

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.,

MONDAY, May 1, 1916.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, May 1, 1916, at 7:30 o'clock in regular session, President Edward P. Barry in the chair.

Present: The Hon. Edward P. Barry, President of the Common Council, and 7 members, viz.: Messrs. Young, Miller, Porter, Lee, Connor, Graham and Shea.

Absent: Mr. McGuff.

Mr. Miller moved that the reading of the Journal be dispensed with. Carried.

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., April 19, 1916.

To the President and Members of the Common Council, Indianapolis, Ind.:

GENTLEMEN—I have approved and signed General Ordinance No. 12, 1916, the same being an ordinance entitled, "An ordinance ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve West Street from the north property line of Washington Street to the north property line of New York Street by resurfacing the roadway with wooden block, asphalt, bituminous concrete or brick, as provided for under Improvement Resolution No. 8252, adopted February 2, 1916."

I return the said ordinance herewith.

Yours very truly,

J. E. BELL,
Mayor.

REPORTS FROM CITY OFFICERS.

From City Controller :

FINANCE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 1, 1916.

To the Honorable, the President and Members of the Common Council:

GENTLEMEN—I inclose letter of the Board of Public Works requesting additional appropriation of \$5,000 for street repairs, permanently improved except asphalt, accounts. I recommend the appropriation and inclose ordinance providing for same.

Respectfully submitted,

J. P. DUNN,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., May 1, 1916.

Mr. Jacob P. Dunn, City Controller, Indianapolis, Ind.:

DEAR SIR—I am directed by the Board of Public Works to request that you recommend to the Common Council the passage of an ordinance appropriating the sum of \$5,000 to the fund for street repairs, permanently improved except asphalt, accounts.

This appropriation is to be used in the purchase of wooden blocks for substantial repairs to paved streets.

Very truly yours,

JOSEPH P. TURK,
Clerk, Board of Public Works.

From City Controller :

FINANCE DEPARTMENT,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., May 1, 1916.

To the Honorable, the President and Members of the Common Council:

GENTLEMEN—I inclose herewith letter from the Board of Public Works requesting a bond issue of \$68,000 for completion of flood prevention work. I recommend the issue and the appropriation of the proceeds for this purpose, and inclose ordinance providing for same.

Respectfully submitted,

J. P. DUNN,
City Controller.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., May 1, 1916.

Mr. Jacob P. Dunn, City Controller, Indianapolis, Ind.:

DEAR SIR—I am directed by the Board of Public Works to request that you recommend to the Common Council the passage of an ordinance authorizing an additional bond issue of \$68,000 to complete flood protection work west of White River.

Cost of real estate and damages to adjacent property by reason of the construction of the flood levee have exceeded the original estimate for this purpose some \$40,000.

Provision must also be made for widening the river channel and opening the two additional spans to the West Washington Street bridge, raising the west end of the Tenth Street bridge, additional riprapping near Emrichsville dam on the north, C Street on the south and for grading approaches to subways at railroad crossings. For the purposes indicated the board desires the above bond issue authorized.

Very truly yours,
JOSEPH P. TURK,
Clerk, Board of Public Works.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., May 1, 1916.

To the Honorable Members of the Common Council, City of Indianapolis:

GENTLEMEN—We are sending you today the resolution for the improvement of Fairfield Avenue from the north property line of Thirty-fourth Street to the south property line of Woodland Avenue.

While on the face of the remonstrance, the remonstrators have a majority, the number does not show the sentiment of the people residing on this street, many of whom have contracted to buy their property but have not deeds at the present time. Upon your action will depend the improvement of a number of other streets in this section of the city. The petitioners for this improvement are willing to pay for the improvement of the intersecting streets provided that Fairfield Avenue be paved. They do not desire the improvement of the north and south streets unless Fairfield Avenue, with the car tracks in the center thereof, is improved at the same time. We would, therefore, request you to act as promptly as possible on this improvement resolution in order that action may either be taken by the board to award the contracts on the streets running north and south and intersecting Fairfield Avenue or that all action may be rescinded on all of the resolutions in this territory.

Respectfully submitted,

HUBERT S. RILEY,
GEO. B. GASTON,
Board of Public Works.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.
INDIANAPOLIS, IND., May 1, 1916.

To the Honorable Common Council, City of Indianapolis, Ind.:

GENTLEMEN—I am directed by the Board of Public Works to submit for your consideration and approval the following ordinances:

An ordinance authorizing the improvement of Holmes Avenue from the north property line of Washington Street to the south track of the Cincinnati, Indianapolis & Western Railroad, as provided for under Improvement Resolution No. 8268;

An ordinance authorizing the improvement of Fairfield Avenue from the north property line of Thirty-fourth Street to the northwest property line of Woodland Avenue, except crossing of College Avenue, as provided for under Improvement Resolution No. 8292;

An ordinance granting the Cincinnati, Indianapolis & Western Railroad Company the right to lay and maintain a sidetrack or switch across Maryland Street, Georgia Street, and the alley north of Georgia Street, east of Shelby Street, from a point 200 feet east of Cruse Street to a point 130 feet south of Georgia Street;

An ordinance granting the Republic Creosoting Company the right to lay and maintain a sidetrack or switch from its plant across Calvelage Street to connect with the main line of the Indianapolis Union Railway Company; and

An ordinance creating the office of Third Assistant Street Commissioner, and fixing the salary thereof.

This latter ordinance is submitted at the request of the City Civil Engineer and the Street Commissioner, and is made necessary in order that proper attention may be given to streets and alleys in the large areas recently annexed to the city.

Very truly yours,

JOSEPH P. TURK,
Clerk, Board of Public Works.

THE CINCINNATI, INDIANAPOLIS & WESTERN R. R. CO.
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., April 15, 1916.

The Honorable Board of Public Works, City of Indianapolis, Ind.:

GENTLEMEN—I am handing you petition of the Cincinnati, Indianapolis & Western Railroad Company, in triplicate, for permission to lay a single line of railway across the streets of Georgia and Maryland, and intersecting alley, to the site of the old Premier Motor Company's plant, now occupied, in part, by the Weidley Motor Company.

We trust that we may have the support of your honorable body and the City Council in our effort to provide the Weidley Motor Company and other manufacturers, who may subsequently locate on other portions of this property, with adequate shipping facilities. No manufacturing concern of any consequence can successfully solve the shipping and transportation problem without a private switch connecting with a main line of railway that will enable them to load and unload cars right at their doors.

As stated in the petition, the property in the vicinity of this proposed track consists almost entirely of a cheap class of rentals, and the establishment of successful manufactories in the neighborhood will be of direct benefit.

In this connection, and in conclusion, we desire to call the attention of your honorable body to the fact that desirable manufacturing sites, close in, with sidetrack facilities, are becoming very scarce, and we are at this time exploiting the advantages of this particular location in the endeavor to attract to our city new industries of a substantial nature, and our ability to swing them will depend entirely upon this sidetrack proposition.

Very respectfully yours,

J. A. SIMMONS,
General Traffic Manager.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller :

Appropriation Ordinance No. 15, 1916: An ordinance appropriating \$5,000 to the Department of Public Works for street repairs, permanently improved except asphalt, accounts, and fixing the time when the same shall take effect.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that there be and hereby is appropriated to the Department of Public Works the sum of \$5,000 for street repairs, permanently improved except asphalt, accounts.

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

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

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

By the Board of Public Works :

General Ordinance No. 16, 1916: An ordinance ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve Holmes Avenue from the north property line of Washington Street to the south track of the C., H. & D. Railroad, by paving the roadway with wooden block, asphalt, bituminous concrete or brick, and curbing the outer edges of the roadway, as provided for under Improvement Resolution No. 8268.

WHEREAS, The Board of Public Works of the City of Indianapolis, did on the 1st day of April, 1916, adopt Improvement Resolution No. 8268 for the improvement of Holmes Avenue from the north property line of Washington Street to the south track of the C., H. & D. Railroad

by paving the roadway with wooden block, asphalt, bituminous concrete or brick, and curbing the outer edges of the roadway; and

WHEREAS, The said Board of Public Works did at the same time fix March 6, 1916, at 10 o'clock A. M. as the time to hear all persons interested, or whose property is affected by said improvement; and the notice of the passage of said resolution and of the said time for hearing was published on the 16th day of February, 1916, and the 23rd day of February, 1916, in the Indiana Daily Times, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail duly forwarded as provided by law; and

WHEREAS, On the 6th day of March, 1916, the board having met in regular session, continued said hearing on said resolution until the 3rd day of April, 1916; and

WHEREAS, On the 3rd day of April, 1916, the board having met in regular session, took final action on said improvement resolution, the same being confirmed without modification; and

WHEREAS, On the 11th day of April, 1916, a written remonstrance of a majority of the resident property owners was filed with the Board of Public Works against said improvement; and

WHEREAS, The Board of Public Works has submitted to the Common Council, for their consideration and action thereon, an ordinance ordering the Board of Public Works to proceed with the improvement of said street under said resolution; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, that the Board of Public Works of the City of Indianapolis be and are hereby ordered to improve Holmes Avenue from the north property line of Washington Street to the south track of the C., H. & D. Railroad, by paving the roadway with wooden block, asphalt, bituminous concrete or brick, and curbing the outer edges of the roadway, under Improvement Resolution No. 8268, adopted by the Board of Public Works on the 1st day of February, 1916.

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

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

By the Board of Public Works:

General Ordinance No. 17, 1916: An ordinance ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve Fairfield Avenue from the north property line of Thirty-fourth Street to the northwest property line of Woodland Avenue, except crossing of College Avenue, by paving the roadway with wooden block, asphalt, bituminous concrete, reinforced concrete or brick, as provided for under Improvement Resolution No. 8292.

WHEREAS, The Board of Public Works of the City of Indianapolis, did on the 8th day of March, 1916, adopt Improvement Resolution No. 8292 for the improvement of Fairfield Avenue from the north property line of Thirty-fourth Street to the northwest property line of Woodland Avenue, by paving the roadway with wooden block, asphalt, bituminous concrete, reinforced concrete or brick; and

WHEREAS, The said Board of Public Works did at the same time fix April 5, 1916, at 10 o'clock A. M. as the time to hear all persons interested, or whose property is affected by said improvement; and the notice of the passage of said resolution and of the said time for hearing was published on the 14th day of March, 1916, and the 21st day of March, 1916, in the Indiana Daily Times, a daily newspaper of general circulation, printed and published in the City of Indianapolis, and notices by mail duly forwarded as provided by law; and

WHEREAS, On the 5th day of April, 1916, the board having met in regular session, took final action on said improvement resolution, the same being confirmed without modification; and

WHEREAS, On the 15th day of April, 1916, a written remonstrance of a majority of the resident property owners was filed with the Board of Public Works against said improvement; and

WHEREAS, The Board of Public Works has submitted to the Common Council, for their consideration and action thereon, an ordinance ordering the Board of Public Works to proceed with the improvement of said street under said resolution; now, therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, that the Board of Public Works of the City of Indianapolis be and are hereby ordered to improve Fairfield Avenue from the north property line of Thirty-fourth Street to the northwest property line of Woodlark Avenue, by paving the roadway with wooden block, asphalt, bituminous concrete, reinforced concrete or brick, under Improvement Resolution No. 8292, adopted by the Board of Public Works on the 8th day of March, 1916.

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

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

By the Board of Public Works:

SWITCH CONTRACT.

General Ordinance No. 18, 1916: An ordinance approving a certain contract granting the Cincinnati, Indianapolis & Western Railroad Company the right to lay and maintain a sidetrack or switch across Maryland Street, Georgia Street and the alley north of Georgia Street, east of Shelby Street, from a point two hundred (200) feet east of Cruse Street to a point one hundred and thirty (130) feet south of Georgia Street, Indianapolis, Indiana, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, Heretofore, to-wit: On the _____ day of _____ The Cincinnati, Indianapolis and Western Railroad Company filed his petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis:

GENTLEMEN—In order to provide proper shipping facilities for the immediate benefit of the Weidley Motor Company, who have located on a section of the Premier property shown in attached blue print, and for the benefit of other industries with whom negotiations are now pending, the Cincinnati, Indianapolis and Western Railroad Company does hereby petition the honorable Board of Public Works for permission to lay a single line of railway across the following streets and alleys, as shown in blue print:

Georgia Street,
Maryland Street,
Alley north of Georgia Street.

It is represented that a private sidetrack is indispensable to the success of the manufacturing and property interests involved, and that other property in the neighborhood, which is composed chiefly of cheap rentals, will be directly benefitted, through the establishment of successful manufacturies, to be served by this proposed side track.

Respectfully submitted,

THE CINCINNATI, INDIANAPOLIS & WESTERN R. R. CO..

J. A. SIMMONS,
General Traffic Mgr.

Now, THEREFORE, This agreement, made and entered into this 28th day of April, 1916, by and between the Cincinnati, Indianapolis & Western Railroad 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 right of way for a sidetrack or switch across Maryland Street, Georgia Street and the alley north of Georgia Street, east of Shelby Street, from a point two hundred (200) feet east of Cruse Street to a point one hundred and thirty (130) feet south of Georgia Street, in the City of Indianapolis, which is more specifically described as follows:

Beginning at a point in present side track south of main track of C. I. & W. R. R., two hundred (200) feet east of east line of Cruse Street, thence in a southerly direction on a curved line to the right, with a radius of two hundred and eighty-seven and nine-tenths (287.9) feet, four hundred (400) feet to a point crossing Maryland Street at a point one hundred and forty (140) feet east of east line of Shelby Street on north line and one hundred and sixty-eight (168) feet east of east line of Shelby Street on south line; thence south tangent to aforesaid curve four hundred and five (405) feet to the end of track, crossing Georgia Street at right angles thereto at a point one hundred and eight-five feet east of east line of Shelby Street and the first alley north of Georgia Street at a point one hundred and eighty-six (186) feet, more or less, east of the east line of Shelby Street, said track being eight hundred and five (805) feet long, 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 and maintain said track upon the terms and conditions hereinafter set forth, to-wit.:

(1) They shall be so laid, 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.

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

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

(4) Said party of the first part agrees, upon the written order of said board, made for any good cause affecting the interest of the city or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said board shall in no wise become a trespasser.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks 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 or remove same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

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

(8) The party of the first part agrees that whenever the main and sidetracks of the Cincinnati, Indianapolis & Western Railroad Company are elevated in the vicinity of Shelby Street, under resolution of the Board of Public Works, or by contract entered into between the city and the railroad company, or companies, that it will either remove said switch track on order of said Board of Public Works, or elevate said track to conform to the elevation of the new track. Should the party of the first part elect to elevate said track, then all expense of elevating said switch

track across Maryland Street, Georgia Street and the alley north of Georgia Street, including the cost of the construction of abutments, girders, bridge superstructures, embankments, retaining walls, and all other work incidental thereto, shall be borne by said party, it being understood that no part of said expense shall be borne by said city.

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 in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional side-track or switch across 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 28th day of April, 1916.

CINCINNATI, INDIANAPOLIS & WESTERN R. R. CO.

By J. A. SIMMONS,
General Traffic Manager.
Party of the First Part.

Witness :

CITY OF INDIANAPOLIS.

Approved April 28, 1916.

By J. A. RINK, *President.*
HUBERT S. RILEY,
Board of Public Works,
Party of the Second Part.

AND, WHEREAS, Said contract 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,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that such contract 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.

Which was read a first time.

Mr. Connor moved that the rules be suspended and General Ordinance No. 18, 1916, be placed upon its passage.

The roll was called and the motion to suspend the rules carried by the following vote :

Ayes, 8, viz. : Messrs. Young, Miller, Porter, Lee, Connor, Graham, Shea and President Edward P. Barry.

Noes, none.

Mr. Connor called for General Ordinance No. 18, 1916, for second reading. It was read a second time.

Mr. Connor moved that General Ordinance No. 18, 1916, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 18, 1916, was read a third time and passed by the following vote:

Ayes, 8, viz.: Messrs. Young, Miller, Porter, Lee, Connor, Graham, Shea and President Edward P. Barry.

Noes, none.

By the Board of Public Works:

DEPARTMENT OF THE CITY CIVIL ENGINEER,
CITY OF INDIANAPOLIS.
INDIANAPOLIS, IND., April 17, 1916.

To the Board of Public Works:

GENTLEMEN—Referring to the attached petition of the Republic Creosoting Company for permission to construct switch to connect with Belt Railroad, I would recommend that same be granted.

Very truly yours,

B. J. JEUP,
City Civil Engineer.

Approved April 19, 1916:

J. A. RINK,
HUBERT S. RILEY,
GEO. B. GASTON,
Board of Public Works.

SWITCH CONTRACT.

General Ordinance No. 19, 1916: An ordinance approving a certain contract granting -----
the right to lay and maintain a sidetrack or switch from-----
-----according to blue print attached, in the
City of Indianapolis, Indiana.

WHEREAS, Heretofore, to-wit: On the 6th day of April, 1916, the Republic Creosoting Company filed its petition before the Board of Public Works of the City of Indianapolis, as follows:

PETITION.

To the Board of Public Works, City of Indianapolis:

GENTLEMEN—On account of greatly restricted switching facilities at our plant, located on the Belt Railroad at Miley Avenue and Calvelage Street, we desire to extend present connection with the Belt Railroad to a point north of Calvelage Street, as hereinafter specifically described.

We therefore ask for authority to cross Calvelage Street with one additional track in order to make connection with proposed industry track.

REPUBLIC CREOSOTING COMPANY.

By A. J. LAUTH,
Assistant Treasurer.

NOW, THEREFORE, This agreement, made and entered into this _____ day of _____, 191____, by and between the Republic Creosoting 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 right of way for a sidetrack or switch from connection with the Belt Railroad, in the City of Indianapolis, which is more specifically described as follows: Beginning on the west side of the main line of the Belt Railroad about 100 feet north of the north line of Calvelage Street, thence south along the west side of said main track to and across Calvelage Street. All as shown by the blue print hereto attached and marked "Exhibit A," 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 and maintain said track upon the terms and conditions hereinafter set forth, to-wit:

(1) They shall be so laid, 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.

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

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

(4) Said party of the first part agrees, upon the written order of said board, made for any good cause affecting the interest of the city or the public welfare, to take up and remove said track, and upon said party's failure so to do, upon such notification in writing, of ten (10) days, to promptly pay the cost of having the same done, and the party of the first part hereby releases all claims for damages whatsoever that may arise by reason of such removal; and in removing said track or causing the same to be done, said board shall in no wise become a trespasser.

(5) The party of the first part agrees to pave between said track to the entire satisfaction of the second party, and in case said tracks 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 or remove same, failing in which, after notification in writing of ten (10) days, said Board shall do or cause the same to be done at the expense of the said party of the first part, and for which expense and cost the said party of the first part shall be liable.

(6) The said party of the first part herein binds himself to hold said party of the second part and said city harmless from any and all claims for damages growing out of the existence, maintenance or use of said track, and to pay any judgment, with costs, that may on that account be rendered against the said party or said city, and also to pay all necessary expenses that may be incurred by said city in defending against any such claims.

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

(8) The party of the first part agrees that whenever the main and sidetracks across Calvelage Street are elevated under resolution of the Board of Public Works or by contract entered into between the city and railroad company or companies, that it will either remove said switch track on order of said Board of Public Works, or elevate said track to conform to the elevation of the main tracks. Should the party of the first part elect to elevate said track, then all expense of elevating said switch track across Calvelage Street, including the cost of the construction of abutment, girders, bridge superstructures, embankments, retaining walls, and all other work incidental thereto, shall be borne by said first party, it being understood that no part of said expense shall be borne by said city.

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 in consideration of the things hereinbefore set forth and upon the terms and provisions stipulated, hereby gives, grants and duly vests said party of the first part the right, privilege and authority to lay and maintain an additional side-track or switch across Calvelage Street, 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 sixth day of April, 1916.

REPUBLIC CREOSOTING COMPANY.

By A. J. LAUTH,
Assistant Treasurer.
Party of the First Part.

Witness:

E. J. GIDDINGS.

Approved April 19, 1916.

CITY OF INDIANAPOLIS.

By HUBERT S. RILEY,
GEO. B. GASTON,
Board of Public Works,
Party of the Second Part.

AND, WHEREAS, Said contract 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,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that such contract 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.

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

By City Controller:

General Ordinance No. 20, 1916: An ordinance authorizing the sale of sixty-eight (68) bonds of one thousand dollars (\$1,000) each, of the City of Indianapolis, Indiana, payable from the general revenues and funds of said city, or from the Sinking Fund of said city, or as may be required by law, for the purpose of procuring money to be used in flood prevention and work thereunto appertaining, and providing for the time and manner of advertising, sales of bonds and the receipt of bids for the same, together with the mode and terms of sale, levying a tax for the payment of said bonds, and fixing a time when the same shall take effect.

WHEREAS, The General Assembly of Indiana, by act of March 6, 1915, has made provision for flood prevention by the City of Indianapolis; and

WHEREAS, The proceeds of the issue of bonds under General Ordinance No. 28, of 1915, were not sufficient for the completion of the necessary flood prevention work, and the sum of \$68,000 is needed for the same; and

WHEREAS, There is not now, and will not be, sufficient funds in the treasury of the City of Indianapolis with which to meet the aforesaid expenditures for such public welfare, and it being necessary for the City of Indianapolis to borrow the sum of sixty-eight thousand dollars (\$68,000) in order to procure such a fund to be devoted to such purposes, and to issue and sell its bonds in such an amount, payable from the general revenues and funds of said city, or from the Sinking Fund, or as may be required by law; therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the City Controller of said city be and is hereby authorized, for the purpose of procuring money to be used for the purpose of flood prevention for the City of Indianapolis, to prepare and sell sixty-eight (63) new bonds of the City of Indianapolis, Marion County, Indiana, of the sum of one thousand dollars (\$1,000) each, which bonds shall bear date of May 15, 1916, and shall be numbered from one (1) to sixty-eight (68), both inclusive; shall be designated as "Flood Prevention Bonds of 1916," shall mature July 1, 1940, and shall bear interest at four per cent. per annum, payable semi-annually, and said installments of interest shall be evidenced by interest coupons attached to said bonds, and the first coupon attached to each bond shall be for the interest on said bond from date of issue until the first day of January, 1917. Said bonds and interest coupons shall be negotiable and payable at the Merchants National Bank, Indianapolis, Indiana. Said bonds shall be signed by the Mayor and City Controller of said City of Indianapolis, and attested by

the City Clerk, who shall affix the seal of said city to each of said bonds, and the interest coupons attached to said bonds shall be authenticated by a lithographic fac-simile of the signatures of the Mayor and City Controller of said city engraven thereon, which shall for all purposes be taken and deemed to be equivalent to a manual signing thereof. Said bonds shall be prepared by the City Controller in due form, irrevocably pledging the faith and credit of the City of Indianapolis to the payment of the principal and interest stipulated therein respectively.

It shall be the duty of the City Controller at the time of the issue and negotiation of said bonds to register in a book kept for that purpose all of said bonds so issued and negotiated in serial number, beginning with number one (1), giving also the date of their issuance, their amount, date of maturity, rate of interest, and the time and place where said interest shall be payable; said bonds shall be substantially in the following form, all blanks for numbers and dates to be properly filled in before the issuance thereof:

No. ----- \$1,000.00

UNITED STATES OF AMERICA, CITY OF INDIANAPOLIS,
MARION COUNTY, STATE OF INDIANA.
FLOOD PREVENTION BONDS
OF 1916.

For value received, the City of Indianapolis, in Marion County, in the State of Indiana, hereby promises to pay to the bearer, without any relief from valuation or appraisal laws, on July 1, 1940, at the Merchants National Bank, Indianapolis, Indiana, one thousand dollars (\$1,000), in lawful money of the United States of America, together with the interest thereon at the rate of four per cent. (4%) per annum from date until paid, the first interest payable on the first day of January, 1917, and the interest thereafter payable semi-annually, on the first day of January and July, respectively, upon the presentation and surrender of the proper interest coupons hereunto attached, and which are made a part of this bond.

This bond is one of an issue of sixty-eight (68) bonds, of one thousand dollars (\$1,000) each, numbered from one (1) to sixty-eight (68), both inclusive, of date May 15, 1916, issued by said City of Indianapolis, pursuant to an ordinance passed by the Common Council of the city on -----, and an act of the General Assembly of the State of Indiana, entitled "An act concerning municipal corporations," approved March 6, 1905, and all acts amendatory thereof and supplementary thereto.

It is hereby certified that all conditions, act and things essential to the validity of this bond exist, have happened, and have been done, and that every requirement of law affecting the issuance hereof has been duly complied with, and that this bond is within every debt and other limit prescribed by the constitution and the laws of the State of Indiana, and that the faith and credit of the City of Indianapolis, Indiana, are hereby irrevocably pledged to the punctual payment of the principal and interest of this bond according to its terms.

IN WITNESS WHEREOF, The Common Council of the City of Indianapolis, Indiana, has caused this bond to be signed by the Mayor and the

City Controller, and attested by the City Clerk, and the corporate seal of said city to be hereunto affixed this, the _____ day of

Mayor.

City Controller.

Attest:

City Clerk.

SECTION 2. The City Controller shall, as soon as practicable after the passage of this ordinance, advertise for bids or proposals for said bonds by at least one insertion each in two daily newspapers of general circulation, printed and published in the City of Indianapolis, and may otherwise advertise for such bids or proposals as he may deem advisable. Said advertisement shall describe said bonds with such minuteness and particularity as the City Controller may see fit, and shall set forth the amount of the bonds to be sold and the rate of interest they shall bear, that the bidder may bid for all or any part of said bonds, the date of opening bids or proposals therefor, the right of the City Controller to reject any or all bids, the amount of deposit each bidder will be required to make, and when and where the bonds shall be delivered and paid for.

SECTION 3. Each and every bid and proposal shall be presented to the City Controller sealed, and shall be accompanied by a duly certified check upon some responsible bank of the City of Indianapolis, Indiana, payable to the order of the City Treasurer, for the sum of money which shall equal two and one-half (2½) per centum of the face or par value of the bonds bid for, or proposed to be purchased. The City Controller shall continue to receive bids or proposals therefor at the office of the City Controller until 12 o'clock noon on the day fixed by the City Controller and designated in the advertisement for receiving bids or proposals, at which time and place and between the said hour and 2 p. m. of said day he shall open said bids or proposals. The City Controller shall award said bonds, or, if he shall see fit, a part or any number thereof, to the highest and best bidder therefor, but said City Controller shall have full right to reject any and all such bids or proposals, or any part thereof, and shall have the right to accept a part of any bid, and to award upon any bid the whole or a less number of bonds covered by such bid, he being the sole judge of the sufficiency or insufficiency of any bid. He may also, in his judgment and discretion, award a part of said bonds to one bidder and a part to another. These provisions shall apply to the case of re-offering and re-advertising of said bonds as hereinafter provided.

SECTION 4. In the case the City Controller shall reject all bids submitted, or if he shall award only a part of said bonds, he shall re-advertise the bonds remaining unsold in the manner as herein prescribed for the original advertisement, but in such re-advertisement he is authorized and directed to fix the date and the time both for receiving and opening bids or proposals and for purchasers to take up and pay for the bonds which may be awarded. And he shall continue from time to time, in like manner, to re-advertise said bonds for sale until said bonds are sold.

SECTION 5. In case any bid or proposal shall not be accepted, and there shall be no award of bonds thereon by the City Controller, he shall thereupon return to such unsuccessful bidder the certified check accompanying

the same. If the City Controller shall award the whole or any part of the bonds upon any bid or proposal, he shall thereupon deliver the certified check accompanying the same to the City Treasurer, who shall thereupon present the same for payment and shall be entitled to collect the same and shall hold the proceeds collected thereon until the completion of the purchase and the payment of the bonds so awarded. If for any reason said check shall not be paid upon presentation, such non-payment shall be taken and deemed a breach of the contract for the purchase of said bonds upon the part of the purchaser, and the city, in that event, shall have the right to readvertise said bonds for sale at once, and shall, in such event, retain said check, and shall have the right to collect the same for its own use, and said check and proceeds thereof, when collected, shall be taken and deemed as agreed and liquidated damages for such breach of contract and as a payment thereof to the city. In case any successful bidder shall fail to complete the purchase of the bonds so awarded and to pay for the same within the time and manner herein required, or which may be prescribed by the City Controller, as herein provided, the proceeds of such certified check deposited by such bidder shall be taken considered and deemed as agreed and liquidated damages for the breach of such bidder's contract of purchase, and shall be taken and deemed as a payment to the city for such damages, and shall be retained and held by said city for its use, but if such successful bidder shall complete the purchase of said bonds awarded to him pursuant to the provisions hereof and his bid and award thereon, said proceeds of said certified check shall thereupon be returned to such bidder; or, at the option of the City Controller, at the time of the completion of the sale and payment for the bonds, said proceeds of said certified check may be applied and deemed a payment on account of the purchase of said bonds.

SECTION 6. Delivery of any bonds sold shall be made at the office of the City Treasurer of the City of Indianapolis, Indiana, upon such day or days as may be specified in the advertisement or readvertisement for proposals, or within such time thereafter as may be fixed by the City Controller, or at such time or times as may be agreed upon by the City Controller and the purchaser or purchasers, and the City Controller may extend the time for such delivery not more than ten days after the day or days specified or agreed upon as above provided; and the successful bidder or bidders shall take the bonds awarded to him or them and pay for the same at such place and times, and his or her refusal, neglect or omission to do so shall be a breach of the contract of his bid or proposal, on account of which damages shall be retained or recovered as liquidated and provided in this ordinance.

SECTION 7. The bonds taken and paid for to the satisfaction of the City Controller shall be binding obligations upon the said City of Indianapolis, according to their tenor and effect.

SECTION 8. For the purpose of redeeming said bonds, they are hereby included with former flood prevention bonds in the provision for a tax of one cent on each \$100 of taxable property of said city, which was added to the city tax levy of 1916, to be continued each year thereafter for twenty-four years; and the proceeds of said tax shall constitute a special sinking fund to be used only for such bond redemption as provided by the said state law.

SECTION 9. The proceeds of said bonds are hereby appropriated to the Department of Public Works for flood prevention and work thereunto appertaining, and shall constitute a continuing appropriation until the completion of the said work.

SECTION 10. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

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

By the Board of Public Works:

General Ordinance No. 21, 1916: An ordinance creating the office of Third Assistant Street Commissioner, and fixing the salary thereof.

Be it ordained by the Common Council of the City of Indianapolis, Indiana:

SECTION 1. That there is hereby created the office of Third Assistant Street Commissioner.

SECTION 2. That such assistant shall serve under the Street Commissioner, and shall perform such duties as may be assigned to him by the Board of Public Works.

SECTION 3. That the salary of the Third Assistant Street Commissioner shall be fifteen hundred dollars per annum, payable semi-monthly as other salaries are paid.

SECTION 4. That this ordinance shall take effect upon its passage and approval by the Mayor.

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

ORDINANCES ON SECOND READING.

Mr. Lee called for General Ordinance No. 15, 1916, for second reading. It was read a second time.

By Mr. Lee:

MR. PRESIDENT—I move that General Ordinance No. (15) Fifteen, (1916) Nineteen Sixteen, be stricken from the files.

THOS. C. LEE,
Councilman Fourth District.

The roll was called and General Ordinance No. 15, 1916, was stricken from the files by the following vote:

Ayes, 8, viz.: Messrs. Young, Miller, Porter, Lee, Connor, Graham, Shea and President Edward P. Barry.

Noes, none.

On motion of Mr. Porter, the Common Council, at 8:15 o'clock P. M., adjourned.

Edmund R. Burns
.....
President

ATTEST:
Thomas A. Riley
.....
City Clerk

