TO THE HONORABLE THE CITY COUNCIL OF THE CITY OF CAMBRIDGE, MASSACHUSETTS,

Gentlemen:-

RESPECTFULLY REPRESENTS your Petitioner, Cambridge Garage, Inc., that it is the owner of a certain parcel of land with a building thereon on Mount Auburn Street, Cambridge, bounded in part by University Road; that under date of February 10, 1931 your honorable body levied an assessment on your Petitioner in the amount of $586.96 to defray in part the expense of laying a common sewer in said University Road; that your Petitioner does not enter any drain from its premises into said sewer or does not by more remote means receive any benefit therefrom from draining its land or buildings; that said assessment was illegally levied and that the record of the same has been ordered to be quashed by the Supreme Judicial Court of this Commonwealth sitting in and for Middlesex County (See Herbert H. White vs. City of Cambridge, #1014).

WHEREFORE YOUR PETITIONER PRAYS your Honorable Board that the assessment hereinbefore referred to may be abated and asks that it may be given annopportunity to be heard on this petition.

CAMBRIDGE GARAGE, INC.

By its Attorneys,

Alexander Bothwell

A. INGHAM BICKNELL
PHILIP R. AMMIDON

AMMIDON AND BICKNELL

COUNSELLORS AT LAW

1019-1024 BEACON BUILDING, 6 BEACON ST.

BOSTON, MASS.

TEL. HAYMARKET 5750

April 11, 1932.

Frederick H. Burke, City Clerk,
City Hall,
Cambridge, Mass.

Dear Mr. Burke:-

Will you please present the enclosed petition at the next meeting of the City Council?

Very truly yours,

AMMIDON AND BICKNELL

By Philip R. Ammidon

PRA/AW
Enc:-

Cambridge,.....193

To the Honorable, the City Council of the
City of Cambridge:

The undersigned respectfully pray

PETITION

of Cambridge Garage Inc
(by Attys. Ammidon & Bicknell)

for ~~abatement of sewer assessment~~ in the sum of $86.96 levied against property of petitioner due to construction of common sewer in University Road

April 12, 1932

In City Council, APR 12 1932 193

Referred to the Committee on

City Eng

Attest: Frederick H. Burke
City Clerk

Q. on motion of order abating sewer assessment on University Road in sum of $5.86.96 notwithstanding objection of Mayor (Cambridge Garage Inc.

City of Cambridge

Massachusetts

In City Council OCT 4 1932 193

YEA			NAY	ABSENT
1	MR. CAZMAY			
1	MR. DELANEY			
1	MR. FOLEY			
	MR. HILLERY		1	
1	MR. HILLIS			
1	MR. LYONS			
1	MR. McMENIMEN			
1	MR. O'CONNOR			
1	MR. ROCHE			
	MR. SENNOTT		1	
1	MR. SKILTON			
1	MR. SMITH			
1	MR. SWENSON			
1	MR. WYETH			
1	PRESIDENT MURPHY			
13			2	

Q. On adoption of motion for reconsideration of a vote of the City Council on October 4, 1932, adopting an order notwithstanding the objections of His Honor the Mayor abating sewer assessment in the sum of $586.96 levied against property of Cambridge Garage, Inc., on University Road.

City of Cambridge

$586.96 R.

Massachusetts

In City Council OCT 11 1932 193

YEA			NAY	ABSENT
	MR. CAZMAY			/
	MR. DELANEY		/	
	MR. FOLEY		/	
/	MR. HILLERY			
	MR. HILLIS		/	
	MR. LYONS		/	
	MR. McMENIMEN		/	
	MR. O'CONNOR		/	
	MR. ROCHE		/	
/	MR. SENNOTT			
	MR. SKILTON		/	
	MR. SMITH		/	
	MR. SWENSON		/	
/	MR. WYETH			
/	PRESIDENT MURPHY			
4			10	1

C O P Y

December 23, 1931.

Mr. Daniel J. Toomey,
Clerk of Committees,
City Hall,
Cambridge, Mass.

Dear Sir:

I have your letter of December 16, 1931, which is as follows:

"The following which is a copy of petition of Cambridge Garage, Inc. which has been referred to the Committee on City Engineering:-

TO THE HONORABLE THE CITY COUNCIL
OF THE CITY OF CAMBRIDGE

Gentlemen:-

RESPECTFULLY REPRESENTS your petitioner, Cambridge Garage, Inc. that it is the owner of a certain parcel of land with a building thereon on Mount Auburn Street, Cambridge, bounded in part by University Road; that under date of February 10, 1931 your honorable body levied an assessment on your petitioner in the amount of $586.96 to defray in part the expense of laying a common sewer in said University Road; that your petitioner does not enter any drain from its premises into said sewer or does not by more remote means receive any benefit therefrom from draining its land or buildings.

WHEREFORE your Petitioner prays your honorable board that the assessment hereinbefore referred to may be abated and asks that it may be given an opportunity to be heard on this petition.

CAMBRIDGE GARAGE, INC.
by its Attorneys,
Ammidon & Bicknell.

The Committee met on Tuesday, December 15, 1931 with the City Engineer and Philip R. Ammidon, Atty, for Cambridge Garage, Inc.

Mr. Ammidon maintains that the Cambridge Garage, Inc. should not be assessed for the reason that it does not enter any drain from its premises into said sewer or does not by more remote means receive any benefit therefrom from draining its land or building.

Mr. Hastings maintains that under the statute he must levy an assessment within six months of the construction of the sewer in order to establish a lien on the property and protect the city and that the Cambridge Garage, Inc. should pay its proportionate part of the cost of constructing said sewer.

At this meeting the following vote was passed:-

1. That the City Solicitor be requested to advise the Committee on City Engineering if the assessment of $586.96 levied against the Cambridge Garage, Inc. to defray in part the expense of laying a common sewer in University Road is legal?

2. If said assessment is a legal one can the City Council adopt an order to abate the said assessment for the following reasons:

> That the Cambridge Garage, Inc. is already connected with sewer in Nutting Road; that it does not enter its drain into said sewer; that it did not petition for sewer in University Road and that it does not by more remote means receive any benefit thereby for draining its land or building into said sewer."

It is my opinion that the sewer assessment is illegal as it was not made in accordance with General Laws, Chapter 80, Section 2, Acts of 1928, Chapter 120.

In the case of Herbert H. White v. City of Cambridge, the Supreme Court ruled that the sewer assessments were not levied on University Road in accordance with law. This ruling was made by the Supreme Court on March 20, 1931.

Your second question in your letter is answered by the above.

Respectfully submitted,

City Solicitor.

TFS/N

FREDERICK H. BURKE
CITY CLERK

City of Cambridge

Massachusetts

Office of the City Clerk

October 5th, 1932.

Mr. Frederick H. Burke,
City Clerk,
Cambridge , Massachusetts.

Dear Sir:-

I hereby notify you of my intention to move reconsideration of a vote of the City Council on October 4th, 1932, adopting an order notwithstanding the objections of His Honor the Mayor abating sewer assessment in the sum of $586.96 levied against property of Cambridge Garage, Inc. on University Road.

Truly yours,

Benjamin F. Wyeth

OCT 5 1932 PM

CAMBRIDGE, MASS. OFFICE OF CITY CLERK

RECEIVED

City of Cambridge

In City Council June 7, 1932.

The *Committee* on City Engineering

to which was referred petition of Cambridge Garage Inc. by Ammiden and Bicknell, Attys. for abatement of sewer assessment in the sum of $586.96 levied on account of construction of common sewer in University Road.

Reports, Recommending the adoption of the accompanying order for abatement of said sewer assessment.

For the Committee.

John J. Foley

REPORT

Committee on City Engineering

recommending order for abatement of sewer assessment in University Road - $586.96

June 7, 1932

OFFICE OF THE MAYOR
CAMBRIDGE, MASSACHUSETTS

June 16, 1932

To the Honorable, the City Council

I return herewith order of the City Council of June 7, 1932 for the abatement of sewer assessment made by the City Council by its order adopted February 10, 1931 and approved February 12, 1931 on property on University Road described as follows:

Assessors' Block Plan 165, Lot No. 11, Cambridge Garage, Inc., $586.96,

which I veto for the following reasons:

(1) I am of the opinion that the assessment was properly made.

(2) I am not satisfied that the case of Herbert H. White v. Cambridge (Supreme Judicial Court for the Councy of Middlesex numbered 1014, Law) is authority to justify the abatement of the assessment above referred to. In that case it was apparently assumed that the proceedings were intended to have been taken in accordance with General Laws, Chapter 80, Section 2, whereas the above entitled assessment was made pursuant to Chapter 83 of the General Laws.

Yours respectfully,

Richard M. Russell

Mayor

RMR:LMK

JUN 16 1932 PM
CAMBRIDGE, MASS. OFFICE OF CITY CLERK
RECEIVED

COMMUNICATION

from the Mayor, ~~transmitting~~

~~submitting~~ ~~FROM~~ submitting without his approval an order of City Council adopted on June 7, 1932 abating sewer assessment in the sum of $86.96 levied against Property of Cambridge Garage Inc. on University Road.

In City Council June 21, 1932

Action Postponed for seven days

Frederick H Burke City Clerk

In City Council JUN 28 1932

Referred to the Committee on

City Eng

Frederick H. Burke City Clerk.

In City Council OCT 4 1932

Order adopted notwithstanding objections of His Honor the Mayor

yeas 13; nays 2; absent 0.

Frederick H Burke City Clerk

6

City of Cambridge

In City Council

June 7, 1932.

ORDERED:-

That, from the sewer assessment made by the City Council by its order adopted February 10, 1931 and approved February 12, 1931 the sum following be and hereby is abated, namely:-

UNIVERSITY ROAD

Assessors' Block Plan 165, Lot No 11
Cambridge Garage, Inc. $586.96

The City Treasurer is hereby authorized to desist and refrain from the collection of the aforesaid assessment.

Vetoed June 16, 1932

In City Council JUN 7 1932
Adopted by the affirmative vote
of 14 members.

Frederick H Burke City Clerk

Executive Department JUN 9 1932
Approved

Mayor

In City Council OCT 4 1932
Order adopted notwithstanding objection of His Honor the Mayor
yeas 13; Nays 2; Absent 0.

Frederick H Burke City Clerk

In City Council OCT 11 1932
Motion for reconsideration of vote of Oct 4, 1932 adopting aforesaid order, Failed of adoption
yeas 4; Nays 10; Absent 1.

Frederick H Burke City Clerk

City of Cambridge.

JUN 9 1932

Presented to the Mayor
for approval.
Frederick H. Bowker
City Clerk

City of Cambridge

In City Council October 4, 1932.

The *Committee* on City Engineering

to which was referred a communication from His Honor the Mayor returning, without his approval, an order of the City Council adopted June 7, 1932 abating sewer assessment in the sum of $586.96 levied against property of Cambridge Garage Inc. on University Road

Reports,

Recommending that the order ought to pass notwithstanding the disapproval of His Honor the Mayor.

For the Committee.

John J. Toles

REPORT

13

Committee on City Engineering recommending ought to pass an order abating sewer assessment in the sum of $586.96 levied against property of Cambridge Garage Inc. notwithstanding the disapproval of His Honor the Mayor

October 4, 1932.

Report received, and recommendation ADOPTED.

Attest: Frederick H. Burke
City Clerk