

REGULAR MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, February 18, 1907.

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, February 18, 1907, at 7:45 o'clock, in regular session, President Frederick W. Eppert in the chair.

Present: The Hon. Frederick W. Eppert, President of the Common Council, and 19 members, viz: Messrs. Brown, Cottey, Wood, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright and Henry.

Absent, 1, viz: Mr. Hamlet.

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

REPORTS FROM CITY OFFICERS.

From the City Controller:

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER,
INDIANAPOLIS, IND., February 18, 1907.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit an ordinance appropriating the sum of \$15,000.00 to and for the use of the Department of Public Parks, to be ex-

pended in the purchase of a certain tract of land lying in the eastern part of the city, containing thirty acres, more or less, and commonly known as the Ellenberger Woods, and recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

DEPARTMENT OF FINANCE,
OFFICE OF CITY CONTROLLER,

INDIANAPOLIS, IND., February 18, 1907.

To the President and Members of the Common Council:

GENTLEMEN: I herewith submit an ordinance appropriating an additional sum of \$22,000.00 to and for the use of the Department of Public Works, to be expended for the construction of a City Hall building, including offices for the several departments of the city government, and an auditorium for public meetings of the citizens, and respectfully recommend its passage.

Respectfully submitted,

GEO. T. BREUNIG,
City Controller.

From Board of Public Works:

DEPARTMENT OF PUBLIC WORKS,
OFFICE OF THE BOARD.

INDIANAPOLIS, IND., February 18, 1907.

To the President and Members of the Common Council:

GENTLEMEN: I am directed by the Board of Public Works to forward to you, for your consideration and action thereon, the attached switch ordinance, granting to Levi S. Pierson the right to lay and maintain a side-track or switch from the main track of the Pennsylvania Railroad across Drover street and Kentucky avenue, south of Ray street; also

The attached ordinance approving a certain contract, granting to the Vandalia Railroad Company the right to lay and maintain additional tracks across Belmont avenue in the City of Indianapolis, Indiana.

Yours truly,

F. J. NOLL, JR.,
Clerk Board of Public Works.

REPORTS FROM STANDING COMMITTEES.

From Committee on Fees and Salaries:

INDIANAPOLIS, IND., January 7, 1907.

To the President and Members of the Common Council:

GENTLEMEN: We, your Committee on Fees and Salaries, to which was referred General Ordinance No. 160, 1906, entitled, "an ordinance concerning the compensation of all officers, heads of departments, clerks, assistants, and employes of the City of Indianapolis, Indiana, and repealing all ordinances in conflict herewith," beg leave to report that we have had the same under consideration and recommend that said ordinance do pass.

Respectfully submitted,

CHAS. G. DAVIS.

E. J. STICKELMAN.

JOHN L. DONAVON.

Mr. Davis moved that the report of the committee be concurred in. Motion lost.

From the Finance Committee:

INDIANAPOLIS, IND., February 18, 1907.

To the President and Members of the Common Council:

GENTLEMEN: Your Finance Committee, to which was referred Appropriation Ordinance No. 1, 1907, entitled, "an ordinance appropriating the sum of two thousand dollars with which to pay the Indianapolis Map and Platting Company for services rendered the City of Indianapolis in making complete copies land plats for use of the Bureau of Assessment," begs leave to report that it has had the same under consideration and recommends that said ordinance do pass.

Respectfully submitted,

HARRY E. ROYSE.

W. O. BANGS.

JAS. F. SULLIVAN.

W. A. RHODES.

JACOB H. HILKENE.

ALBERT E. COTTEY.

Mr. Royse moved that the report of the committee be concurred in. Carried.

From Committee on Railroads:

INDIANAPOLIS, IND., February 18, 1907.

To the President and Members of the Common Council:

GENTLEMEN: Your Committee on Railroads, to whom was referred General Ordinance No. 15, 1907, entitled, "an ordinance approving a certain contract granting Daniel W. Marmon the right to lay and maintain a side-track or switch across East Market street," have had same under consideration and would recommend that same do pass.

Respectfully submitted,

ALBERT E. COTTEY.
CHAS. G. DAVIS.
JACOB H. HILKENE.
E. J. STICKELMAN.
B. A. BROWN.

Mr. Cottey moved that the report of the committee be concurred in. Carried.

INTRODUCTION OF APPROPRIATION ORDINANCES.

By the City Controller:

Appropriation Ordinance No. 2—1907: An ordinance appropriating the sum of \$15,000.00 for the purchase of certain land for park purposes.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby appropriated out of any moneys in the city treasury not otherwise appropriated, the sum of fifteen thousand dollars (\$15,000.00) to the Board of Park Commissioners of said city to be expended in the purchase, for park purposes exclusively, the certain tract of land lying in the eastern part of said city consisting of about thirty (30) acres, more or less, and commonly known as the Ellenberger Woods.

SEC. 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.

By the City Controller:

Appropriation Ordinance No. 3—1907: An ordinance appropriating an additional sum of \$22,000.00 to the Board of Public Works of the City of Indianapolis, to be expended for the construction of a City Hall building, containing offices for the several departments of the city government and an auditorium suitable for public meetings of the citizens of said city.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and is hereby appropriated out of any moneys in the city treasury not otherwise appropriated, the additional sum of twenty-two thousand dollars (\$22,000.00) to the Board of Public Works of said city, to be expended in the construction of a City Hall building, which shall include and contain offices for the several departments of the city government and an auditorium suitable for public meetings of the citizens of said city, said building to be adequate for the probable future needs of the city, this appropriation to be used and expended in connection with the appropriation heretofore made under Appropriation Ordinance No. 21, 1906, approved October 24, 1906, and in accordance with the conditions and requirements of said ordinance.

SEC. 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 Board of Public Works:**

General Ordinance No. 20—1907: An ordinance approving a certain contract granting Levi S. Pierson the right to lay and maintain a side-track or switch from the main track of the Pennsylvania railroad across Drover street and Kentucky avenue, south of Ray street, according to blue print attached, in the City of Indianapolis, Indiana.

WHEREAS, heretofore, to-wit: On the 13th day of February, 1907, Levi S. Pierson filed his petition before the Board of Public Works of the City of Indianapolis, Indiana, as follows:

PETITION.

INDIANAPOLIS, IND., February .., 1907.

To the Board of Public Works, Indianapolis, Indiana:

GENTLEMEN: The undersigned, L. S. Pierson, respectfully petitions your Honorable Board, asking permission to construct and maintain a side-track or switch from the main track of the Pennsylvania railroad across Drover street and Kentucky avenue, south of Ray street, in the City of Indianapolis; said side-track or switch to be constructed and maintained across said above named streets from the points designated as "A" and "B" on the drawing attached hereto, filed herewith and made a part of this petition and for certainty marked "Exhibit A."

Your petitioner prays that the privileges and authorities herein requested shall be granted upon such terms and conditions as may hereafter be agreed upon by contract.

L. S. PIERSON.

Now, therefore, This agreement, made and entered into this 18th day of February, 1907, by and between Levi S. Pierson, 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 the right-of-way for a switch or side-track across Drover street and Kentucky avenue in the City of Indianapolis, which is more specifically described in the petition of the said first party hereto attached and made a part of this contract, hereby covenants and agrees and fully binds itself, its successors, legal representatives and assigns, that in consideration of the grant and privileges and authority herein given, it will lay, construct and maintain said switch or side-track upon terms and conditions hereinafter set forth, to-wit:

1. It shall be laid, improved and kept in repair so 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 side-track or 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 side-track or switch 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 side-track or switch.

3. The crossings where said side-track or switch intersects Drover street and Kentucky avenue 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 crossings or to be thereon except for such time as may be absolutely necessary in moving them back and forth and they shall be at no time stopped or detained thereon in such manner as to obstruct public travel.

4. Said party of the first part agrees, upon the written order of said Board, made for any good cause affecting the interest of the city or the public welfare, to take up and remove said side-track or switch, and upon said parties 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 nowise 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 side-track or switch 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 side-track or switch and to pay any judgments with cost, 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 Drover street and Kentucky avenue in the City of Indianapolis, all as shown by the drawing attached hereto, filed herewith and for greater certainty marked "Exhibit A."

In Witness Whereof, We have hereunto set our hands this 18th day of February, 1907.

Witness:

L. S. PIERSON,
Party of first part.

CITY OF INDIANAPOLIS,

By JOSEPH T. ELLIOTT,

P. C. TRUSLER,

F. J. MACK,

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.

SEC. 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 Railroads.

By Board of Public Works:

General Ordinance No. 21—1907: An ordinance approving a certain contract granting to the Vandalia Railroad Company the right to lay and maintain additional tracks across Belmont avenue in the City of Indianapolis, Indiana.

WHEREAS, The City of Indianapolis, State of Indiana, by and through its Board of Public Works, and the Vandalia Railroad Company, a consolidated, corporation under the laws of the States of Indiana and Illinois, have entered into the following agreement, to-wit:

This indenture, made and entered into by and between the City of Indianapolis, in the State of Indiana, and the Vandalia Railroad Company, a consolidated corporation under the laws of the States of Indiana and Illinois, witnesseth:

I.

The City of Indianapolis, by its Board of Public Works, in consideration of the covenants and agreements hereinafter set forth to be by the Vandalia Railroad Company kept and performed, and subject to the terms and conditions hereinafter specified, hereby grants to said Vandalia Railroad Company the right and privilege of constructing, maintaining and operating across Belmont avenue, in the City of Indianapolis, the five (5) tracks shown in red upon the blue print hereto attached as an exhibit marked "A" and made part hereof.

II.

In consideration of the premises, said Vandalia Railroad Company hereby covenants and agrees that the rights and privileges above granted shall be exercised and enjoyed in the following manner and upon the following terms and conditions, to-wit:

Said tracks shall be constructed at the present grade of Belmont avenue, under the supervision and to the satisfaction and approval of the Board of Public Works of the City of Indianapolis, and shall be so constructed and as long as Belmont avenue continues to be a public street at the crossing of said tracks, shall be so maintained as to be safe for the passage of persons on foot, in vehicles, or otherwise, and shall be kept in repair and free from obstructions or defects of any kind. For the purpose of making said tracks safe, they shall at all times be subject to the orders of said Board of Public Works, and when ordered in writing by said Board, they shall be raised or lowered to conform to any grade of Belmont avenue which may from time to time be established. No car or cars shall be permitted to obstruct the crossing on Belmont avenue of said tracks, or to be thereon, except for such time as may be absolutely necessary in being moved back and forth on said tracks, and cars shall at no time be stopped and detained on any of said tracks, in such manner as to obstruct travel on Bel-

mont avenue. The space between said tracks on Belmont avenue shall be planked or paved to the entire satisfaction of said Board of Public Works, and in case said crossings, or any of them, get out of repair, or need reconstruction, or become in any way defective, of which fact said Board of Public Works shall be the exclusive judge, it shall be the duty of the Vandalia Railroad Company to promptly repair the same, failing in which, after notification in writing of ten (10) days, said Board of Public Works shall do, or cause the same to be done at the expense of said Vandalia Railroad Company, and for such expense and cost said railroad company shall be liable.

III.

Said Vandalia Railroad Company hereby binds itself to hold the City of Indianapolis harmless against any and all claims for damages growing out of the construction, maintenance or use of said tracks across Belmont avenue, and to pay any judgments with costs that may on that account be rendered against said city or said Board of Public Works.

IV.

Any violation of any of the provisions of this indenture by the Vandalia Railroad Company, or by anyone for it, at its instance or with its permission, shall operate as an immediate and absolute forfeiture of the rights and privileges granted by this indenture, and upon such violation the Board of Public Works of said City of Indianapolis may cause said tracks to be removed at once, and the fact of such violation shall constitute a full defense to any action to prevent such removal, or to recover damages therefor.

V.

Should the City of Indianapolis at any time, pursuant to the authority conferred upon it by law, order the separation of grades at said crossing of Belmont avenue, the Vandalia Railroad Company hereby covenants and agrees that it will either remove the five (5) tracks which by the terms of this indenture it is authorized to construct, maintain and operate across Belmont avenue, or will bear the entire cost of the separation of grades, with respect to so many of the said five (5) tracks as it may elect to retain.

In Witness Whereof, The parties hereto have caused this indenture to be executed in duplicate, the City of Indianapolis by its Board of Public Works and the Vandalia Railroad Company by its proper officer, all done this 15th day of February, A. D. 1907.

CITY OF INDIANAPOLIS,

By JOSEPH T. ELLIOTT,

P. C. TRUSLER,

F. J. MACK.

VANDALIA RAILROAD COMPANY,

By B. MCKEEN, General Manager.

AND, WHEREAS, Said agreement 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 the agreement above set forth be, and the same is hereby, in all things confirmed and approved.

SEC. 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 Railroads.

By President Eppert:

General Ordinance No. 22—1907: An ordinance providing for special police officer to be in attendance at public or private dances in public halls in the City of Indianapolis and providing penalties for the violation thereof.

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, That it shall be unlawful for any person, firm, company or corporation to give or hold a public or private dance in any public hall in the City of Indianapolis without first securing the attendance of at least one special policeman and pay for the services of said policeman to the said policeman the sum of three dollars (\$3.00) and said policeman shall be in policeman's uniform and shall remain in continuous duty during any such dance to preserve order.

SEC. 2. That any person, firm, company or corporation who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than five dollars (\$5.00) nor exceeding one hundred dollars (\$100.00).

SEC. 3. This ordinance shall take effect and be in force from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Sun, a daily newspaper of general circulation, published in the City of Indianapolis, County of Marion, State of Indiana.

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

By Mr. Portteus:

Special Ordinance No. 2—1907: An ordinance annexing certain territory to the City of Indianapolis, defining a part of the boundary line of said city and fixing a 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 to and made a part of the territory constituting and forming the City of Indianapolis, Marion County, Indiana.

Commencing at the northeast corner of the west half of the southwest quarter of Section 2, Township 15 north, Range 4 east; thence south along

the east line of the west half of the southwest quarter of said Section 2, Township 15 north, Range 4 east, to the center of the National Road;

Thence in a southwesterly direction along the center of the National Road to the west line of the east half of the west half of the southwest quarter of said Section 2, Township 15 north, Range 4 east;

Thence north along the west line of the east half of the west half of the southwest quarter of Section 2, Township 15 north, Range 4 east, to the center line of said Section 2, Township 15 north, Range 4 east;

Thence east along the center line of said Section to the northeast corner of the west half of the southwest quarter of Section 2, Township 15 north, Range 4 east, the place of beginning, containing 24.50 acres, more or less.

SEC. 2. This ordinance shall be in full force and effect from and after its passage and publication once each week for two consecutive weeks in the Indianapolis Sun, a newspaper of general circulation, printed and published in the City of Indianapolis, Indiana.

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

By Mr. Portteus:

Special Ordinance No. 3—1907: An ordinance providing for the annexation of certain contiguous territory therein described to the City of Indianapolis, Indiana, 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 said City of Indianapolis be, and the same are hereby, extended so as to include the following described contiguous territory, whether platted or not, to-wit: Beginning at the point of intersection of the center line of Ritter avenue with the center line of the Brookville Free Gravel Road; thence north along said center line of Ritter avenue to the half-section line of Section ten (10), Township fifteen (15) north, Range four (4) east; thence east along said half-section line thirteen hundred and twenty (1,320) feet, more or less, to a point at an angle in the present corporation boundary line of said City of Indianapolis; thence south parallel with the east line of said Section to the center line of said Brookville Free Gravel Road; thence in a northwesterly direction along the center line of said Brookville Free Gravel Road to the place of beginning, all of which described territory, whether platted or not, is hereby annexed to and made a part of the territory constituting and forming the City of Indianapolis, Marion County, Indiana.

SEC. 2. This ordinance shall be in full force and effect from and after its passage and publication once each week for two (2) consecutive weeks in the Indianapolis Sun, a daily newspaper of general circulation, printed and published in the City of Indianapolis, Indiana.

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

MISCELLANEOUS BUSINESS.

By President Eppert:

Resolution No. 3—1907:

WHEREAS, The Common Council of the City of Indianapolis, Indiana, has learned of the death of the father of Louis F. Henry, a member of this body, and deploring the same; therefore, be it

Resolved, That we extend to him our sincere and heartfelt sympathy in this his hour of bereavement. That our hand of fellowship is far from reaching out to our Council associate our innermost feelings for him. Be it further

Resolved, That a copy of these sentiments be sent him and as a further mark of regard, that they be spread as a matter of record on the minutes of this body.

Mr. Royse moved that the resolution be adopted. Carried.

By Mr. Neukom:

I move that a special committee of three be appointed to consult with Board of Works in reference to having a few more electric lights distributed.

Which motion carried.

In compliance with the motion President Eppert appointed the following committee: Messrs. Neukom, Stickelman and Hilkene.

HEADQUARTERS CARPENTERS' DISTRICT COUNCIL,
54 VIRGINIA AVE.,
INDIANAPOLIS, IND., February 13, 1907.

To the President and Members of the Common Council:

The Carpenters' District Council have watched with considerable interest the many efforts put forth by the Mayor, your Honorable Body and the Board of Public Works to build a Colloseum and City Hall and believe that such a building is needed, and would be a credit to our fair city.

Still we believe we are justified in entering a protest against the letting

of this contract to any firm or firms who are unfair to organized labor in general and our trade in particular, and therefore respectfully ask your Honorable Body to reject the bids received to date, and advertise for new bids on this most important work, which necessarily will be used by all classes of citizens of our city.

Sincerely yours,

Z. F. CARRIGAN,
Secretary.

Mr. Royse moved that the communication be referred to a special committee. Carried.

President Eppert then referred the communication to the Building Committee appointed in connection with the New City Hall.

ORDINANCES ON SECOND READING.

Mr. Royse called for Appropriation Ordinance No. 1, 1907, for second reading. It was read a second time.

Mr. Royse moved that Appropriation Ordinance No. 1, 1907, be ordered engrossed, read a third time and placed upon its passage. Carried.

Appropriation Ordinance No. 1, 1907, was read a third time and passed by the following vote:

Ayes, 20, viz.: Messrs. Brown, Cottey, Wood, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright, Henry and President Frederick W. Eppert.

Noes, none.

Mr. Cottey called for General Ordinance No. 15, 1907, for second reading. It was read a second time.

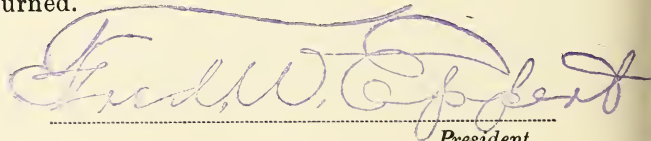
Mr. Cottey moved that General Ordinance No. 15, 1907, be ordered engrossed, read a third time and placed upon its passage. Carried.

General Ordinance No. 15, 1907, was read a third time and passed by the following vote:

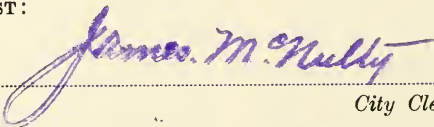
Ayes, 20, viz.: Messrs. Brown, Cottey, Wood, Davis, Neukom, Smither, Rhodes, Bangs, Uhl, Stickelman, Hartmann, Portteus, Royse, Donavon, Sullivan, Hofmann, Hilkene, Wright, Henry and President Frederick W. Eppert.

Noes, none.

On motion of Mr. Rhodes, the Common Council, at 8:25 o'clock P. M., adjourned.


.....
President.

ATTEST:


.....
City Clerk.

