

REGULAR MEETING

December 16, 1940

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, December 16, 1940, 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, Ernest C. Ropkey, President Joseph G. Wood.

Absent: F. B. Ransom, Guy O. Ross.

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

COMMUNICATIONS FROM THE MAYOR

December 3, 1940.

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:

APPROPRIATION ORDINANCE No. 14, 1940

AN ORDINANCE of the City of Indianapolis, Indiana, appropriating the sum of Fifty-seven Thousand Dollars (\$57,000) from the proceeds of sale of certain refunding bonds, for the payment of certain outstanding bonds of said city not provided for in existing budgets and levies; and fixing a time when the same shall take effect.

GENERAL ORDINANCE No. 103, 1940

AN ORDINANCE amending Section 44 of General Ordinance No. 96, 1928, as amended, by adding thereto sub-sections (67) and (68), and fixing a time when the same shall take effect.

SPECIAL ORDINANCE No. 7, 1940

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

SPECIAL ORDINANCE No. 8, 1940

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

December 16, 1940.

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

Gentlemen:

Re: G. O. No. 113, 1940.

I beg leave to report that in accordance with the laws of the State of Indiana, I caused notice by publication to be inserted in the Indianapolis Star and the Indianapolis Commercial on December 6, 1940, that taxpayers would have the right to be heard on the above ordinance at the regular meeting of the Common Council to be held on the 16th day of December, 1940, and by posting a copy of said notice in the City Hall, Court House and Police Station.

Very truly yours,

JOHN M. LAYTON,
City Clerk.

December 16, 1940.

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

Gentlemen:

Submitted herewith is General Ordinance No. 106, 1940, amending Section 2 of General Ordinance No. 65, 1939, governing left turns from Indiana Avenue into Ohio Street, and we respectfully recommend its passage.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,
By L. J. Keach,
President.

December 16, 1940.

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

Gentlemen:

Submitted herewith is General Ordinance No. 114, 1940, limiting parking to one and one-half (1½) hours between the hours of 7:00 a. m. and 6:00 p. m. every day except Sundays in the following locations:

On the west side of Gray Street from the north curb line of East Michigan Street to the south curb line of East Tenth Street.

On both sides of East Michigan Street from the east curb line of Noble Street to the west boundary line of the Monon Railroad right-of-way..

We respectfully recommend the passage of this ordinance.

Respectfully submitted,

BOARD OF PUBLIC SAFETY,
By L. J. Keach,
President.

December 16, 1940.

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

Gentlemen:

Attached hereto is a petition signed by more than five resident freeholders of the City of Indianapolis, requesting the Council to vacate a certain parcel of land now used as a burial ground or cemetery, which said ground is located at the corner of West 38th Street and Cold Spring Road on park property.

The Board of Park Commissioners respectfully recommends approval of said petition and requests that the Common Council find that said cemetery had been neglected and fallen into disuse, and that same hinders and obstructs growth of the city and that said ground should be vacated as a burial ground or cemetery.

Respectfully submitted,

BOARD OF PARK COMMISSIONERS,
Mary E. Griffin,
Secretary.

December 16, 1940.

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

Gentlemen:

Attached hereto are 14 copies of Resolution No. 6, 1940, requesting the Mayor of the City of Indianapolis to instruct the City Legal Department to prepare and advocate passage of legislation for the creation of funds to pay the city's part of costs of the elevation of the railroad tracks at the various crossings on the south side of Indianapolis.

Very truly yours,

RALPH F. MOORE,
Member of the Common Council.

At this time those present were given an opportunity to be heard on General Ordinance No. 113, 1940.

Mr. Moore made a motion that the Council recess. The motion was seconded by Mr. Campbell, and the Council recessed at 7:50 P. M.

The Council reconvened at 9:00 P. M. with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., December 16, 1940.

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. 69, 1940, entitled:

Amending Section 9 of G. O. 87, 1935, as amended
(Taxi-stands);

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
HARMON A. CAMPBELL
RALPH F. MOORE

Indianapolis, Ind., December 16, 1940.

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. 96, 1940, entitled:

Repealing G. O. No. 11, 1933; 23, 1933; 34, 1933,
and 9, 1936, Licensing Poultry Dealers;

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
RALPH F. MOORE

Indianapolis, Ind., December 16, 1940.

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. 102, 1940, entitled:

Limiting parking to 30 minutes in downtown loop on
Louisiana Street, McCrea and Jackson Place;

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
HARMON A. CAMPBELL
RALPH F. MOORE

Indianapolis, Ind., December 16, 1940.

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. 107, 1940, entitled:

Establishing passenger or loading zones at 122-24
S. Senate Avenue and immediately west of Penn. St. on
Maryland St.;

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
HARMON A. CAMPBELL
RALPH F. MOORE

Indianapolis, Ind., December 16, 1940.

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. 108, 1940, entitled:

Temporary loan in the sum of \$750,000.00—City General Fund;

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

ERNEST C. ROPKEY, Chairman
ALBERT O. DELUSE
OLLIE A. BACH

Indianapolis, Ind., December 16, 1940.

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. 109, 1940, entitled:

Temporary loan in the sum of \$125,000.00—Board of Health;

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

ERNEST C. ROPKEY, Chairman
ALBERT O. DELUSE
OLLIE A. BACH

Indianapolis, Ind., December 16, 1940.

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. 110, 1940, entitled:

Temporary Loan in the sum of \$70,000.00—Board of
Trustees of the Firemen's Pension Fund;

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

ERNEST C. ROPKEY, Chairman
ALEBRT O. DELUSE
OLLIE A. BACH

Indianapolis, Ind., December 16, 1940.

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. 111, 1940, entitled:

Temporary loan in the sum of \$25,000.00—School
Health Fund of Board of Health;

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

ERNEST C. ROPKEY, Chairman
ALBERT O. DELUSE
OLLIE A. BACH

Indianapolis, Ind., December 16, 1940.

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. 112, 1940, entitled:

Temporary loan in the sum of \$15,000.00 for Tuberculosis Fund of Board of Health;

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

ERNEST C. ROPKEY, Chairman
ALBERT O. DELUSE
OLLIE A. BACH

December 12, 1940.

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

Gentlemen:

The City Plan Commission met in regular session on December 9, 1940, and approved and recommended the passage of General Ordinance No. 113, 1940, an Ordinance to amend General Ordinance No. 114, 1922.

Very truly yours,

GEORGE F. ROOKER,
Secretary-Engineer,
CITY PLAN COMMISSION.

INTRODUCTION OF GENERAL ORDINANCES

By the Department of Public Safety:

GENERAL ORDINANCE No. 106, 1940

AN ORDINANCE to amend Section 2 of General Ordinance No. 65, 1939, 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 2 of General Ordinance No. 65, 1939, be and it is hereby amended to read as follows:

Section 2. It shall be unlawful for the operator of any vehicle moving southeast on Indiana Avenue to turn left on and upon West Ohio Street at the intersection of Indiana Avenue and West Ohio Street.

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 the first time and referred to the Committee on Public Safety.

By the Department of Public Safety:

GENERAL ORDINANCE No. 114, 1940

AN ORDINANCE regulating parking on certain parts of certain streets in the City of Indianapolis; providing a penalty for the 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 operator of any vehicle to park the same or suffer, permit or allow the same to be parked for a longer period 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 any day of the week except Sundays, upon certain parts of certain streets in the City of Indianapolis, described as follows:

- (a) On the west side of Gray Street from the north curb line of East Michigan Street to the south curb line of East Tenth Street.
- (b) On both sides of East Michigan Street from the east curb line of Noble Street to the west boundary line of the Monon Railroad right-of-way.

Section 2. Any person violating any provision of this ordinance shall, upon conviction, be fined in any sum not exceeding Three Hundred Dollars (\$300.00), 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 the first time and referred to the Committee on Public Safety.

INTRODUCTION OF RESOLUTIONS

By the Board of Park Commissioners :

RESOLUTION No. 5, 1940

Indianapolis, Indiana.

December 16, 1940.

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

Petition to Vacate Burial Ground or Cemetery

The undersigned and each of us, jointly and severally, separately and severally, each being a resident freeholder of the City of Indianapolis, hereby petition your Honorable Council to vacate a certain parcel of land, hereinafter described, in what has been and is now a long abandoned or unused burial ground or cemetery.

In support of this petition your petitioners respectfully represent and show to the Council the following:

That on the 5th day of December, 1940, the Board of Park Commissioners of the City of Indianapolis duly adopted and approved Miscellaneous Resolution No. 6, 1940, a copy of which is attached hereto, is marked "Exhibit A," and by this reference is made a part of this petition.

That as set out and recited in said resolution, said Board of Park Commissioners has constructed and partially completed a new section of boulevard, which will be and become a part of Maple Road Boulevard (38th Street), and which new section of boulevard starts on the west bank of White River and extends westwardly to and connects with a public highway known as Cold Springs Road, and which new boulevard was so constructed and intended to become a part of the existing Maple Road Boulevard, so as thereby to form a complete thoroughfare across the north side of the City of Indianapolis when connected by a proposed new bridge across said White River.

That one certain section of said proposed new through boulevard, to be known as Maple Road Boulevard, has never been completed at its aforesaid western connection to and intersection with Cold Springs Road by reason of the fact that there exist, in what will be the traveled portion of the roadway of said proposed new boulevard, two graves, which contain the remains of Abraham M. Epler and his daughter, Elizabeth Epler.

That in order to complete said proposed new boulevard and public improvement, it will be necessary that the hereinafter described parcel of land, as now used as such burial ground or cemetery, be vacated in the manner provided by law, and that the Board of Park Commissioners of the City of Indianapolis should acquire an easement therein for use by said Board for park and boulevard purposes.

That the title to said real estate belongs to the City of Indianapolis; that said real estate, being situate in the City of Indianapolis, Marion County, Indiana, is more particularly described as follows, to-wit:

A part of the northwest quarter of Sec. 22, Twp. 18 North, Range 3 East, more particularly described as follows:

Beginning at the northwest corner of Sec. 22, Twp. 18 North, Range 3 East, Marion County, Indiana; thence east along the north line of the aforesaid Sec. 22 a distance of 25 feet to a point; thence south parallel to the west line of the aforesaid Sec. 22 a distance of 50 feet to a point; thence west, parallel to the north line of aforesaid Sec. 22 a distance of 25 feet to a point in the west line of the aforesaid Sec. 22; thence north along the west line of the aforesaid Sec. 22 a distance of 50 feet to the place of beginning.

Your petitioners further show that said burial ground or cemetery has fallen into neglect and disuse and that the same hinders and obstructs the growth of the City of Indianapolis, as aforesaid.

WHEREFORE, your petitioners respectfully pray that the Common Council of the City of Indianapolis find that said burial ground or cemetery has fallen into neglect and disuse, that the same hinders and obstructs the growth of said city, and that an order be entered in the Journal of Proceedings that said burial ground or cemetery be vacated; that a list of the names of the aforesaid deceased persons be prepared and a notice of the same be published for two (2) weeks successively, once each week in some newspaper of general circulation, printed and published in Marion County, Indiana, together with a notice to all persons interested, that on and after the time stated in such notice (not less than sixty (60) days after the last publication thereof), the Common Council will cause said bodies in such burial ground or cemetery to be exhumed, removed and reinterred in some suitable cemetery or burial ground in the vicinity of said city, all at the expense of the Board of Park Commissioners, and all in the manner provided by law under and pursuant to Section 263, chapter 129, of the Acts of the Indiana General Assembly of the year 1903, and under all other acts applicable thereto.

Respectfully submitted,

Name of Petitioner	Address
William Walke,	2317 N. Capitol Ave.
Jas. D. Smith,	3201 Ruckle
Tracy W. Whittaker,	5406 Broadway
O. W. Schaub,	3726 W. Michigan
Arthur C. Rodgers,	3815 N. Capitol Ave.
F. A. Muehlbacher,	811 N. Wallace
Orval E. Robison,	1210 W. 36th St.
Frank Schubert,	1034 N. Garfield Dr.
Walter L. Bergmann,	2126 Carrollton Ave.
Cornelius E. Keyler,	3122 N. Keystone Ave.
Charles M. McClelland,	5205 E. Walnut St.
William Doll,	209 W. 46th St.
Edward Huggler,	2031 Forest Manor
Maurice Mills,	408 Grand Ave.
Charles Harmening,	1135 Lafayette Road
Clare L. Isaacs,	2437 Coyner
Gertrude Epler Burkhart,	Route 6, Box 224
Great Granddaughter of Abraham Epler	
Norwood Epler,	938 Dudley Ave.
Wm. E. Gavin,	5879 Central Ave.
Sarah Frances Gavin,	5879 Central Ave.
George O. Swaim,	647 E. 37th St.
Mary C. Martin,	115 E. 21st Annex

Allan C. Miller, W. 38th and Cold Spring Rd.
Otto P. Epler, 5750 E. 10th St.
Great Grandson of
Abraham Epler
Mary Jeannette Epler Bell, 5750 E. 10th St.
Great Granddaughter of
Abraham Epler
Allan Epler, R. R. 6, Box 583
Great Great Grandson of
Abraham Epler
William J. Kothe, 114 E. 27th St.
Robert S. Blakeman, Jr., 4702 N. Capitol Ave.

MISCELLANEOUS RESOLUTION No. 6, 1940

WHEREAS, in carrying out a very extensive public improvement project in and adjacent to the City of Indianapolis, Indiana, including the widening of the channel of White River, certain flood prevention works have been constructed in, on and along the west bank of White River by the construction of an earthen levee and its appurtenances between West 30th Street in said city, on the south and what would be about West 41st Street (if extended) on the north, which said levee was constructed for flood prevention and flood control purposes by the Board of Flood Control Commissioners of the City of Indianapolis in conjunction and co-operation with the Work Projects Administration of the United States Government; and

WHEREAS, in further conjunction with the aforesaid flood prevention works and in the development of its system of parks and boulevards, this Board of Park Commissioners of the City of Indianapolis has constructed a new boulevard on top of the aforesaid earthen levee, which said new boulevard starts at West 30th Street in said city and runs generally in a northerly direction on and along the west bank of White River and extends to and intersects with the Cold Springs Road at what would be about West 41st Street (if extended), and which said new boulevard is known and designated as White River Parkway, West Drive; and

WHEREAS, the Work Projects Administration of the United States Government has also constructed at great expense an earthen fill, with a new boulevard located upon the top thereof, in and through the White River bottom lands now belonging to said city and under the control of this board, which said new boulevard was so constructed and intended to become a part of the existing boulevard running east and west in and across said city, known and designated as Maple Road Boulevard, or also called 38th Street, so as thereby to form

a complete thoroughfare when connected by a proposed new bridge over said river, and which said new boulevard now starts, at the east end thereof, from the aforesaid White River Parkway, West Drive, on the west bank of White River, and thence runs westwardly to and connects with a public highway, known as Cold Springs Road, on the west; and

WHEREAS, one certain section of said proposed new through boulevard, to be also known as Maple Road Boulevard, has never been completed at its aforesaid western connection to and intersection with Cold Springs Road, by reason of the fact that there exists, in what will be the traveled portion of the roadway of said proposed new boulevard, in a long abandoned or unused burial ground, two graves, which graves now contain the remains of Abraham M. Epler and his daughter, Elizabeth Epler, identified by markers, as follows:

One (1) gravestone marked: Abraham M. Epler,
Died Nov. 18, 1859; Aged 50 years, 9 months, 28 days.

One (1) gravestone marked: Elizabeth, daughter of
Abraham and Mary L. Epler, Died Dec. 29, 1852, Aged
19 years, 11 months, 11 days.

and

WHEREAS, this Board has been advised by the Board of Flood Control Commissioners that it is deemed necessary for the general welfare, safety and security of the Indianapolis Flood Control District that said flood protection project, including said levee and fill, should be carried out to completion to protect said district and to protect the lands of the Park Board, including its nursery and the lands around Lake Sullivan, on the west side of said White River, from floods and the hazards thereof; and by reason of such work, the extension of the aforesaid boulevard system, for the general benefit of such city, is now possible; and

WHEREAS, this Board likewise deems it necessary that the section of Maple Road Boulevard, between White River and Cold Springs Road, should also be completed, not only as an important connecting link to its existing boulevard system and parks west of said river, but also to connect with such boulevard now east of said river, when the proposed bridge is constructed thereover; and

WHEREAS, this Board has been successful in obtaining the written permission from a portion of the several heirs, or descendants thereof, of the said Abraham M. Epler, deceased, to remove said two graves and to disinter said remains and to reinter the same in a regularly established cemetery; all upon the representations by

this Board that the Board would pay all costs of such disinterment, removal and reinterment, with said remains to be placed in new wooden caskets and including the purchase by the Board of a new burial lot in Round Hill Cemetery, said lot to be selected and designated by the Epler family, all without any expense to any heirs or descendants of the aforesaid Epler family; and

WHEREAS, this Board has been informed that there are a number of such Epler heirs or descendants who have failed and refused to grant such permission, as aforesaid; and

WHEREAS, this Board has been informed and believes that there are a number of such Epler heirs and descendants, whose names and addresses are unknown and who live in various sections of the United States; and

WHEREAS, in order to complete said new proposed boulevard and public improvement, it will be necessary that the aforesaid tract of land, as now used as a burial ground, be vacated in the manner provided by law, and to acquire thereby an easement therein and to appropriate the use of said land for the aforesaid park and boulevard purposes of said city; and

WHEREAS, this Board has heretofore directed its engineer to prepare a plat showing the plan and scope of said new section of Maple Road Boulevard at and near its intersection with Cold Springs Road, and showing the location and bounds of said two graves, in relation to the right of way of the new boulevard, and also including a description of the real estate, in which this Board does now determine as necessary that an easement be acquired and appropriated for park and boulevard purposes and uses, which are now prevented and are injuriously affected by such present use of such land; all as hereinafter set out in this resolution; and

WHEREAS, the Board has heretofore appointed a duly licensed and qualified mortician to view said parcel of land and to estimate the cost of such proposed disinterment, removal and reinterment of said remains; that said mortician has filed his report with this Board, wherein it is estimated that said cost would be approximately the sum of \$200.00; and

WHEREAS, the Board's engineer has now submitted a plat showing the bounds of the parcel of land which is to be so vacated and acquired and appropriated for park and boulevard purposes, together with his estimate of the cost to be incurred by the Board by reason of such vacation, acquisition and appropriation; NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF PARK COMMISSIONERS OF THE CITY OF INDIANAPOLIS, INDIANA, AS FOLLOWS:

That, pursuant to the preamble, which is hereby made a part hereof, this Board deems it advisable and necessary for the general welfare, the public utility, convenience and necessity of the citizens of the City of Indianapolis, Indiana, and for the continued growth of said city and the Indianapolis Park District, that said City of Indianapolis, acting by and through its Common Council, should vacate the hereinafter described parcel of real estate and should acquire and appropriate an easement in and to the same for the use of the Board of Park Commissioners of said city for park and boulevard purposes, as by law provided; that said real estate, being situate in the City of Indianapolis, Marion County, State of Indiana, is more particularly described as follows, to-wit:

A part of the northwest quarter of Sec. 22, Twp. 16, North, Range 3 East, more particularly described as follows:

Beginning at the northwest corner of Sec. 22, Twp 16 North, Range 3 East, Marion County, Indiana; thence east along the north line of the aforesaid Sec. 22, a distance of 25 feet to a point; thence south parallel to the west line of the aforesaid Sec. 22 a distance of 50 feet to a point; thence west, parallel to the north line of aforesaid Sec. 22 a distance of 25 feet to a point in the west line of the aforesaid Sec. 22; thence north, along the west line of the aforesaid Sec. 22 a distance of 50 feet to the place of beginning.

That the said acquisition and appropriation of the easement in said parcel of land are required for the uses and purposes heretofore recited in the preamble hereof, which said park boulevard and its intersection with said Cold Springs Road are shown upon a plat this day submitted to this Board and hereby adopted and approved.

That said parcel of land, including both the present use and the future use thereof, is more particularly shown and described in a plat thereof, identified as "Exhibit A," which is attached hereto and by this reference is made a part of this resolution.

BE IT FURTHER RESOLVED, that the secretary of the Board be and she hereby is directed to circulate a written petition among the resident freeholders of the City of Indianapolis, which shall be addressed to the Common Council of said city, and wherein said freeholders shall request the vacation of said parcel of land as a burial ground or cemetery, all in the manner provided by law under and

pursuant to Section 263, chapter 129, of the Acts of the Indiana General Assembly of the year 1905, (Sec. 48-6004 of Burns Indiana Revised Statutes, Annotated, 1933), as amended or supplemented, and under all other applicable acts.

That said petition shall set out the foregoing facts and the scope and general purport of this resolution, and if said council, on considering said petition, shall find said burial ground or cemetery has fallen into neglect or disuse, or that such burial ground or cemetery hinders and obstructs the growth of the City of Indianapolis, such finding shall be entered in the Journal of proceedings of the Common Council, together with an order that such burial ground or cemetery, the aforesaid parcel of land, be vacated.

That said petition shall request the Common Council to prepare, or cause to be prepared, a list of the names of the deceased persons whose bodies remain interred in said burial ground or cemetery, and to publish the same for two (2) weeks successively, once each week in some newspaper of general circulation, printed and published in Marion County, Indiana, together with a notice to all persons interested, that on and after the time stated in such notice, (not less than sixty (60) days after the last publication thereof), such Common Council will cause the bodies in such cemetery to be exhumed.

BE IT FURTHER RESOLVED, that this Board offer, and it hereby does offer and agree to pay all the costs of such proposed disinterment, removal and reinterment of said remains, including the cost of a new burial lot in Round Hill Cemetery, heretofore designated by several of the Epler heirs and descendants, and including the cost of moving said stone markers, all without any expense to any heirs or descendants of the aforesaid Epler family.

BE IT FURTHER RESOLVED, that after said parcel of land has been vacated, as aforesaid, the title to the same shall in no wise be disturbed thereby, but shall remain in the City of Indianapolis for use by this Board for park and boulevard purposes.

DULY ADOPTED AND APPROVED at Indianapolis, Indiana, by the undersigned Board, this 5th day of December, 1940.

BOARD OF PARK COMMISSIONERS

By Jackiel W. Joseph, President

A. H. Gisler

Paul E. Rathert

Gertrude V. Brown

ATTEST:

Mary E. Griffin

Secretary

Which was read the first time and referred to the Council as a Committee of the Whole.

Mr. Moore made a motion that the rules be suspended to permit the introduction of Resolution No. 6, 1940. The motion was seconded by Mr. Bach and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ropkey and President Wood.

The rules were suspended.

By Councilman Ralph F. Moore:

RESOLUTION No. 6, 1940

A RESOLUTION requesting the Honorable Reginald Sullivan, Mayor of the City of Indianapolis, to instruct the City Legal Department to prepare and advocate passage of legislation for the creation of funds to pay City's part of costs of the elevation of the railroad tracks at the various crossings on the south side of Indianapolis.

WHEREAS the elevation of the railroad tracks at various crossings on the south side of Indianapolis is an urgent necessity because under the present conditions a serious traffic problem and a threat to the safety of citizens exists, and

WHEREAS it is a civic responsibility resting on the officials of Indianapolis to elevate the tracks and remove this steel barrier across the southern part of this city, and

WHEREAS no positive and definite action has been taken to solve this problem for years, although demanded continually by the citizens, and

WHEREAS it has been indicated that the lack of funds by the City will be an obstacle to any action in the immediate future.

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

Section 1. That in order to commence positive and definite action for the elevation of said tracks to secure the safety of the citizens and to solve said traffic problem on the south side of Indianapolis, the Honorable Reginald Sullivan, Mayor of the City of Indianap-

olis, instruct the City Legal Department of the City of Indianapolis to prepare immediately for submission to the coming session of the State Legislature of the State of Indiana a bill, providing for the raising or yielding of sufficient funds to pay the city's portion of the costs of said track elevation, and to advocate the passage of this bill.

Section 2. This resolution 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 Council as a Committee of the Whole.

ORDINANCES ON SECOND READING

Mr. Deluse called for General Ordinance No. 107, 1940, for second reading. It was read a second time.

On motion of Mr. Deluse, seconded by Mr. Ropkey, General Ordinance No. 107, 1940, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 107, 1940, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ropkey, President Wood.

Mr. Ropkey called for General Ordinance No. 108, 1940, for second reading. It was read a second time.

On motion of Mr. Ropkey, seconded by Mr. Moore, General Ordinance No. 108, 1940, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 108, 1940, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ropkey, President Wood.

Mr. Ropkey called for General Ordinance No. 109, 1940, for second reading. It was read a second time.

On motion of Mr. Ropkey, seconded by Mr. Bach, General Ordinance No. 109, 1940, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 109, 1940, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ropkey, President Wood.

Mr. Ropkey called for General Ordinance No. 110, 1940, for second reading. It was read a second time.

On motion of Mr. Ropkey, seconded by Mr. Moore, General Ordinance No. 110, 1940, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 110, 1940, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ropkey, President Wood.

Mr. Ropkey called for General Ordinance No. 111, 1940, for second reading. It was read a second time.

On motion of Mr. Ropkey, seconded by Mr. Deluse, General Ordinance No. 111, 1940, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 111, 1940, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ropkey, President Wood.

Mr. Ropkey called for General Ordinance No. 112, 1940, for second reading. It was read a second time.

On motion of Mr. Ropkey, seconded by Mr. Deluse, General Ordinance No. 112, 1940, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 112, 1940 was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ropkey, President Wood.

Mr. Campbell called for General Ordinance No. 113, 1940, for second reading. It was read a second time.

On motion of Mr. Campbell, seconded by Mr. Moore, General Ordinance No. 113, 1940, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 113, 1940, was read a third time by the Clerk and passed by the following roll call vote:

Ayes, 7, viz: Mr. Bach, Mr. Campbell, Mr. Deluse, Dr. Hemphill, Mr. Moore, Mr. Ropkey, President Wood.

General Ordinances Nos. 69, 96 and 102, 1940, were held for further consideration by the Committees to which they were referred.

On motion of Mr. Deluse, seconded by Mr. Moore, the Common Council adjourned at 9:40 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 16th day of December, 1940, 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.

Joseph L. Wood

Attest:

President.

John M. Layton

(SEAL)

City Clerk