



City of Cambridge

O-6.

IN CITY COUNCIL

December 4, 2000

VICE MAYOR MAHER
COUNCILLOR BORN
COUNCILLOR BRAUDE
COUNCILLOR DAVIS
COUNCILLOR DECKER
MAYOR GALLUCCIO
COUNCILLOR REEVES
COUNCILLOR SULLIVAN
COUNCILLOR TOOMEY

- WHEREAS: In 1990 the Middlesex Superior Court ruled that the Fawcett Oil Company could not use Cottage Park Avenue as a means of access to its property for commercial vehicles, but could gain access by Cottage Park Avenue for noncommercial passenger vehicles and pedestrians; and
- WHEREAS: After the Court's ruling, the City made plans to erect a barrier at the end of Cottage Park Avenue set at a predetermined height to prevent the access of commercial vehicles while permitting noncommercial passenger vehicles and pedestrians; and
- WHEREAS: The Fawcett Oil Company petitioned the Court to prevent the City from erecting the partial barrier, arguing that the City could exclude commercial vehicles by erecting signs and providing police enforcement against infractions; and
- WHEREAS: The Court, over the objection of the City, prevented the erection of the partial barrier; and
- WHEREAS: Residents of Cottage Park Avenue have observed and documented commercial vehicles illegally gaining access to the Fawcett Oil Company's property by Cottage Park Avenue; and
- WHEREAS: The Commercial vehicles observed to be illegally entering the Fawcett Oil Company property by Cottage Park Avenue have been both Fawcett Oil Company vehicles and other commercial vehicles apparently making deliveries to the Fawcett Oil Company or other occupants of the Fawcett property; and
- WHEREAS: The Residents of Cottage Park Avenue have notified the Fawcett Oil Company of the illegal use of the street and a representative of Fawcett Oil Company has assured the residents that all Fawcett vehicle operators have been instructed not to use Cottage Park Avenue for access; and
- WHEREAS: Despite such assurances from the Fawcett Oil Company both Fawcett trucks and other commercial vehicles continue to violate the Court order; and

WHEREAS: The residents of Cottage Park Avenue believe that signage and police enforcement cannot effectively assure compliance with the Court Order; now therefore be it

ORDERED: That the City Manager be and hereby is requested to instruct the Law Department to review the Court order with a view in mind to determine if it is possible to petition the Court to review the availability of the partial barrier as a more effective means to enforce the prohibition of commercial vehicles from entering the Fawcett property by Cottage Park Avenue.

In City Council December 4, 2000.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- *D. Margaret Drury*

D. Margaret Drury
City Clerk

Margault

Danet Maher

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WHEREAS, in 1990 the Middlesex Superior Court ruled that the Fawcett Oil Company could not use Cottage Park Avenue as a means of access to its property for commercial vehicles, but could gain access by Cottage Park Avenue for noncommercial passenger vehicles and pedestrians; and

WHEREAS, after the Court's ruling the City made plans to erect a barrier at the end of Cottage Park Avenue set at a predetermined height to prevent the access of commercial vehicles while permitting noncommercial passenger vehicles and pedestrians, and

WHEREAS, the Fawcett Oil Company petitioned the Court to prevent the City from erecting the partial barrier, arguing that the City could exclude commercial vehicles by erecting signs and providing police enforcement against infractions, and

WHEREAS, the Court, over the objection of the City, prevented the erection of the partial barrier, and

WHEREAS, residents of Cottage Park Avenue have observed and documented commercial vehicles illegally gaining access to the Fawcett Oil Company's property by Cottage Park Avenue, and

WHEREAS, the commercial vehicles observed to be illegally entering the Fawcett Oil Company property by Cottage Park Avenue have been both Fawcett Oil Company vehicles and other commercial vehicles apparently making deliveries to the Fawcett Oil Company or other occupants of the Fawcett property, and

WHEREAS, the residents of Cottage Park Avenue have notified the Fawcett Oil Company of the illegal use of the street and a representative of Fawcett Oil Company has assured the residents that all Fawcett vehicle operators have been instructed not to use Cottage Park Avenue for access, and

WHEREAS, despite such assurances from the Fawcett Oil Company both Fawcett trucks and other commercial vehicles continue to violate the Court order, and

WHEREAS, the residents of Cottage Park Avenue believe that signage and police enforcement cannot effectively assure compliance with the Court order, NOW THEREFORE BE IT:

ORDERED, that the City Manager request that the Law Department review the Court order with a view to determining if it is possible to petition the Court to review the availability of the partial barrier as a more effective means to enforce the prohibition of commercial vehicles from entering the Fawcett property by Cottage Park Avenue.

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- WHEREAS: After the Court's ruling, the City made plans to erect a barrier at the end of Cottage Park Avenue set at a predetermined height to prevent the access of commercial vehicles while permitting noncommercial passenger vehicles and pedestrians; and
- WHEREAS: The Fawcett Oil Company petitioned the Court to prevent the City from erecting the partial barrier, arguing that the City could exclude commercial vehicles by erecting signs and providing police enforcement against infractions; and
- WHEREAS: The Court, over the objection of the City, prevented the erection of the partial barrier; and
- WHEREAS: Residents of Cottage Park Avenue have observed and documented commercial vehicles illegally gaining access to the Fawcett Oil Company's property by Cottage Park Avenue; and
- WHEREAS: The Commercial vehicles observed to be illegally entering the Fawcett Oil Company property by Cottage Park Avenue have been both Fawcett Oil Company vehicles and other commercial vehicles apparently making deliveries to the Fawcett Oil Company or other occupants of the Fawcett property; and
- WHEREAS: The Residents of Cottage Park Avenue have notified the Fawcett Oil Company of the illegal use of the street and a representative of Fawcett Oil Company has assured the residents that all Fawcett vehicle operators have been instructed not to use Cottage Park Avenue for access; and
- WHEREAS: Despite such assurances from the Fawcett Oil Company both Fawcett trucks and other commercial vehicles continue to violate the Court order; and
- WHEREAS: The residents of Cottage Park Avenue believe that signage and police enforcement cannot effectively assure compliance with the Court Order; now therefore be it
- ORDERED: That the City Manager be and hereby is requested to instruct the Law Department to review the Court order with a view in mind to determine if it is possible to petition the Court to review the availability of the partial barrier as a more effective means to enforce the prohibition of commercial vehicles from entering the Fawcett property by Cottage Park Avenue.

CM 386

Order #6

Compliance of Middlesex Superior
Court order that the Fawcett Oil
Company could not use Cottage
Park Avenue as a means of access
for commercial vehicles.

Vice Mayor Maher

In City Council December 4, 2000

ORDER ADOPTED