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CITY OF CAMBRIDGE CAMBRIDGE MA.

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February 5, 1990

Councillor Francis Duehay
Chairman, Committee on Ordinances
City Hall
Cambridge, MA 02139

Re: Review of Pending Ordinances

Dear Councillor Duehay:

I write in response to Joe Connarton's letter of January 24th to Russell Higley, in which he says that you would like all Ordinances reviewed by this office prior to the hearing before the Committee on Ordinances. In this letter, I will comment on some of the Ordinances mentioned in Mr. Connarton's letter.

1. Disposition of city-owned land (I understand that there will be a hearing on this Ordinance on 2/21/90)

This Ordinance would replace s. 2-10 of the 1972 Codification of the City Ordinances and s. 2.110.010 of the Cambridge Municipal Code.

Towns are generally authorized to convey real estate by G.L. c. 40, s. 3, which is made applicable to cities by G.L. c. 40, s. 1. In a city like Cambridge, the sale of city-owned property is "essentially a legislative function." Sancta Maria Hospital v. Cambridge, 369 Mass. 586, 592 (1976).

I see no legal impediment to the passage of this Ordinance, but I have the following questions, comments and suggestions:

First paragraph

What is meant by "relocation" of city-owned property?

I suggest that the phrase "or similar disposition" be eliminated and that this paragraph specify exactly which transactions it applies to.

Third paragraph

Strike the words "unless" through "goal," so that the paragraph reads as follows:

No disposition of City Property shall be completed until the following process has taken place:

Paragraph (4)

For the sake of clarity, I would amend this paragraph to read as follows:

The City Council shall hold a public hearing within one month of receipt of the Planning Board's recommendation.

2. Zoning Petition of David Clem to change the area bounded by Binney Street and Cardinal Medeiros Avenue from Industry B to Industry A - 1st pub. #2475.
3. Cambridgeport Interim Planning Extension
4. East Cambridge Planning Extension

I see no legal problems regarding these three zoning matters. I understand from Les Barber that the Planning Board will be making recommendations.

5. Licensing of dogs - 1st pub. #2436

This section 4-7 in the 1972 codification is now section 6.04.020 in the new code.

6. Disposition of Complaints - dogs - 1st pub. #2437

This section 4-11(b) in the 1972 codification is now section 6.04.110 (c) in the new Code.

Both of these are technical amendments drafted by the Law Department, and we recommend their ordination.

I will comment on the other Ordinances in a future letter.

Very truly yours,

Birge Albright
Birge Albright

BA/jab

cc: Robert W. Healy
Honorable Alice K. Wolf
Joseph E. Connarton
Lester Barber
Russell B. Higley
Donald A. Drisdell

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REPORTS FROM CITY OFFICIALS

Communication from Birge Albright, Legal Counsel, Law Dept., transmitting recommendations regarding various ordinances pending before the Committee on Ordinances.

In City Council,

March 12, 1990

*Referred to the
petitions*

*Copies put with the
petitions 3/15/90 ae*