

City of Cambridge

City Engineer's Office

Aug. 15, 1868.

To the Hon. Board of Mayor & Aldermen.
Gentlemen

As the ordinance creating the office of City Engineer gives to that officer no authority to enforce an observance of the lines of streets by abutting land owners, I desire to call the attention of your Hon. Board to the fact that Encroachments exist and are often renewed, in nearly all sections of the City. I am induced to do so at this time, from the increased number of fences and buildings, which have been erected or repaired the present season, — in some instances knowingly in violation of the integrity of the public streets. It is true indifference to such trespasses in times past has encouraged their continuance, but is it reasonable, by indifference at the present time, to encourage renewals for the future?

In the year 1838,
"pursuant to the request of the Selectmen of the Town of Cambridge" and after
"a careful survey of all the roads in

Cambridge", James Hayward Esq. reported upon the condition of the street-lines.

This document states, that, "Encroachments upon the public highway by bordering land holders have multiplied to a great extent in various parts of the Town," and proceeds to indicate in detail more than Eighty instances, a majority of which, exist to day precisely as recorded thirty years ago, while more recent instances have multiplied perhaps not less rapidly than before. I need not particularize

Cases so numerous. They are upon streets in Every section of the City; nor say that the experience of the last Thirty years creates no confidence that such violations are made merely for a temporary convenience but rather indicate a design to obtain claim for a permanent occupancy, which acquisition may, in some cases, have been gained already.

Mr. Hayward specifies one instance as follows. "The fence in front of the Estates of Mary Merriam, Moses Binney, and Joseph C. Smith, are several feet into the street." These Estates are situated upon Austin Street and are now owned by the successors of those named in the report.

Within a few months, new and permanent fences have been built occupying the old position alluded to in said report. This perpetuation of a trespass should not have been permitted; and indicates the necessity of decided measures for systematic watchfulness in the future.

Nor is this an exceptional case. They are many and occur even in the erection of buildings, for the maintenance of door steps, or passage ways to basements.

About two weeks since a new fence was built upon Prospect street corner of Austin St. and with a knowledge, by the land holder, of an existing encroachment upon both streets. In this case, the true boundaries of the streets are unquestionable. The report alluded to says; "the fence in front of the lot recently sold by the Town to Thomas Dowse projects at the corner of the two streets more than a foot into Austin Street", and in 1836 the town records the projection of the fence into Prospect Street, as two feet. Again, the Board of Mayor and Aldermen on the 19th Feb. 1850 declare the obstruction upon Prospect St. to be two feet.

Northerly from this new fence upon the

same side of Prospect St. are, three vacant lots about to be permanently improved and, judging from the past, I infer, as in other instances, the owners will follow the Example already established unless active steps are taken to restrict all builders to the exact observance of street-lines. The location for permanent occupancy of the true line of a street, like the line dividing adjoining lands, involves a question in which two parties at least have an interest and I can see no reason why the public, through the City authorities, should not guard by proper and legal means its rights in such cases. Any proprietor about to erect a permanent structure owes it to himself, as well as to the public, to ascertain precisely the boundary of the street and to be careful not to transcend that limit.

As provided by City ordinance Section 13 and following no person can, even temporarily, obstruct any street lane or alley, while building, without a license granted in writing by the Mayor and Aldermen. I would suggest the propriety of an additional ordinance making it obligatory upon all proprietors, before erecting a structure of any kind upon the line of any public

street or way, to apply to the City authorities for permission so to do and for information relating to the exact location of lines and grades, or become subject to the penalties attendant upon an ordinance thus violated.

Thus at least would be commenced the desired reformation for a proper adjustment of our street limits, by checking further Encroachment, until a full and Comprehensive Survey of the City is obtained.

Respectfully Submitted.

J. G. Chase
City Engineer

In Board of Aldermen. Sept. 2, 1868.

Referred to the Committee on Ordinances.

Severance for concurrence.

Attest: Justin A. Jacobs. City Clerk

In Common Council Sept. 7/68

Refer^d in concurrence Attest J. W. Potter Clerk

112
Communications
from City Engineers.

Enclosures,

Sept. 2, 1868.