

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.,

MONDAY, September 18, 1916.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, September 18, 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 6 members, viz.: Messrs. McGuff, Miller, Porter, Lee, Connor and Shea.

Absent, 2, viz.: Messrs. Young and Graham.

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

COMMUNICATIONS FROM THE MAYOR.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., August 22, 1916.

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

GENTLEMEN—I have approved and signed the following ordinances:

1. Appropriation Ordinance No. 25, 1916, the same being an ordinance entitled, "An ordinance appropriating \$250 for the use of the Department of Law to cover services to be rendered by Woodburn Masson in assisting the Common Council in the detailed consideration of the revision and codification of City Ordinances."

2. General Ordinance No. 44, 1916, the same being an ordinance entitled, "An ordinance fixing the compensation of the License Clerk in the Department of the Controller of the City of Indianapolis."

3. General Ordinance No. 43, 1916, the same being an ordinance entitled, "An ordinance providing for the transfer of five hundred dollars (\$500.00) from the Fund for Appraisement Indianapolis Water Company to the Fund for Fountains and Wells, both funds being in and for the use of the Department of Public Works, and fixing a time when the same shall take effect."

I return the said ordinances herewith.

Yours very truly,

J. E. BELL,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., August 30, 1916.

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

GENTLEMEN—I have approved and signed the following ordinances:

1. Special Ordinance No. 9, 1916, the same being an ordinance entitled, "An ordinance annexing certain territory to the City of Indianapolis, and fixing the time when the same shall take effect."
2. General Ordinance No. 47, 1916, the same being an ordinance entitled, "An ordinance authorizing the City Controller to make a temporary loan for the use of the Recreation Department of the Board of Health, payable out of the current funds of said department appropriating \$7,650.00 for payment of same, and fixing a time when the same shall take effect."

I return the said ordinances herewith.

Yours very truly,

J. E. BELL,
Mayor.

At 8:10 o'clock p. m. Messrs. Young and Graham entered the Council Chamber and took their seats.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., September 2, 1916.

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

GENTLEMEN—I have approved and signed the following ordinances:

1. Appropriation Ordinance No. 27, 1916, the same being an ordinance entitled, "An ordinance appropriating the sum of \$1,000.00 to and for the use of the Board of Public Safety and fixing a time when the same shall take effect."
2. Appropriation Ordinance No. 26, 1916, the same being an ordinance entitled, "An ordinance making appropriation to the Department of Public Safety and fixing the time when the same shall take effect."
3. General Ordinance No. 45, 1916, the same being an ordinance entitled, "An ordinance providing for the transfer of \$5,000.00 from the Fund for Fire Force Pay-Roll to the New Apparatus Fund; the transfer of \$2,000.00 from the Fund for Purchase of Horses to New Apparatus Fund; the transfer of \$1,500.00 from Fund for Repairs to Apparatus to New Apparatus Fund, all of said funds being in and for the use of the Department of Public Safety for the Fire Department, and fixing a time when the same shall take effect."

I return the said ordinances herewith.

Yours very truly,

J. E. BELL,
Mayor.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., September 8, 1916.

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

GENTLEMEN—I have approved and signed the following ordinances:

1. Appropriation Ordinance No. 28, 1916, the same being an ordinance entitled, "An ordinance appropriating moneys for the purpose of defraying current expenses of the city government of the City of Indianapolis, Indiana, and for the use of the several executive departments thereof for the fiscal year beginning January 1, 1917, and ending December 31, 1917, including all outstanding claims and obligations and fixing a time when the same shall take effect."

2. Appropriation Ordinance No. 29, 1916, the same being an ordinance entitled, "An ordinance making additional appropriations to the Department of Public Works, and fixing a time when the same shall take effect."

3. General Ordinance No. 46, 1916, the same being an ordinance entitled, "An ordinance authorizing the City Controller to make a temporary loan for the use of the Board of Health, payable out of the current funds of said board, appropriating \$40,800 for payment of same, and fixing the time when the same shall take effect."

4. General Ordinance No. 48, 1916, the same being an ordinance entitled, "An ordinance ordering and directing the levy of an annual tax and fixing the rate of levy, or levies, and taxation for the City of Indianapolis for the year 1917, and fixing a time when the same shall take effect."

5. General Ordinance No. 49, 1916, the same being an ordinance entitled, "An ordinance ordering and directing a special assessment on lots and lands in the City of Indianapolis, for the cost of street intersections of improved streets and alleys in said city improved in the years 1914, 1915 and 1916."

I return the said ordinances herewith.

Yours very truly,

J. E. BELL,
Mayor.

INDIANAPOLIS, IND., September 18, 1916.

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

PARKS AND BOULEVARDS.

GENTLEMEN—Every citizen recognizes the importance of the park and boulevard system of the city. The law under which the Park Department has been operating authorizes the levying of assessments in the different park districts into which the city is divided, for the purpose of raising money with which to improve our parks and boulevards. In addition to this method of raising revenue, the law authorizes a general levy of 9 cents annually for the maintenance of the Park Department. The method of levying assessments upon the various park districts of the city is objectionable in that it places a lien upon the real estate which the present owner thereof is compelled to pay notwithstanding the fact that the money thus raised is used for the purchase of park lands and for the improvement

of parks and boulevards, which become permanent additions to the Park Department and which will be enjoyed by future generations. In other words, the present generation is compelled to pay the cost of acquiring and beautifying the park lands and boulevards of the city, while the future generations who will also enjoy them bear none of the burden and contribute nothing toward paying for them. This method of raising money for the Park Department for the purchase and improvement of park lands is not only unfair to the present generation in that it casts all of the burden thereof upon them, but it is wholly inadequate to meet the needs of the Park Department; and in addition to these objections the power of the department to levy assessments for park purposes as now provided by law has been practically exhausted. Some new method must be devised for the purpose of financing the development of the parks and boulevards of the city.

Another objection to the present method of raising money for the Park Department is that the city becomes its own greatest competitor in bidding up the price of lands needed for the extension, development and improvement of our parks and boulevards. Under the present method when money is raised from an assessment levied upon a certain district, the Park Department having only limited means is limited in its purchases to the buying of small tracts of land and adding them to the park system of the city. This has been especially noticeable where the Park Department has acquired land for boulevards along the streams in the city. Lands have been purchased by the department which had but little value because in most cases the land was subject to over-flow, and much of it had been used merely as a dumping ground prior to its acquisition by the city. When the Park Department proceeded to improve and beautify the lands thus acquired, the other lands in that locality which are needed for future park and boulevard development would increase many times its then value solely because of the fact that the city had improved and beautified the land already acquired. So that as the Park Department of the city continued to extend the park and boulevard system of the city by beautifying small tracts, the other land which is so much needed for the future development of the Park Department increased in value to such an extent as to make its acquisition almost impossible because of the price demanded for the same.

What is now recognized by every one who has studied the situation as an absolute necessity for our Park Department is the working out of some plan whereby the City of Indianapolis can purchase lands for the Park Department at wholesale rather than at retail. The city should be in a position to take into consideration the future needs of the city and to purchase at one time all of the lands that will be needed to meet the needs of the city for park purposes during the next fifty or seventy-five years to come. And in the working out of a plan for financing the development of the park system of the city the parks now owned by the city should be improved and beautified so that the present generation which has borne so much of the burden of their acquisition can enjoy the benefits therefrom; and plans should be worked out for the creation of one general park district, including the entire city, with the power to issue long time low interest bearing bonds which would enable the Park Department to not only improve and beautify the parks the city now has, but would enable them to acquire the lands necessary to meet the future needs of the city, and when these present parks are completed and the lands that are added thereto are improved and beautified, the burden of paying therefor would be borne by future generations who will enjoy the benefits thereof.

The next General Assembly of the State of Indiana should be asked to enact a law providing for the creation of one general park district of the

city with power to issue bonds for the purposes I have enumerated, thus providing for the continuation of the development of the park and boulevard system of the city, without casting all of the burden thereof upon the people who now own the lands located within our city.

I have in mind that in the working out of a plan for the development and extension of our park and boulevard system, the law should require that when the bonds are issued a small levy should be made to provide for paying off these bonds after a lapse of a few years, during which the city would be improving its park system. For example, the law should provide that when bonds are issued it should be stipulated that at the end of fifteen years the city should then begin to pay off the principal at the rate of two per cent. per year. This would provide a period of fifteen years in which to extend and develop the parks and boulevards of the city, and thereafter two per cent. of the bonds issued should be paid off each year, thus taking fifty years in which to pay off all of the bonds issued. This period of fifteen years of development and fifty years of payment would make in all sixty-five years, and extend over a period of time of about two generations, who would bear the burden of paying for this land without a direct assessment or lien upon the lands located within the city.

By extending the time of payment over this long period of time no particular burden would be felt by the land owners at any time.

We now have before us one example showing the wisdom of acquiring park lands in large quantities by the purchase of the land now comprising the Riverside Park, which purchase was made by the Honorable Thomas Taggart during the time he was mayor of Indianapolis. The action of Mayor Taggart in the purchase of the Riverside Park lands was bitterly condemned by many of the narrow-minded critics who opposed his administration and who gave no thought to the future development of our city. Mr. Taggart was much wiser than his critics and he possessed the nerve necessary to act in accordance with his good judgment. He purchased Riverside Park, which comprises about one thousand acres of land along Riverside Park, and the price paid for much of the land was lower than that which is now paid for land located in the vicinity of our city and used for farming purposes only. The few years that have passed since the purchase of Riverside Park convinces every one that the only mistake made by Mayor Taggart was in not extending the purchase of Riverside Park lands several miles farther to the north along White River.

We now realize the great need of the city for having these lands along White River for the extension of the park system of the city, and yet the value thereof has now increased to such an extent that the city is wholly unable to acquire them.

Indianapolis will continue to grow in the future just as it has in the past, and the lands located upon its outskirts now will, during the lifetime of the next generation, advance in price just as the lands have advanced in price during the lifetime of the present generation. For this reason a way should now be provided whereby the city can acquire at one time, or within a short period of time, all of the lands that would be needed for park and boulevard purposes in the next fifty or seventy-five years to come.

In my judgment this should be provided for by working out a plan for an issue of long-time low interest-bearing bonds for the development and improvement of our parks and the park and boulevard system, in the payment of which future generations will participate instead of casting all of this burden upon the people who now own the lands and lots within the limits of our city.

SEWAGE DISPOSAL PLANT.

Within the past few weeks a number of suits have been filed against the City of Indianapolis and some of our manufacturing establishments, making a large claim for damages on account of the pollution of the waters of White River, caused by the sewage of the city and of some of these manufacturing establishments flowing into White River. The damages asked in these law suits aggregate now nearly a half million dollars. I suppose other suits of a similar character will be filed against the city.

For many years the sewers of the city have been so constructed as to empty their contents into White River. At the beginning of the construction of the sewer system of the City of Indianapolis, no method was then known for the disposal of the sewage of the city except to cause the same to be carried away by the waters of our streams. The pollution of the public streams by city sewage was considered a public necessity. Since the laying out of the plan for the sewer system of our city, scientific study and development has found that it is not longer necessary to pollute the waters of our streams with city sewage. It is now known that by means of a sewage disposal plant the contents of city sewers can be freed from all poisonous disease-breeding germs and the solid contents thereof converted into fertilizer. This being true, no city should be permitted to pollute the waters of our streams by casting its sewage therein any more than a private citizen is permitted to pollute the waters of a stream by casting filth therein.

The streams of Indiana constitute the source upon which most cities are compelled to rely for their supply of water. This being true, no city should hereafter be permitted to contaminate the waters of the streams from which other cities take their water supply.

GENERAL ASSEMBLY OF 1915.

Recognizing the fact that Indianapolis ought not be permitted to continue the casting of its sewage into White River, I consulted with City Engineer Jeup and Corporation Counsel Pickens and caused them to prepare a bill providing for the erection of a city sewage disposal plant for Indianapolis, which bill was presented to the last General Assembly. If this bill had been enacted into law a sewage disposal plant for our city would now be almost completed and within a short time the waters of White River would be free from the contamination caused thereby, and our city would not be fighting in the courts to defend itself against the tremendous claim for damages included in the damage cases now pending against it. The bill when pending in the General Assembly was bitterly opposed by one of the afternoon newspapers of the city, and its opposition caused the defeat of the bill.

In view of the fact that these damage cases are now pending against the city on account of the pollution of the waters of White River, and also the fact that it is no longer necessary that the sewage of this city should be cast into the waters of White River, the people of this city are deeply interested in having presented to the next General Assembly the matter of the enactment of a law which will enable the city to erect a city sewage disposal plant. It is generally understood that the cost of the city sewage disposal plant that will be adequate to meet the needs of the City of Indianapolis will amount to approximately one million and a half dollars.

Owing to the two per cent. debt limit for cities under the Constitution of the State of Indiana, some other means must be provided for financing

the construction of the sewage disposal plant other than that of issuing bonds as a direct obligation of the city.

A sewage disposal plant can only be erected by the Legislature providing for the creation of a sewage disposal district with authority to issue bonds for the erection of such sewage disposal plant. In view of the fact that such plant would be for the benefit of future generations, the cost thereof should be provided for by long-time low interest-bearing bonds.

METHOD FOR FINANCING.

Recognizing the needs of the City of Indianapolis in the matter of the development of its park system and the erection of a city sewage disposal plant, some method should be worked out for the presentation of a plan to the next meeting of the General Assembly whereby these two public necessities can be provided for. These two matters were presented a few days ago to a meeting of the heads of departments of the city government, and after a discussion thereof a resolution was adopted asking that I communicate with your honorable body requesting the appropriation of three thousand dollars for the employment of two attorneys who in conjunction with the legal department of the city would work out a plan to be presented to the coming General Assembly. These two subjects are of such great importance to the people of the City of Indianapolis that immediate steps should be taken for the preparation of a plan to be presented to the General Assembly, and I request your honorable body to give immediate consideration thereto, and if you agree with me as to their importance that you pass an ordinance appropriating the sum of three thousand dollars for the employment of two attorneys to give their attention now to the preparation of bills covering these subjects to be presented to the coming General Assembly and to prepare them far enough in advance of the meeting of the General Assembly that they will be open for public discussion and for suggestions from any persons giving thought thereto; these attorneys, when employed, to work in conjunction with the Legal Department of the city and to aid in the preparation of any other measures that may be needed in connection with the amendments or additions to the city charter.

Asking your early and favorable consideration of this matter, I am,

Yours very truly,

J. E. BELL,
Mayor.

REPORTS FROM CITY OFFICERS.

From City Controller:

FINANCE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., September 18, 1916.

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

GENTLEMEN—I submit herewith a letter from the Mayor of Indianapolis recommending the passage of an ordinance appropriating the sum of \$3,000 with which to employ attorneys to work in conjunction with the legal department in the preparation of certain bills as shown by his letter.

I have prepared an ordinance and recommend the same.

I also submit a letter from the board of Public Works asking for an appropriation of \$4,200 to cover cost of constructing the east approach to the West Washington bridge, also asking for the transfer of certain funds from one fund to another as shown by said letter. I herewith submit ordinances and approve the same.

I also submit a copy of a communication from the Board of Commissioners of Marion County, Indiana, in regard to a refund of \$501 to Charles H. Lepper, to whom said board erroneously issued a license to sell intoxicating liquor in the first ward, and a remonstrance was pending before said Board of Commissioners at the time said license was granted, and by error the license was issued to Lepper by the county authorities, and upon the presentation of said license at the Controller's office a city license was issued to him, and the city received the sum of \$501 from him. I have prepared an ordinance authorizing a refund of the money paid by him to the city and approve the same.

Yours respectfully,

R. H. SULLIVAN,
City Controller.

P. S. As the West Washington Street bridge is nearing completion, it is necessary to obtain money to do the work on the approach to the bridge as quickly as possible. Any action upon your part which will enable the city to take care of the same at this time will be appreciated.

EXECUTIVE DEPARTMENT,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., September 18, 1916.

Mr. Reginald H. Sullivan, City Controller, City:

DEAR SIR—I ask you to kindly recommend to the Common Council the passage of an ordinance appropriating the sum of three thousand dollars with which to employ attorneys to work in conjunction with the legal department in the preparation of bills to provide finances for the development of the park and boulevard system of the city, for the erection of a sewage disposal plant, and such amendments and additions to the city charter as may be needed.

Very truly yours,

J. E. BELL,
Mayor.

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.

INDIANAPOLIS, IND., September 18, 1916.

Mr. R. H. Sullivan, 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 \$4,200 to cover cost of constructing the east approach to the West Washington Street bridge. Contract let by Marion County for construction of this bridge did not provide for the approaches, and this work must be done by the city. The City Civil Engineer's esti-

mate calls for the laying of 1,350 square yards of pavement, 585 lineal feet of stratified limestone curb and granite round corners, 825 lineal feet of steps, 3,520 square feet of cement walks and the placing of 300 cubic yards of embankment. This bridge is rapidly approaching completion, and the approaches must be constructed without delay.

I am also directed to request that you recommend the following transfer of funds:

From the fund for appraisal Indianapolis Water Company, \$750 to the fund for remodeling street intersections; from same fund, \$500 to the fund for assessments erroneous; from the fund for remodeling intersection of Sixteenth and Delaware Streets, \$258.62 (this sum being the unexpended balance in this fund) to the fund for remodeling street intersections.

Very truly yours,

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

INDIANAPOLIS, IND., September 13, 1916.

R. H. Sullivan, City Controller, City:

DEAR SIR—By error, license was granted to Charles H. Lepper, 1943 Hazel Street. This license was to be held pending a trial of the first ward liquor remonstrance. The Board of Commissioners request that you refund Mr. Lepper's fee on his license and the county will also remit. Thanking you in advance, we remain

Yours truly,

(Signed) JOHN KITLEY,
LEWIS W. GEORGE,
Board of County Commissioners.

From the Board of Public Works:

DEPARTMENT OF PUBLIC WORKS.

OFFICE OF THE BOARD.

INDIANAPOLIS, IND., September 18, 1916.

To the Honorable Common Council, City of Indianapolis:

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

An ordinance approving a certain contract granting William G. Williams the right to lay and maintain a side-track or switch across the first alley southeast of Ludlow Avenue, as shown in accompanying blue-print;

An ordinance authorizing the improvement of Southern Avenue from the east property line of Shelby Street to the west property line of Boyd Avenue by grading and graveling the roadway and grading the walks, as provided for under Improvement Resolution No. 8583; and

An ordinance extending the boundary lines of the City of Indianapolis and annexing certain territory therein described, together with letter of City Civil Engineer requesting the Board of Public Works to recommend to the Common Council the passage of such ordinance and stating reasons therefor.

Very truly yours,

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

CITY CIVIL ENGINEER,
CITY OF INDIANAPOLIS.

INDIANAPOLIS, IND., August 30, 1916.

Board of Public Works, Indianapolis, Indiana:

GENTLEMEN—Referring to the accompanying proposed ordinance for annexing territory, I would recommend that you ask the City Council to pass the same.

The annexation of this proposed strip is needed in order to place certain property abutting on Pleasant Run and between Audubon Road and Ritter Avenue within the limits of the city, so that sidewalk improvements and construction work on the boulevards will be carried on within the city limits.

Yours truly,

B. J. T. JEUP,
City Civil Engineer.

Approved September 15, 1916.

E. L. ZIEGLER,
GEO. B. GASTON,
Board of Public Works.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By City Controller:

Appropriation Ordinance No. 30, 1916. An ordinance appropriating the sum of four thousand two hundred dollars (\$4,200) to and for the use of the Department of Public Works 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 the sum of four thousand two hundred dollars (\$4,200) be and is hereby appropriated out of the General Fund of said City to and for the use of the Department of Public Works to cover the cost of constructing an east approach to the West Washington bridge.

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

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

By City Controller:

Appropriation Ordinance No. 31, 1916. An ordinance appropriating the sum of five hundred and one dollars (\$501) to and for the use of the Department of Finance, to be paid by them to Charles H. Lepper.

SECTION 1. WHEREAS, The Board of Commissioners of Marion County, Indiana, by error granted a license to Charles H. Lepper to sell intoxicating liquor, and the Auditor of Marion County issued to the said Lepper a

license to sell intoxicating liquor, and there was pending before said Commissioners a remonstrance against the issuing of licenses for the sale of intoxicating liquor in the First Ward of the City of Indianapolis, where the said Lepper's saloon was located, and

WHEREAS, The said Charles H. Lepper has paid to the City of Indianapolis the sum of five hundred dollars (\$500) for a city liquor license and the sum of one dollar (\$1) as a Controller's fee,

NOW, THEREFORE, Be it ordained by the Common Council of the City of Indianapolis, Indiana, that the sum of five hundred and one dollars (\$501) be and is hereby appropriated out of the General Fund to and for the use of the Department of Finance, the sum of five hundred and one dollars (\$501) to be paid to the said Charles H. Lepper as a refund of said money paid by him to the said city.

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:

SWITCH CONTRACT.

General Ordinance No. 51, 1916. An ordinance approving a certain contract granting the right to lay and maintain a sidetrack or switch across the first alley southeast of Ludlow Avenue, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, Heretofore, to-wit: on the 8th day of September, 1916, William G. Williams 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—The undersigned respectfully petitions for permission to construct and maintain a sidetrack and switch across the first alley southeast of Ludlow Avenue in accordance with attached plans.

NOW, THEREFORE, This agreement, made and entered into this 18th day of September, 1916, by and between William G. Williams, 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 the first alley southeast of Ludlow Avenue, in the City of Indianapolis, which is more specifically described as follows:

Beginning on the southeasterly line of said alley at a point 415 feet northeast of the northeast line of Nevada Street; thence extending in a westerly direction along the arc of a 16-degree curve to the left, crossing the northwesterly line of said alley at a point 382 feet northeast of the northeast line of Nevada Street.

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 _____ 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.

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 18th day of September, 1916.

WM. G. WILLIAMS,
Party of the First Part.

Witness:

JAMES E. BERRY.

CITY OF INDIANAPOLIS,
By E. L. ZIEGLER,
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 Works.

By the Board of Public Works:

General Ordinance No. 52, 1916. An ordinance ordering the Board of Public Works of the City of Indianapolis, Indiana, to improve Southern Avenue from east property line of Shelby Street to west property line of Boyd Avenue, by grading and graveling the roadway and grading the walks, as provided for under Improvement Resolution No. 8583, adopted August 2, 1916.

WHEREAS, The Board of Public Works of the City of Indianapolis did on the 2nd day of August, 1916, adopt Improvement Resolution No. 8583, for the improvement of Southern Avenue from the east property line of Shelby Street to the west property line of Boyd Avenue with grade and gravel roadway and graded walks; and

WHEREAS, The said Board of Public Works did at the same time fix September 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 5th day of August, 1916, and the 12th day of August, 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 September, 1916, the Board, having met in regular session, took final action on said resolution, the same being confirmed without modification; and

WHEREAS, On the 6th day of September, 1916, a written remonstrance was filed with the Board of Public Works against said improvement, there being fifteen resident property owners, fourteen of whom signed the remonstrance; 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 Southern Avenue from east property line of Shelby Street to west property line of Boyd Avenue by grading and graveling the roadway and grading the walks, under Improvement Resolution No. 8583, adopted on the 2nd day of August, 1916, by the Board of Public Works.

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 City Controller:

General Ordinance No. 53, 1916. An ordinance providing for the employment of two lawyers to act in conjunction with the Department of Law in preparing bills to be presented to the next Indiana General Assembly, and appropriating money to pay said lawyers.

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

SECTION 1. That the Mayor of said city be and he is hereby authorized, empowered and directed to employ two lawyers to act in conjunction with the Department of Law of the City of Indianapolis in the preparation of bills to be presented to the next Indiana General Assembly, to provide for financing the extension, improvement and development of the park and boulevard system of the City of Indianapolis, for the erection of a sewage disposal plant for the city, and for such other things as may be deemed necessary for the amendment or addition to the charter of said city. Said lawyers shall do their work under the direction of the Department of Law.

SECTION 2. That said lawyers so employed by the Mayor shall not be members of the same political party.

SECTION 3. That the amount of compensation to be paid to each of said lawyers shall be fifteen hundred dollars, to be paid on vouchers of the Department of Law.

SECTION 4. That the sum of three thousand dollars is hereby appropriated to the Department of Law of said city for the payment of said lawyers.

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

By City Controller :

General Ordinance No. 54, 1916. An ordinance providing for the transfer of seven hundred and fifty dollars (\$750) from the fund for Appraisalment Indianapolis Water Company to the fund for Remodeling Street Intersections; the transfer of five hundred dollars (\$500) from the fund for Appraisalment Indianapolis Water Company to the fund for Assessments Erroneous; the transfer of two hundred and fifty-eight dollars and sixty-two cents (\$258.62) from the fund for Remodeling Intersection of Sixteenth and Delaware Streets to the fund for Remodeling Street Intersections; all of said funds being in and for the use of the Department of Public Works of the City of Indianapolis, 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 the sum of seven hundred and fifty dollars (\$750) be and the same is hereby transferred from the fund for Appraisalment Indianapolis Water Company to the fund for Remodeling Street Intersections; that the sum of five hundred dollars (\$500) be and the same is hereby transferred from the fund for Appraisalment Indianapolis Water Company to the fund for Assessments Erroneous; that the sum of two hundred and fifty-eight dollars and sixty-two cents (\$258.62) be and the same is hereby transferred from the fund for Remodeling Intersection of Sixteenth and Delaware Streets to the fund for Remodeling Street Intersections; all of said funds being in and for the use of the Department of Public Works of the City of Indianapolis.

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

Which was read a first time.

Mr. Porter moved that the rules be suspended and General Ordinance No. 54, 1916, be placed upon its passage.

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

Ayes, 9, viz.: Messrs. Young, McGuff, Miller, Porter, Lee, Connor, Graham, Shea and President Edward P. Barry.

Mr. Porter called for General Ordinance No. 54, 1916, for second reading. It was read a second time.

Mr. Porter moved that General Ordinance No. 54, 1916, be ordered engrossed, read a third time and placed upon its passage Carried.

General Ordinance No. 54, 1916, was read a third time and passed by the following vote:

Ayes, 9, viz.: Messrs. Young, McGuff, Miller, Porter, Lee, Connor, Graham, Shea and President Edward P. Barry.

By Mr. Lee (by request):

General Ordinance No. 55, 1916. An ordinance amending Part 16, Section 264, of the Building Code of the City of Indianapolis, known as General Ordinance No. 72, 1912.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, that Part 16, Section 264, of General Ordinance No. 72, 1912, entitled "An ordinance regulating all matters concerning, affecting or pertaining to the construction, alteration, repairs or additions to, remodeling, removal, ownership, use or occupation of all buildings, parts of buildings, and structures of every nature whatsoever, in the City of Indianapolis, Indiana, also all improvements, machinery, equipment, furniture, fixtures, signs, electric wiring, appliances and appurtenances used in connection with such buildings, parts of buildings, or structures, or installed therein or thereon, and providing for the closing, the condemning and the stopping of the use thereof, the raising and wrecking of the same, and the removal of the wreckage; creating the office of the Commissioner of Buildings, with a chief clerk, stenographer, chief inspector, and assistant inspector, defining their duties and authority, fixing their compensation, requiring them to give bond, take an oath of office, and be selected by competitive examinations before a board of examiners, providing for the appointment of such a board, the selection of their time and place of meeting, fixing their compensation, providing a time of an examination to be given, and how the same shall be conducted; providing for arbitration before bringing suit against the city; fixing fire limits in said city; regulating the construction, maintenance, use and removal of signs, sign-boards and bill-boards in said city. Expressly repealing the following ordinances: General Ordinance No. 34, approved June 6th, 1904, entitled 'An ordinance providing for all matters concerning, affecting or relating to the construction, alteration, repair or removal of buildings, structures or appurtenances thereto erected or to be erected in the City of Indianapolis, Indiana.' General Ordinance No. 5, approved March 19th, 1906, entitled 'An ordinance to amend Section 110 of an ordinance entitled "An ordinance providing for all matters concerning, affecting or relating to the construction, alteration, repair or removal of buildings, structures or appurtenances thereto erected or to be erected in the City of Indianapolis, Indiana."' General Ordinance No. 94, approved November 4th, 1907, entitled 'An ordinance to amend Sections 36 and 147 of an ordinance entitled "An ordinance providing for the matters concerning, affecting or relating to the construction, alteration, repair or removal of buildings, structures or appurtenances thereto erected or to be erected in the City of Indianapolis, Indiana."' General Ordinance No. 12, approved April 22, 1908, entitled 'An ordinance regulating the construction and regulation of moving picture theatres and licensing all persons to operate moving picture machines and prescribing the penalty for the violation thereof;' and repealing all other ordinances and parts of ordinances in conflict herewith, and providing a penalty for the violation thereof, and fixing the time when the same shall take effect," be and the same is hereby amended to read as follows:

Part 16, Section 264. Each dwelling, tenement or apartment with rooms designed for the use of cooking stoves or ranges burning wood, coal or gas, shall have such cooking rooms provided with flues or chimneys, and all such flues in such dwelling, tenement or apartment shall be built as hereinafter described. Provided, however, that such flues or chimneys when designed for use solely in connection with stoves or ranges using gas alone for fuel may be constructed of sheet metal whenever such sheet metal flues or chimneys are provided with or connected to some form of permanent hood or other approved device for the purpose of collecting and conducting the products of combustion. All designs, plans or specifications for such sheet metal flues, hoods or other devices shall be submitted to and approved by the Commissioner of Buildings.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

By the Board of Public Works :

Special Ordinance No. 11, 1916. An ordinance annexing certain territory to the City of Indianapolis, 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 the boundary lines of the City of Indianapolis be and the same are hereby extended so as to include the following described contiguous territory, all of which is hereby annexed and made a part of the territory constituting and forming the City of Indianapolis, Marion County, State of Indiana, to-wit :

Part of the northeast quarter of Section 3, Township 15 North, Range 4 East, Marion County, State of Indiana, described as follows: Beginning at a point in the present corporation line, located in the south line of said $\frac{1}{4}$ section and 1,220.2 feet west of the center line of Arlington Avenue; thence north 25 degrees and seven minutes east 160 feet to the center line of Pleasant Run; thence in a northwesterly direction along the center of Pleasant Run 475 feet, more or less, to the southerly extension of Audubon Road; thence north along the extension of the center line and along the center line of Audubon Road extended north to a point 150 feet north of the south line of Section 34, Township 16 North, Range 4 East, said south line being center line of East Tenth Street; thence west along a line 150 feet north of and parallel with the south line of said Section 34 to a point in the present corporation line, said point being 150 feet north of the south line of said Section 34 and 150 feet east of the center line of Ritter Avenue, same being also center line of Section 34; thence south parallel with and 150 feet east of center line of Ritter Avenue, a distance of 150 feet to a point in the south line of said Section 34; thence west along south line of said Section 34 to a point, said point being 150 feet east of center line of Ritter Avenue, running south; thence south parallel with and 150 feet east of the center line of Ritter Avenue to the south line of said $\frac{1}{4}$ section; thence east along the south line of the said $\frac{1}{4}$ section to the place of beginning.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and publication for two consecutive weeks in the Indiana Daily Times, a daily paper of general circulation, printed and published in the City of Indianapolis.

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

On motion of Mr. Porter, the Common Council, at 8:35 o'clock p. m., adjourned.

Edmond P. Barry

President.

ATTEST:

Thomas A. Pirley

City Clerk.