

The Town of Meridian Hills: An Early Legal History
by Suzanne S. Bellamy
Town of Meridian Hills 75th Anniversary Celebration
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In the summer of 1937, Meridian Hills was an enclave of roughly eighty homes with about 200 residents. It had no business district and was intersected by the “fast-traffic Road 31.”¹ Since the Meridian Street Bridge over White River had only been built in 1933-34, much of the area remained undeveloped and the homeowners wanted no part of any public buildings. All that changed in 1937 when bulldozers appeared to clear the ground for a drive-in restaurant that would sit amidst the fine homes of the area. On the morning of August 14, 1937, seventy-four Meridian Hills residents gathered to vote on whether to incorporate as a town and establish residential zoning. After sixty-eight voted yes, Arthur Krick, a local manufacturer, was elected president of the town board that met for the first time on July 27, 1939. Needless to say, the plans to build a restaurant in the area never materialized.

By the early 1950s, the number of homes in Meridian Hills had grown to over 400 and the need for a sewer system became apparent. The septic tanks in use in the area were inefficient due to the clay soil, resulting in their drainage into the ground and resulting bad odors. While the town board made plans to install a sewer system in the summer of 1953, it had no wish to construct a sewage treatment plant and asked the city of Indianapolis to become a part of its sanitary district, which would allow the town to hook the proposed sewers into the city’s interceptor sewers carrying refuse to the treatment plant on the South Side. Mayor Alex M. Clark and the Board of Sanitary Commissioners declared that the town could not become a part of the sanitary district without agreeing to eventual annexation by the city of Indianapolis. Mayor Clark offered to allow each resident to sign a sewer service agreement that stipulated that the signer would not fight the city’s annexation procedures. The town board’s president, M. F. Landgraf, declared that a referendum was the only democratic way for the residents of Meridian Hills to voice their support for or against annexation. When the residents refused to support annexation, Landgraf announced that Meridian Hills would build its own sewage disposal plant on land owned by the Indianapolis Hebrew Congregation (IHC), which had planned to construct a synagogue on the land before the town condemned it. Mayor Clark, along with the residents of Warfleigh and Arden, believed that an outlying sewage system in the middle of the city was not a good idea.

At the same time as the town wrestled with its sewage problems, another divisive issue came to the forefront. The town had long rebuffed efforts by religious organizations of all denominations which wanted to build within Meridian Hills. IHC had already gone to court to protest the town’s denial of a building permit and had won that battle in Marion Superior Court when a judge overruled the zoning board. Shortly thereafter in the summer of 1953, the town condemned the twenty-two acres of land on Meridian Street owned by IHC for the sewage plant. IHC filed a remonstrance against the town’s plans, arguing that the plant would require no more than four acres and that the town’s actions were in bad faith and were taken to perpetuate the

¹ *Indianapolis News*, August 10, 1939.

policy of keeping all churches out of Meridian Hills. Some in the town agreed with IHC, believing that their property values would suffer as a result of the sewage plant and also objecting to the “no churches” policy. The town had previously vetoed a building permit for a Presbyterian church and had discouraged Catholic and Baptist groups from building.

Within a few weeks after IHC filed its remonstrance, residents of Arden and Warfleigh brought their concerns about the sewage treatment plant to the Indianapolis City Council, claiming that it would be detrimental to their communities and lower property values. The council then unanimously passed an ordinance in August 1953 calling for the annexation of the town of Meridian Hills, despite vigorous protest by town residents. The town attorney pledged to file suit immediately to block the annexation, saying Meridian Hills “will go to the U.S. Supreme Court, if necessary,” to test the law.² On September 14, 1953, a complaint to set aside the annexation ordinance was filed in Superior Court, accompanied by a petition signed by 718 of the 876 property owners in the town.

In July 1954, while the annexation case wound through the legal system, Second Presbyterian Church petitioned the town for a permit to build a million-dollar building on Meridian Street. The church had originally applied for a building permit four years earlier but was turned down. At a public hearing in the Lilly apple barn, about one-quarter of the town’s residents came and many spoke both for and against the issuance of the permit. Those against granting the permit acknowledged that they did not want church crowds to disrupt the quiet of the neighborhood and feared traffic congestion on Sundays. The town council continued the petition, claiming that it was too busy fighting annexation by Indianapolis to consider the proposed church. Finally, in August 1954, the town’s zoning board unanimously authorized issuance of a construction permit to Second Presbyterian Church, the first favorable action on a petition by a church congregation. The zoning board expressed its ire at the bad publicity given the town because of its delay in granting the petition, explaining that it had to weigh carefully all factors in the church’s petition.

Meanwhile, on August 2, 1954, the Indianapolis City Council approved a new annexation ordinance to encompass all of Meridian Hills. The original ordinance passed a year earlier was considered faulty because it did not include the entire town. A month later, a group of Meridian Hills residents filed suit in Superior Court to stop the new ordinance, claiming annexation was opposed by fifty-one per cent or more of the town’s residents. The Indianapolis Board of Sanitary Commissioners urged withdrawal of the suit as a way to remove the serious health hazard posed by sewage in open ditches.

In January 1958, the town won its four-year battle against annexation when a Superior Court judge ruled in the town’s favor, based on the sentiments against annexation expressed by the majority of the residents of Meridian Hills. The town attorney hailed the decision as “an example of democracy on a local level.”³ Ultimately, the city’s lack of cooperation with the

² *Indianapolis Times*, August 18, 1953.

³ *Indianapolis Times*, January 24, 1958.

town's plan to build a sewage treatment plant without annexation and refusal by the state of Indiana to allow it killed the whole idea, leaving Meridian Hills residents without a sanitary sewer until the late 1960s. With the collapse of the plans to build a sanitary sewer, the town dropped its plans to condemn IHC's land, and the building of the temple finally commenced in 1957. Indianapolis Hebrew Congregation's new synagogue opened on Meridian Street in 1958.

While the fight against annexation was finally over, the movement to keep churches out of the town continued. Despite the building permit granted to Second Presbyterian Church, the town successfully fought the church's proposal in 1958 to build a bridge over Williams Creek to allow entry to the church from Illinois Street. The zoning board also delayed review of an application to build the First Congregational Church on Pennsylvania Street, but the church eventually was constructed in 1957-58. In February 1959, the town's zoning board denied St. Luke's Catholic Church's request to build a new church, school, and rectory. In September of that year, a Superior Court judge overruled the zoning board, saying that the erection of the proposed Catholic Church would not depreciate surrounding property values. The town shortly thereafter filed an appeal of the ruling with the Indiana Supreme Court.

At the Indiana Supreme Court hearing in October 1960, the lawyer for St. Luke's Catholic Church lashed out at the zoning board, pointing out that the board had also tried to keep the Indianapolis Hebrew Congregation from building in the town. Attorney Frank M. McHale said, "They have proposed that the Jews and Catholics move out of Meridian Hills." He pointed out that the Archdiocese had owned the property since 1948, long before many of the remonstrators had even built their homes in the area. McHale noted that the building of a new church had not lowered property values anywhere in Indiana. The zoning board continued to assert that the church and school would bring added unwanted traffic to the area.⁴

In February 1961, the Indiana Supreme Court unanimously ruled in favor of St. Luke's, affirming the decision to overrule the zoning board. The decision held that both the United States and Indiana Constitutions guaranteed the right of freedom of worship. It also relied on prior judicial precedents stating that zoning laws could not prevent the building of a church in a residential area.⁵ The town declined to press the matter further and St. Luke's Catholic Church began its construction plan immediately with the church and school opening later that year.

During the dispute over the building of St. Luke's Catholic Church, Rabbi Maurice Davis, religious leader of IHC, wrote a famed "Open Letter to the Catholic Church," in which he spoke tolerantly of the residents of Meridian Hills, saying, "You will find, as we have found, that more than the scenery is clean and good. The people are, too. The opposition you have encountered may speak legally for the city of Meridian Hills. It does not speak for the people of Meridian Hills. Many of them are without voice, but they are not without friendship. And they are not without brotherhood." The words of Rabbi Davis helped to ease the tensions in the

⁴ *Indianapolis Star*, October 19, 1960.

⁵ *Board of Zoning Appeals of the Town of Meridian Hills v. Schulte*, 241 Ind. 339, 172 N.E.2d 39 (1961).

neighborhood, which quickly accepted the churches and adjusted to them as part of the community.⁶

In 1969, the Indiana General Assembly enacted the Unigov legislation, making Indianapolis a Consolidated City whose boundaries are contiguous with those of Marion County. As an incorporated municipality within the county, Meridian Hills became an “Included Town,” meaning it could retain its governmental status, levy property taxes, and provide local services. That status remains intact today.

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⁶ *Indianapolis Times*, January 28, 1962.