

PROCEEDINGS OF BOARD OF ALDERMEN.

SPECIAL SESSION—JUNE 15, 1886.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Tuesday evening, June 15th, A. D. 1886, at eight o'clock, in special session, pursuant to the following request and call:

To President Endly:

Indianapolis, Ind., June 14, 1886.

We, the undersigned members of the Board of Aldermen of the City of Indianapolis, respectfully ask you to call a special session of the Board of Aldermen, to meet on Tuesday evening, June 15th, at 8 o'clock P. M., to consider the Union Depot ordinances.

Respectfully,

H. W. Laut,
James A. Pritchard,
G. S. Wright,
M. L. Brown.

John S. Crosby,
John Rail,
Isaac King,

To the Members of the Board of Aldermen:

Gentlemen:—You are hereby notified to meet in special session in the Chamber of the Board of Aldermen on Tuesday evening, June 15, 1886, at 8 o'clock.

THOMAS E. ENDLY, President.

PRESENT—Hon. Thomas E. Endly, President of the Board of Aldermen, in the Chair, and Aldermen Brown, Crosby, Laut, Prier, Pritchard, Rail, Schmidt, and Wright—9.

ABSENT, 1—viz: Alderman King.

PENDING ORDINANCES.

The following entitled ordinance was read the second time:

G. O. 32, 1886—An ordinance confirming the right of the Indianapolis Union Railway Company to occupy portions of Louisiana, Tennessee and Mississippi streets, and Kentucky avenue, with its tracks; authorizing said company to re-adjust its tracks in said streets and said avenue, and to lay additional tracks thereon.

Alderman Schmidt moved that the ordinance be referred to the Committee on Streets and Alleys, and the Committee on Railroads.

Alderman Pritchard moved as a substitute for Alderman Schmidt's motion, that the ordinance be read the third time and placed upon its final passage; which was adopted.

The ordinance was then read the third time.

And it was passed by the following vote:

AYES, 7—viz: Aldermen Brown, Crosby, Prier, Pritchard, Rail, Wright, and President Endly.

NAYS, 2—viz: Aldermen Laut, and Schmidt.

The ordinance as passed above is as follows, to-wit:

G. O. 32, 1886—An ordinance confirming the right of the Indianapolis Union Railway company to occupy portions of Louisiana, Tennessee and Mississippi streets and Kentucky avenue with its tracks, authorizing said company to re-adjust its tracks in said streets and said avenue and to lay additional tracks thereon.

SECTION 1. *Be it ordained by the Common Council and Board of Aldermen of the City of Indianapolis:*

That the occupation by the Indianapolis Union Railway Company as now organized (as the successor of the Union Railway Company of the City of Indianapolis as heretofore existing) with its tracks of that portion of Louisiana street lying between Illinois and Missouri streets, and of that portion of Tennessee and Mississippi streets lying between the north line of Louisiana street and the north line of South street, and of that portion of Kentucky avenue lying between the north line of Louisiana street and the north line of South street, is lawful and the right of said The Indianapolis Union Railway Company as the successor of the Union Railway Company of the City of Indianapolis as heretofore existing, to so occupy with its tracks said portions of Louisiana, Tennessee, and Mississippi streets and Kentucky avenue is confirmed.

SEC. 2. The said The Indianapolis Union Railway Company is authorized and empowered to re adjust its tracks as they are now laid upon that portion of Louisiana street lying between Illinois and Missouri streets, and that portion of Tennessee and Mississippi streets lying between the north line of Louisiana street and the north line of South street, and that portion of Kentucky avenue lying between the north line of Louisiana streets and the north line of South street, and said railway company is further authorized and empowered to lay down, operate and use upon that portion of Louisiana street, above described, one additional track; upon that portion of Tennessee street, above described, four additional tracks; upon that portion of Mississippi street, above described, three additional tracks; and upon that portion of Kentucky avenue, above described, one additional track.

SEC. 3. It shall be the duty of said The Indianapolis Union Railway Company, and one which it shall be deemed to have assumed by accepting the rights and franchises hereinbefore granted, to use all reasonable and proper precautions to prevent injury or harm to persons, animals and property in operating their locomotives and cars upon any of the tracks above mentioned. It shall also be the duty of said railway company to cause all of said tracks to be so laid and maintained as that they shall conform to established grade of the streets and avenue named, at the respective crossings thereof. It shall further be the duty of said railway company to construct, keep and maintain secure, safe and proper crossings where said tracks or any of them shall cross or intersect said streets or avenue, so as to afford the citizens and travellers thereon safe, convenient and comfortable passage across said tracks; and said railway company shall plank the space occupied by said tracks at said crossings, and also a space of two feet on the outer edge of the outside rail on either side of said tracks.

The following entitled ordinance was read the second time:

G. O. 33, 1886—An ordinance to vacate a portion of Louisiana street, for Union Railway purposes.

Alderman Schmidt offered the following amendment to the ordinance

Amend by striking out all of additional Section 2 as amended, and as adopted by the Common Council on June 14, 1886, and insert in lieu thereof the following:

"*Provided further*, That this ordinance and vacation is to have no effect and validity until the following conditions are complied with:

"All parties who believe themselves damaged by the vacation of this street are to file their claims for damages with the City Clerk within 15 days; said claims to be referred to boards of arbitration, of whom one is to be appointed by the claimants, the other by the The Indianapolis Union Railway Company, who, together, are to choose a third one; and the report of said boards, assessing or refusing damages, are to be filed with the City Clerk; and upon the said The Indianapolis Union Railway Company paying or tendering the amount of such arbitrated damages to the parties entitled thereto, and filing proof of such tender with the City Clerk, this ordinance is to have full force and validity.

"SECTION 2. Leave is hereby granted to the Indianapolis Union Railway Company to build, and for the consideration aforesaid, and for the vacation of certain other parts of streets and alleys, it is also hereby required to build a viaduct over the Union Railway tracks on Meridian street the full width of said street, with proper approaches leading to the viaduct, to be built with curb or retaining walls and earth filling between said curbs, and with sidewalks attached, as may be ordered by the Common Council and Board of Aldermen of said city.

"SEC. 3. This ordinance shall take effect and be in force, provided the said The Indianapolis Union Railway Company, within sixty days from its passage, files its written acceptance of the terms and conditions thereof with the City Clerk."

On motion of Alderman Brown the amendment was laid on the table by the following vote:

AYES, 6—viz: Aldermen Brown, Crosby, Prier, Pritchard, Wright, and President Endly.

NAYS, 3—viz: Aldermen Laut, Rail, and Schmidt.

The ordinance was then read the third time.

And it was passed by the following vote:

AYES, 8—Aldermen Brown, Crosby, Laut, Prier, Pritchard, Rail, Wright, and President Endly.

NAYS, 1—viz: Alderman Schmidt.

The ordinance as passed above is as follows, to-wit:

G. O 33, 1886—An Ordinance to vacate a portion of Louisiana street for Union Railway purposes.

WHEREAS, The Indianapolis Union Railway Company has presented to and filed with the Common Council and Board of Aldermen of the City of Indianapolis its petition praying for the vacation of that portion of Louisiana street hereinafter in this ordinance described, setting forth that the purpose for which it is proposed to use the ground forming said portion of street sought to be vacated is to occupy the same with a part of the new Union Passenger Depot that said petitioner is proposing to build in said city, and with Union Railway tracks, and to extend a car shed thereon to be connected with said new Union Passenger Depot, and forming part of the necessary facilities required for said new depot; and,

Whereas, There was appended to said petition the written consent to the granting of the prayer thereof of the owners in fee simple of more than one-half of the real estate fronting on both sides of said street, estimated by the frontage in feet

upon said street, commencing at a line drawn across said street equi-distant from the termini of that portion of said street proposed to be vacated, and extending along said street fifteen hundred (1,500) feet west, and eastward three hundred and eleven (311) feet and three (3) inches to Meridian street, where Louisiana street is interrupted and ceases; and,

Whereas, It is ascertained and is hereby determined that said written consent so appended has been given and signed by the owners in fee simple of more than one-half of the real estate fronting on both sides of said street, estimated by the frontage in feet upon said street, commencing at said equi-distant line and extending along said street fifteen hundred (1,500) feet west, and eastward three hundred and eleven (311) feet and three (3) inches to Meridian street, where Louisiana street is interrupted and ceases; and,

Whereas, Twenty days' previous notice of the time of the presentation of said petition and of the prayer thereof, and describing the portion of the street sought to be vacated, was given by said Indianapolis Railway Company, by publication by three insertions in each of the following daily newspapers, they being of general circulation and printed and published in the City of Indianapolis, viz.: the Indianapolis News and the Indianapolis Sentinel; and,

Whereas, It is proposed by the Indianapolis Union Railway Company to dedicate to the public for street purposes a rectangular strip of ground described as follows, viz.:

Beginning at a point on the north line of Louisiana street, one hundred and sixty-seven (167) feet and six (6) inches east of the east line of Illinois street; thence north one hundred and sixty-seven (167) feet and six (6) inches; thence west one hundred and sixty-seven (167) feet and six (6) inches to the east line of Illinois street; thence north with the east line of Illinois street thirty-eight (38) feet to the south line of the alley running east and west through block number eighty-seven; thence east with the south line of said alley, two hundred and seventeen (217) feet and six (6) inches to the east line of the alley running north and south through said block; thence south to the north line of Louisiana street; thence west fifty (50) feet to the place of beginning; now, therefore,

SECTION 1. *Be it ordained by the Common Council and Board of Aldermen of the City of Indianapolis*, That the surface and such other part as may be required of the following described portion of Louisiana street, viz. commencing with the east line of Illinois street in said city; thence east one hundred and sixty-seven (167) feet and six (6) inches, the full width of Louisiana street, be, and the same hereby is vacated for Union Railway purposes: *Provided, however*, That said Indianapolis Union Railway Company shall not enter into the exclusive possession of said portion of Louisiana street hereby vacated, nor obstruct nor exclude the public from the use of the same, until it shall have made a valid dedication to the public for street purposes of the rectangular strip of land described in the last above recital.

SEC. 2. By the acceptance of the provisions of this ordinance the Indianapolis Union Railway Company agrees to save the City of Indianapolis harmless from any liability whatsoever to any property owners or other person on account of the vacation herein made, should there be any such liability.

SEC. 3. The said Indianapolis Union Railway Company shall, before the erection of its said new Union Depot, file with the City Clerk of this city a certificate of its acceptance of all the provisions contained in this ordinance.

SEC. 4. This ordinance shall take effect and be in force from and after its passage.

The following entitled ordinance was read the second time:

G O. 34, 1886—An ordinance to vacate a portion of Illinois street, for Union Railway purposes.

Alderman Schmidt offered the following amendment to the ordinance:

Amendment to G. O. 34, 1886, as amended. Add to the end of Section 1, as follows:

And provided further, that this ordinance and vacation is to have no effect and validity until the following conditions are complied with:

All parties who believe themselves damaged by the vacation of this street are to file their claims for damages with the City Clerk, within fifteen days after the passage of this ordinance, said claims to be referred to boards of arbitration, of whom one is to be appointed by the claimant, the other by The Indianapolis Union Railway Company, who together are to choose a third one, and the reports of said board assessing or refusing damages are to be filed with the City Clerk, and upon The Indianapolis Union Railway Company paying or tendering the amount of such arbitrated damages to the parties entitled thereto, and filing proof of such tenders with the City Clerk, this ordinance is to have full force and validity.

Also, strike out all the words after the word and figure, Section 2, and insert in lieu thereof, all the words after the word and figure, Section 3.

Also, strike out the word and figure, section 4, and insert in lieu thereof the word and figure, Section 3.

On motion by Alderman Pritchard the amendment was laid on the table by the following vote:

AYES, 6—viz: Aldermen Brown, Crosby, Prier, Pritchard, Wright, and President Endly.

NAYS, 3—viz: Aldermen Laut, Rail, and Schmidt.

The ordinance was then read the third time.

And it was passed by the following vote:

AYES, 7—viz: Aldermen Brown, Crosby, Prier, Pritchard, Rail, Wright and President Endly.

NAYS, 2—viz: Aldermen Laut, and Schmidt.

The ordinance as passed above is as follows, to-wit:

G. O. 34, 1886—An ordinance to vacate a portion of Illinois street for Union Railway purposes.

WHEREAS, The Indianapolis Union Railway Company has presented to and filed with the Common Council and Board of Aldermen of the City of Indianapolis its petition praying for the vacation of that portion of Illinois street hereinafter in this ordinance described, setting forth that the purpose for which it is proposed to use the ground forming said portion of street sought to be vacated, is to occupy the same with Union Railway tracks, and to extend a car-shed thereon to be connected with the new Union Passenger Depot that said company is about to build, and forming part of the necessary facilities required for said new depot; and

Whereas, There was appended to said petition the written consent to the granting of the prayer thereof of the owners in fee-simple of more than one-half of the real estate fronting on both sides of said street, estimated by the frontage in feet upon said street, such frontage commencing at a line drawn across said street equidistant from the termini of that portion of said street proposed to be vacated, and extending along said street from said line fifteen hundred (1500) feet in each direction; and

Whereas, It is ascertained and hereby determined that said written consent so appended has been given and signed by the owners in fee-simple of more than one-half of the real estate fronting on both sides of said street, estimated by the

frontage in feet upon said street, commencing at said equi-distant line, and extending along said fifteen hundred (1500) feet in each direction; and

Whereas, Twenty days previous notice of the time of the presentation of said petition and of the prayer thereof, and describing the portion of street sought to be vacated, was given by said The Indianapolis Union Railway Company by publication by three insertions in each of the following daily newspapers, they being of general circulation, and printed and published in the City of Indianapolis, viz:—The Indianapolis News and the Indianapolis Sentinel; and

Whereas, In consequence of such proposed vacation of said portion of Illinois street, it is anticipated that an improvement of the Illinois-street tunnel will be desirable. *Now, Therefore*,

SECTION 1. Be it ordained by the Common Council and Board of Aldermen of the City of Indianapolis that the surface and such other part as may be required of the following described portion of Illinois street, viz:

Commencing at point fifty (50) feet south of the intersection of the north line of Louisiana street and the west line of Illinois street; thence south with the west line of Illinois street two hundred and ten (210) feet; thence east to the east line of Illinois street; thence north with said east line two hundred and ten (210) feet; thence west to the place of beginning.

Be, and the same hereby is vacated for Union Railway purposes;

Provided, That by its acceptance of this ordinance the said, The Indianapolis Union Railway Company, shall be held to agree to raise the grade of its tracks, at the crossing of said Illinois street at least two (2) feet, and that it will bear the expense, not to exceed \$30,000,00, in making such improvements of the Illinois street tunnel, as shall be provided for in plans and specifications therefor that shall be prepared by the City Civil Engineer, and approved by a civil engineer who shall be selected by the said The Indianapolis Union Railway Company; and in case said two engineers can not agree upon such plans and specifications, said engineers shall choose a third disinterested engineer, and the majority of said three engineers shall determine upon such plans and specifications, and the improvement of said tunnel shall be made in accordance with the plans and specifications so prepared and adopted by a majority of said three engineers; *provided*, that if said city, in making such improvement, shall defray any part of the expense thereof, out of voluntary subscriptions made by citizens, such third disinterested engineer shall be selected by such citizens; but nothing herein contained shall be so construed as to require the city to pay any part of the expense of improving said tunnel.

And by its acceptance of this ordinance said The Indianapolis Union Railway Company shall further be held to agree to include in the construction of their depot and sheds, and to maintain in good condition a commodious foot-way not less than ten feet in width, for public use, on one side of said Illinois street, in accordance with plans to be prepared and adopted in the same way that the plans and specifications above mentioned are to be prepared and adopted; and said The Indianapolis Union Railway Company shall also be held by its acceptance of this ordinance, to agree to light at its expense said tunnel when so improved.

And provided further, That the property in said improved tunnel under the portion of said street hereinabove vacated shall become and be the property of the city, and the city shall have the title and use of said tunnel, and the same shall be subject to its municipal powers over streets and other city thoroughfares, and nothing herein contained shall be so construed as to make it the duty of the said The Indianapolis Union Railway Company to maintain the same after the same shall have been so improved.

Provided further, That said The Indianapolis Union Railway Company shall not erect any wall upon or across the part of Illinois street so vacated in such a manner as to obstruct the view of said street under said car-sheds and on either side thereof from north to south, for a width of sixty (60) feet nearest to the depot building, and shall provide and maintain at all times an exit gate from its said car-sheds on the south side thereof convenient to said Illinois street, and provided,

further, that the vacation of said street is made upon condition that said Railway Company shall erect its Union Depot and train-sheds so as to occupy therewith the part of said street so vacated, as contemplated in the preamble hereof.

Section 2. By the acceptance of the provisions of this ordinance, The Indianapolis Union Railway Company agrees to save the City of Indianapolis harmless from any liability whatsoever to any property owner or other person on account of the vacation herein made, should there be any such liability.

Section 3. The Indianapolis Union Railway Company shall, before the erection of its said new Union Depot, file with the City Clerk of said city, a certificate of its acceptance of all the provisions contained in this ordinance.

Section 4. This ordinance shall take effect and be in force from and after its passage.

The following entitled ordinance was read the second time, and then read the third time:

G. O. 35, 1886—An ordinance to vacate a portion of Louisiana street for Union Railway purposes.

And it was passed by the following vote:

AYES, 7—viz: Aldermen Brown, Crosby, Prier, Pritchard, Rail, Wright, and President Endly.

NAYS, 2—viz: Aldermen Laut, and Schmidt.

The ordinance as passed above is as follows, to-wit:

G. O. 35, 1886.—An ordinance to vacate a portion of Louisiana Street for Union Railway purposes.

WHEREAS, The Indianapolis Union Railway Company has presented to and filed with the Common Council and Board of Aldermen of the City of Indianapolis its petition praying for the vacation of that portion of Louisiana street hereinafter in this ordinance described, setting forth that the purpose for which it is proposed to use the ground forming said portion of street sought to be vacated is to occupy the same with Union Railway tracks and to extend a car shed thereover, to be connected with the new Union Passenger Depot that said company is about to build, and forming part of the necessary facilities required for said new depot; and

Whereas, Their was appended to said petition the written consent to the granting of the prayer thereof of the owners in fee simple of more than one-half of the real estate fronting on both sides of said street, estimated by the frontage in feet upon said street, such frontage commencing at a line drawn across said street equidistant from the termini of that portion of said street and extending along said street from said line fifteen hundred (1,500) feet west along said street, and eastward four hundred and sixty five (465) feet to Meridian street, where Louisiana street is interrupted and ceases; and

Whereas, It is ascertained and is hereby determined that said written consent so appended has been given and signed by the owners in fee simple of more than one-half of the real estate fronting on both sides of said street, estimated by the frontage in feet upon said street, commencing at said equidistant line drawn across said street, and extending fifteen hundred (1,500) feet west, and eastward four hundred and sixty-five (465) feet to Meridian street, where Louisiana street is interrupted and ceases; and,

Whereas, Twenty days' previous notice of the time of the presentation of said petition, and of the prayer thereof, and describing the portion of street sought to be vacated, was given by said Indianapolis Union Railway Company, by publication by three insertions in each of the following daily newspapers, they being of

general circulation and printed and published in said City of Indianapolis, viz.: The Indianapolis News and the Indianapolis Sentinel. *Now, Therefore,*

SECTION 1. Be it ordained by the Common Council and Board of Aldermen of the City of Indianapolis that the surface and such other part as may be required of the following described portion of Louisiana street, viz.:

Commencing at a point fifty (50) feet south of the intersection of the west line of Meridian street in said city, and the north line of Louisiana street in said city; thence west across Illinois street nine hundred and thirty (930) feet to the east line of Tennessee street; thence south with said east line of Tennessee street forty (40) feet to the south line of Louisiana street; thence east with said south line of Louisiana street across Illinois street nine hundred and thirty (930) feet to the west line of Meridian street; thence north with said west line of Meridian street forty (40) feet to the place of beginning:

Be and the same hereby is vacated for Union Railway purposes.

SEC. 2. By the acceptance of the provisions of this ordinance the Indianapolis Union Railway Company agrees to save the City of Indianapolis harmless from any liability whatsoever to any property owner or other person on account of the vacation herein made, should there be any such liability.

SEC. 3. The vacation of said street is made upon the condition that said Union Railway Company shall erect its Union Depot and train sheds so as to occupy therewith the part of said street so vacated, as contemplated in the preambles hereof and, *provided*, That the said The Union Railway Company shall, before the erection of its said depot, file with the City Clerk of this city, a certificate of its acceptance of all of the provisions of this ordinance.

SEC. 4.—This ordinance shall take effect and be in force from and after its passage.

The following entitled ordinance was read the second time:

G. O. 36, 1886.—An ordinance to vacate a portion of Meridian street for Union Railway purposes; also, to provide for the building of a foot bridge over the portion of street so vacated, and the building of a viaduct over the Union Railway Tracks between Meridian and Pennsylvania streets.

Alderman Schmidt offered the following amendment to the ordinance:

Amendment to G. O. 36, 1886:

Amend by striking out in Section 1 all after the words "thence west to the place of beginning," and insert in lieu thereof as follows:

Be and the same may hereby be used for Union Railway purposes.

Provided, however, That this ordinance shall not take effect or have any validity unless The Indianapolis Union Railway Company, in consideration of the vacation of a part of Louisiana, McNabb and other streets and certain alleys, is to build a viaduct on and over the tracks the full width of the street on Meridian street, with proper approaches said approaches leading to the viaduct, to be built with curb or retaining walls and earth filling between said curbs, and with sidewalks attached, as may be ordered by the Common Council and Board of Aldermen of said city.

And provided, further, That this ordinance is to have no effect and validity until the following conditions are complied with:

All parties who believe themselves damaged by the building of said viaduct on this street, are to file their claims for damages with the City Clerk, within fifteen days after the passage of this ordinance. Said claims to be referred to boards of arbitration, of whom one is to be appointed by the claimant, the other by The Indianapolis Union Railway Company, who together are to choose a third one; and the reports of said boards assessing or refusing damages, are to be filed with the City Clerk; and upon The Indianapolis Union Railway Company paying or tender-

ing the amount of such arbitrated damages to the parties entitled thereto, and filing proof of such tender with the City Clerk, this ordinance is to have full force and validity.

This ordinance shall take effect and be in force, provided The Indianapolis Union Railway Company, within sixty days from its passage, files its written acceptance of the terms and conditions thereof with the City Clerk.

On motion by Alderman Brown the amendment was laid on the table, by the following vote:

AYES, 6—viz: Aldermen Brown, Crosby, Prier, Pritchard, Wright and President Endly.

NAYS, 3—viz: Aldermen Laut, Rail and Schmidt.

The ordinance was then read the third time.

And it was passed by the following vote:

AYES, 6—viz: Aldermen Brown, Crosby, Prier, Pritchard, Wright and President Endly.

NAYS, 3—viz: Aldermen Laut, Rail and Schmidt.

The ordinance as passed above, is as follows, to-wit:

G. O. 36, 1886—An ordinance to vacate a portion of Meridian street, for Union Railway purposes. Also, to provide for the building of a foot bridge over the portion of street so vacated, and the building of a viaduct over the Union Railway tracks between Meridian and Pennsylvania streets.

WHEREAS, The Indianapolis Union Railway Company has presented to and filed with the Common Council and Board of Aldermen of the City of Indianapolis its petition praying for the vacation of that portion of Meridian street hereinafter in this ordinance described, setting forth that the purpose for which it is proposed to use the ground forming said portion of street sought to be vacated, is to occupy the same with an increased number of Union Railway tracks for the purpose of obtaining more convenient access to the new Union Passenger Depot that said company is about to build, and forming a part of the necessary facilities required for said new depot; and

Whereas, There was appended to said petition the written consent to the granting of the prayer thereof of the owners in fee-simple of more than one-half of the real estate fronting on both sides of said street, estimated by the frontage in feet upon said street, such frontage commencing at a line drawn across said street equidistant from the termini of that portion of said street proposed to be vacated, and extending along said street from said line fifteen hundred feet in each direction; and

Whereas, It is ascertained and is hereby determined, that said written consent so appended has been given and signed by the owners in fee-simple of more than one-half of the real estate fronting on both sides of said street, estimated by the frontage in feet upon said street, commencing at said equidistant line drawn across said street, and extending along said street fifteen hundred feet in each direction; and

Whereas, Twenty days' previous notice of the time of the presentation of said petition and of the prayer thereof, and describing the portion of street sought to be vacated, was given by said Indianapolis Union Railway Company by publication by three insertions in each of the following daily newspapers, they being of general circulation, and printed and published in the City of Indianapolis, viz: Indianapolis News and the Indianapolis Sentinel; and

Whereas, Said Indianapolis Union Railway Company agrees with the city that in consideration of the granting of its said petition, it will construct, at its own expense the foot bridge and viaduct hereinafter in this ordinance mentioned, in accordance with plans and specifications to be prepared by and under the supervision

of the City Civil Engineer of the City of Indianapolis; and the said The Indianapolis Union Railway Company further agrees that it will pay all the expenses, damages and costs incident to procuring the necessary right-of-way for said viaduct with its approaches; Now, therefore,

SECTION 1. Be it ordained by the Common Council and Board of Aldermen of the City of Indianapolis, That the surface and such other part as may be required of the following described portion of Meridian street, viz: Beginning at a point fifty (50) feet south of the intersection of the west line of Meridian street and the north line of Louisiana street; thence south along the west line of Meridian street two hundred and ten (210) feet; thence east to the east line of Meridian street; thence north along the east line of Meridian street two hundred and ten (210) feet; thence west to the place of beginning, be, and the same is hereby vacated for Union Railway purposes.

SEC. 2. Leave is hereby granted to the Indianapolis Union Railway Company to build, and, for the consideration aforesaid, it is hereby required to build a foot bridge extending north and south over the portion of Meridian street described in the preceding section. Also, to build a viaduct over the Union Railway tracks, fifty (50) feet in width, including a sidewalk on each side of the roadway of said viaduct between Meridian and Pennsylvania streets, on the line of the alley running north and south, between Georgia and South streets, upon a right-of-way that shall be procured at the expense of said Indianapolis Union Railway Company, by the city, by the exercise of its eminent domain power, before said new Union Passenger Depot shall be put in use as a railway station.

SEC. 3. Said foot bridge and viaduct, with its approaches, shall each be built upon plans and specifications to be prepared by and under the supervision of the City Civil Engineer of the City of Indianapolis.

SEC. 4. Said Indianapolis Union Railway Company shall not enter into the exclusive possession of that portion of Meridian street vacated as aforesaid, nor exclude the public from the use of the same, until it shall have built the said viaduct, unless the city shall have failed to cause, before the new Union Passenger Station shall have been completed for the use of the public, the opening of and right-of-way in the alley for the erection of said viaduct as herein before provided; but in case the city shall so fail before the expiration of the time above limited to have procured said opening of, and right-of-way in, said alley, for said viaduct, then, upon the completion and putting in use of said new Union Passenger Depot as a railway station, the exclusive use of said vacated portion of Meridian street shall immediately vest in said Indianapolis Union Railway Company for railway purposes; provided, however, that nothing herein contained shall be construed as releasing said Indianapolis Union Railway Company, upon its acceptance of this ordinance, from paying all expense incident to procuring the right-of-way for said viaduct, when the amount of damage shall have been finally determined, and constructing said viaduct when such right-of-way shall be procured by the city as above provided; Provided, further, that the said The Indianapolis Union Railway Company shall, after the passage of this ordinance, and before the erection of its said new depot, file with the City Clerk of this city, a certificate of its acceptance of all the provisions of this ordinance; and said Indianapolis Union Railway Company, by the acceptance of this ordinance, hereby agrees to pay any and all such expenses, damages and costs incident to the procuring of such right-of-way and the constructing of such viaduct and foot bridge.

SEC. 5. Said viaduct and foot-bridge, when constructed, shall become and be the property of the city and subject to its municipal powers over streets and other city thoroughfares, and nothing herein contained shall be so construed as to make it the duty of the said Indianapolis Union Railway Company to maintain the same after the same shall have been constructed.

SEC. 6. By the acceptance of the provisions of this ordinance, the Indianapolis Union Railway Company agrees to save the city harmless from any liability whatsoever to any property owner or other person on account of the vacation herein made, should there be any such liability.

SEC. 7. The said the Indianapolis Union Railway Company shall not erect any

wall upon or across the part of Meridian street so vacated in such manner as to obstruct the view of said street on either side thereof from north to south.

SEC. 8. This ordinance shall take effect and be in force from and after its passage.

The following entitled ordinance was read the second time :

G. O. 37, 1886—An ordinance to vacate a portion of McNabb street, for Union Railway purposes.

Alderman Schmidt offered the following amendment to the ordinance :

Amendment to G. O. 37, 1886, as follows :

In Section 1, strike out all after the words and figures "thirty-five (35)" and insert in lieu thereof the following :

"*Provided, however,* That this ordinance and vacation is to have no effect and validity until the following conditions are complied with :

All parties who believe themselves damaged by the vacation of McNabb and the change of other streets, are to file their claims for damages with the City Clerk, within fifteen days after the passage of this ordinance. Said claims to be referred to Boards of arbitration, of whom one is to be appointed by the claimant, the other by The Indianapolis Union Railway Company, who together are to choose a third one; and the reports of said boards assessing or refusing damages, are to be filed with the City Clerk; and upon The Indianapolis Union Railway Company paying or tendering the amount of such arbitration damages to the parties entitled thereto, and filing proof of such tender with the City Clerk, this ordinance is to have full force and validity.

Sec. No. 2. Leave is hereby granted to The Indianapolis Union Railway Company to build, and for the consideration aforesaid and for the vacation of this and certain other parts of streets and alleys, it is also hereby required to build a viaduct over the Union Railway tracks on Meridian street the full width of the said street, with proper approaches leading to the viaduct, to be built with curb or retaining walls, and earth filling between said curbs, and with sidewalks attached, as may be ordered by the Common Council and Board of Aldermen of said city.

Sec. 3. This ordinance shall take effect and be in force, provided the said The Indianapolis Union Railway Company, within sixty days from its passage, files its written acceptance of the terms and conditions thereof with the City Clerk.

On motion by Alderman Brown the amendment was laid on the table, by the following vote :

AYES, 6—viz: Aldermen Brown, Crosby, Prier, Pritchard, Wright and President Endly.

NAYS, 3—viz: Aldermen Laut, Rail and Schmidt.

The ordinance was then read the third time.

And it was passed by the following vote :

NAYS, 7—viz: Aldermen Brown, Crosby, Prier, Pritchard, Rail, Wright and President Endly.

NAYS, 2—viz: Alderman Laut and Schmidt.

The ordinance as passed above is as follows, to wit :

G. O. 37, 1886—An ordinance to vacate a portion of McNabb street for Union Railway purposes.

WHEREAS, The Indianapolis Union Railway Company has presented to and filed with the Common Council and Board of Aldermen of the city of Indianapolis its

petition praying for the vacation of that portion of McNabb street hereinafter in this ordinance described, setting fourth that the purpose for which it is proposed to use the ground forming said portion of street sought to be vacated is to occupy the same with Union Railway tracks, and to extend a car shed thereon, to be connected with the new Union Passenger Depot that said company is about to build, and forming a part of the necessary facilities required for said new depot; and

Whereas, There was appended to said petition the written consent to the granting of the prayer thereof of the owners in fee simple of more than one-half of the real estate fronting on both sides of said street, estimated by the frontage in feet upon said street, such frontage commencing at a line drawn across said street equidistant from the termini of that portion of said street proposed to be vacated, and extending along said street from said line the full length of said street in each direction; and,

Whereas, It is ascertained and is hereby determined that said written consent so appended has been given and signed by the owners in fee simple of more than one-half of the real estate fronting on both sides of said street, estimated by the frontage in feet upon said street, commencing at said equidistant line drawn across said street and extending along said street the full length thereof, in each direction; and

Whereas, Twenty days' previous notice of the time of the presentation of said petition and of the prayer thereof, and describing the portion of street sought to be vacated, was given by the said Indianapolis Union Railway Company by publication by three insertions in each of the following daily newspapers, they being of general circulation and printed and published in the city of Indianapolis, viz: The Indianapolis News and the Indianapolis Sentinel; now therefore,

SECTION 1. *Be it ordained by the Common Council and Board of Aldermen of the City of Indianapolis*, That the surface and such other parts as may be required of the following described portion of McNabb street, viz: Commencing at a point thirty-five (35) feet north of the intersection of the east line of Illinois street and the south line of McNabb street; thence north with said east line of Illinois street to the north line of McNabb street; thence east with said north line of McNabb street to the west line of Meridian street; thence south with said west line to a point thirty-five (35) feet north of the south line of McNabb street; thence west parallel with the south line of McNabb street to the place of beginning.

Be and the same hereby is vacated for Union Railway purposes.

SEC. 2. By the acceptance of the provisions of this ordinance the Indianapolis Union Railway Company agrees to save the city of Indianapolis harmless from any liability whatsoever to any property owner or other person on account of the vacation herein made, should there be any such liability.

SEC. 3. The said vacation is made upon the condition that said Union Railway Company shall erect its new Union Depot and train sheds as contemplated in the preamble hereof, and provided further that said Indianapolis Union Railway Company shall, before the erection of its said depot, file with the City Clerk of this city a certificate of its acceptance of all the provisions contained in this ordinance.

SEC. 4. This ordinance shall take effect and be in force from and after its passage.

The following entitled ordinance was read the second time, and then read the third time:

G. O. 38, 1886—An ordinance to vacate a portion of the first alley west of Illinois street lying south of Louisiana street, for Union Railway purposes.

And it was passed by the following vote:

AYES, 7—viz: Aldermen Brown, Crosby, King, Prier, Pritchard, Rail, Wright and President Endly.

NAYS, 2—viz: Aldermen Laut and Schmidt.

The ordinance as passed above is as follows, to-wit:

G. O. 38, 1886—An ordinance to vacate a portion of the first alley west of Illinois street, lying south of Louisiana street, for Union Railway purposes.

WHEREAS, The Indianapolis Union Railway Company has presented to and filed with the Common Council and Board of Aldermen of the city of Indianapolis its petition praying for the vacation of that portion of the first alley west of Illinois street hereinafter in this ordinance described, setting forth that the purpose for which it is proposed to use the ground forming said portion of alley sought to be vacated, is to occupy the same with Union Railway tracks and to extend a carshed thereon, to be connected with the new Union Passenger Depot that the said company is about to build, and forming part of the necessary facilities required for said depot; and,

Whereas, There was appended to said petition the written consent to the granting of the prayer thereof of the owners in fee simple of more than one-half of the real estate fronting on both sides of said alley, estimated by the frontage in feet, such frontage commencing at a line drawn across said alley equi-distant from the termini of that portion of said alley proposed to be vacated, and extending along said alley south three hundred and eighteen (318) feet to South street, the southern terminus of said alley, and north one hundred and two (102) feet to Louisiana street, the northern terminus of said alley; and,

Whereas, It is ascertained and is hereby determined that said written consent so appended has been given and signed by the owners in fee simple of more than one-half of the real estate fronting on both sides of said alley, estimated by the frontage in feet upon said alley, commencing at said equi-distant line drawn across said alley and extending along said alley south three hundred and eighteen (318) feet to South street, the southern terminus of said alley, and north one hundred and two (102) feet to Louisiana street, the northern terminus of said alley; and,

Whereas, Twenty days' previous notice of the time of the presentation of said petition, and of the prayer thereof, and describing the portion of alley sought to be vacated, was given by said Indianapolis Union Railway Company by publication by three insertions in each of the following daily newspapers, they being of general circulation and printed and published in the city of Indianapolis, viz.: The Indianapolis News and The Indianapolis Sentinel. Now, therefore,

SECTION. 1. Be it ordained by the Common Council and Board of Aldermen of the city of Indianapolis, that so much of the surface and such other part as may be required of the first alley west of Illinois street as lies between the north line of the first alley south of Louisiana street and the south line of Louisiana street, being the full width of said first mentioned alley for a length of two hundred and four (204) feet. Be and the same hereby is vacated for Union Railway purposes.

SEC. 2. By the acceptance of the provisions of this ordinance, The Indianapolis Union Railway Company agrees to save the city of Indianapolis harmless from any liability whatsoever to any property owner or other person on account of the vacation herein made, should there be any such liability.

SEC. 3. The said Indianapolis Union Railway Company shall, before the erection of its said depot, file with the City Clerk of this city, a certificate of its acceptance of all the provisions contained in this ordinance.

SEC. 4. This ordinance shall take effect and be in force from and after its passage.

The following entitled ordinance was read the second time, and then read the third time:

G. O. 39, 1886—An ordinance to vacate a portion of the second alley west of Illinois street lying south of Louisiana street, for Union Railway purposes.

And it was passed by the following vote:

AYES, 7—viz: Aldermen Brown, Crosby, Prier, Pritchard, Rail, Wright and President Endly.

NAYS, 2—viz: Aldermen Laut and Schmidt.

The ordinance as passed above is as follows, to-wit:

G. O. 39, 1886.—An ordinance to vacate a portion of the second alley west of Illinois street, lying south of Louisiana street, for Union Railway purposes.

WHEREAS, The Indianapolis Union Railway Company has presented to and filed with the Common Council and Board of Aldermen of the City of Indianapolis, its petition, praying for the vacation of that portion of the second alley west of Illinois street, lying south of Louisiana street, hereinafter in this ordinance described, setting forth that the purpose for which it is proposed to use the ground forming said portion of alley sought to be vacated is to occupy the same with an increased number of Union Railway tracks, for the purpose of affording more convenient access to the new Union Passenger Depot that said company is about to build, and forming part of the necessary facilities required for said new depot; and

Whereas, There was appended to the said petition the written consent to the granting of the prayer thereof, of the owners in fee simple of more than one half of the real estate fronting on both sides of said alley, estimated by the frontage in feet upon said alley, such frontage commencing at a line drawn across said alley equidistant from the termini of that portion of said alley proposed to be vacated, and extending along said alley south three hundred and eighteen (318) feet to South street, the southern terminus of said alley, and north one hundred and two (102) feet to Louisiana street, the northern terminus of said alley; and,

Whereas, It is ascertained and is hereby determined that said written consent so appended has been given and signed by the owners in fee simple of more than one-half of the real estate fronting on both sides of said alley, estimated by the frontage in feet upon said alley, commencing at said equidistant line drawn across said alley, and extending along said alley south three hundred and eighteen (318) feet to South street, the southern terminus of said alley, and north one hundred and two (102) feet to Louisiana street, the northern terminus of said alley; and,

Whereas, Twenty days' previous notice of the time of the presentation of said petition and of the prayer thereof, and describing the portion of alley sought to be vacated, was given by said Indianapolis Union Railway Company by publication by three insertions in each of the following daily newspapers, they being of general circulation and printed and published in the City of Indianapolis, viz.: The Indianapolis News and The Indianapolis Sentinel. Now, therefore,

SECTION 1. Be it ordained by the Common Council and Board of Aldermen of the City of Indianapolis, that so much of the surface and such other part as may be required of the second alley west of Illinois street as lies between the north line of the first alley south of Louisiana street and the south line of Louisiana street, being the full width of said first-mentioned alley, for a length of two hundred and four (204) feet:

Be and the same is hereby vacated for Union Railway purposes.

SEC. 3. The said The Indianapolis Union Railway Company shall, before the erection of its said depot, file with the City Clerk of this city a certificate of its acceptance of all the provisions contained in this ordinance.

SEC. 4. This ordinance shall take effect and be in force from and after its passage.

On motion, the Board of Aldermen then adjourned.

THOMAS E. ENDLY, President.

Attest: JOSEPH T. FANNING, Clerk.