law, the following real estate belonging to the City of Indianapolis, Marion County, Indiana, to-wit:

Part of the Northeast quarter ( $\frac{1}{4}$ ) of Section Six (6) Township Fifteen (15) North, Range three (3) East, Marion County, State of Indiana, more particularly described as follows:

Beginning at a stone on the north line of the South half ( $\frac{1}{2}$ ) of said quarter section twelve hundred seventy-seven and ninety-three hundredths feet (1277.93') east of the west line of said Northwest quarter ( $\frac{1}{4}$ ), thence in a southwestwardly direction making an angle of forty-seven degrees, seven minutes and thirty seconds ( $47^{\circ}7'30''$ ) with the aforesaid north line a distance of four hundred nineteen and one-tenth feet (419.1') to a point; thence east parallel with the aforementioned north line two hundred eighty-three and seven hundredths feet (283.07') to a point; thence in a northeastwardly direction parallel to the within described southwestwardly line one hundred forty-five and sixty-four hundredths feet (145.64') to a point; thence North on a line at right angles to the north line of the south half ( $\frac{1}{2}$ ) of said Northeast quarter ( $\frac{1}{4}$ ) section two hundred thirty-one and fifteen hundredths feet (231.15') to a point; thence on a back deflection angle to the right of eighty-seven degrees, forty minutes and thirty seconds ( $87^{\circ}40'30''$ ) a distance of one hundred feet (100') to a stone; thence south twenty-six and seven-tenths feet (26.7') to the place of beginning, containing one and sixty-three hundredths (1.63) acres, be the same more or less.

That said real estate shall be sold at public or private sale, upon such notice, or notices, as the Board of Park Commissioners may determine. The conveyance of the above described real estate shall be by the mayor, in the name of the City of Indianapolis, and attested by the city clerk and with the seal of the city.

Section 2. This ordinance shall be in full force and affect from and after its passage and approval by the mayor.

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

By Councilman Ransom:

SPECIAL ORDINANCE No. 4, 1939

AN ORDINANCE authorizing the sale, alienation and conveyance of certain land of the City of Indianapolis, and fixing a time when the same shall take effect.

WHEREAS, The Board of Public Works and Sanitation of the City of Indianapolis has determined that certain land, hereinafter described, is no longer necessary for the public use, and that it would be to the best interests of said city to dispose of said land by sale; NOW, THEREFORE,

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

Section 1. That the Board of Public Works and Sanitation is hereby authorized to sell, alienate and convey for cash, at public or private sale, for not less than the appraised value thereof, which value is to be hereafter determined by appraisers appointed by the judge of the Circuit Court of Marion County, Indiana, as required by law, the following real estate belonging to the City of Indianapolis, Marion County, Indiana, to-wit:

Parcel "A"

A parcel of land described as follows:

Being a part of Lot No. 65 in Bates Subdivision as recorded in Plat Book 2, at Page 35, in the Office of the Recorder of Marion County, Indiana, being more particularly described as follows:

Beginning at a point, said point being on the north property line of the first alley north of Georgia Street, twenty-four and thirty-one hundredths (24.31) feet east of the east property line of the first alley west of Shelby Street vacated, same being also twenty-four and thirty-one hundredths (24.31) feet east of the southwest corner of Lot No. 65 in the aforescribed Subdivision; thence in a northwestwardly direction on a curve to the right, said curve having a radius of three hundred twenty-one and fifty-seven hundredths (321.57) feet, a distance of thirty-six and eighty-three hundredths feet (36.83) to a point on the east property line of the first alley west of Shelby Street vacated, said point being twenty-seven and fifty-six hundredths (27.56) feet north of the north property line of the first alley north of Georgia Street; thence south on and along the west line of the aforescribed Lot No. 65, a distance of twenty-seven and fifty-six hundredths (27.56) feet to a point, said point being the southwest corner of the aforescribed Lot No. 65; thence east a distance of twenty-four and thirty-one hundredths (24.31) feet to the point or place of beginning.

#### Parcel "B"

A parcel of land described as follows:

Being part of Lots 74 and 75 in Bates Subdivision, as recorded in Plat Book 2, at Page 35, in the Office of the Recorder of Marion County, Indiana, more particularly described as follows:

Beginning at a point on the south property line of the first alley north of Georgia Street, said point being fifteen and fourteen-hundredths (15.14) feet west of the northeast corner of Lot No. 75 in the aforescribed Subdivision; thence in a southeastwardly direction on a tangent to a curve having a radius of three hundred twenty-one and fifty-seven hundredths (321.57) feet, a distance of twenty-one and five hundredths (21.05) feet to a point on the east line of Lot No. 75 in the aforescribed Subdivision, a distance of fourteen and fifty-eight hundredths (14.58) feet south of the south property line of the first alley north of Georgia Street; thence continuing southwestwardly on the tangent to the last described curve, a dis-

tance of thirty-six and fifteen hundredths (36.15) feet to a point on the east line of Lot No. 74 in the aforescribed Subdivision, a distance of thirty-nine and sixty-one hundredths (39.61) feet south of the south property line of the first alley north of Georgia Street; thence north on and along the east line of Lot No. 74 in the aforescribed Subdivision, a distance of thirty-nine and sixty-one hundredths (39.61) feet to a point on the south property line of the first alley north of Georgia Street, same being also the northeast corner of Lot No. 75 in the aforescribed Subdivision; thence west on and along the south property line of the first alley north of Georgia Street, a distance of forty-one and fourteen hundredths (41.14) feet to the point or place of beginning.

That said real estate shall be sold at public or private sale, upon such notice, or notices, as the Board of Public Works and Sanitation may determine. The conveyance of the above described real estate shall be by the mayor in the name of the City of Indianapolis, and attested by the city clerk, and with the seal of the city.

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

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

## INTRODUCTION OF RESOLUTIONS

By Councilman Ransom:

### RESOLUTION No. 4, 1939

WHEREAS, it has been proposed that the City of Indianapolis purchase the Indianapolis Water Company; and

WHEREAS, it is deemed essential to the proper consideration of said proposal that the services of a competent consulting engineer be obtained to study said proposal; and

WHEREAS, adequate funds for the compensation of said services have not been provided for by the 1939 budget; and

WHEREAS, the mayor and the city controller of said city have recommended, and do now recommend to this Council, that there is immediate necessity for an appropriation of not less than Fifteen Hundred Dollars (\$1500.00) to be appropriated from Fund No. 26-1—Mayor's Contingent Fund, as set out under the 1939 budget of the Department of Finance—City Controller; NOW, THEREFORE,

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

First: That the sum of Fifteen Hundred Dollars (\$1500.00) is hereby appropriated from the above designated fund for expenditure by the mayor for the purposes above stated, said expense to be incurred and accounted for by the mayor upon requisitions and vouchers directed to the office of the city controller to be paid out of said appropriated amount as in similar cases made and provided.

Second: This resolution shall become effective immediately upon its passage and approval by said mayor.

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

#### ORDINANCES ON SECOND READING

Mr. Ropkey called for Appropriation Ordinance No. 5, 1939, for second reading. It was read a second time.

On motion of Mr. Ropkey, seconded by Mr. Moore, Appropriation Ordinance No. 5, 1939, was ordered engrossed, read a third time and placed upon its passage.

At this time those present were given an opportunity to speak on the matter of Appropriation Ordinance No. 5, 1939. No response was heard.



Appropriation Ordinance No. 5, 1939, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey and President Wood.

Mr. Deluse called for second reading of General Ordinance No. 30, 1939. It was read a second time.

On motion of Mr. Deluse, seconded by Mr. Moore, General Ordinance No. 30, 1939, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 30, 1939, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey and President Wood.

Mr. Deluse called for second reading of General Ordinance No. 32, 1939. It was read a second time.

On motion of Mr. Deluse, seconded by Mr. Campbell, General Ordinance No. 32, 1939, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 32, 1939, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 8, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey and President Wood.

Mr. Deluse called for second reading of General Ordinance No. 34, 1939. It was read a second time.

On motion of Mr. Deluse, seconded by Mr. Bach, General Ordinance No. 34, 1939, was ordered engrossed, read a third time, and placed upon its passage.

General Ordinance No. 34, 1939, was read a third time by the Clerk and passed by the following roll call vote:

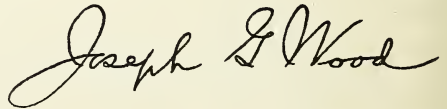
Ayes, 8, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ransom, Mr. Ropkey and President Wood.

General Ordinances Nos. 23, 28 and 33, 1939, were held for further consideration at the request of the committees to whom they were referred.

On motion of Mr. Moore, seconded by Mr. Bach, the Common Council adjourned at 10:00 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 5th day of June, 1939, 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.



Attest:

President.



City Clerk.

(SEAL)