

The City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

~~1215~~

CHAPTER 1215

No. ~~128~~ **AN ORDINANCE** AMENDING THE APPROPRIATION ORDINANCE,
CHAPTER 1288, BY APPROPRIATING THE SUM OF SEVENTEEN THOUSAND FIVE
HUNDRED (\$17,500) DOLLARS TO POLICE DEPARTMENT, ITEM 2.

Approved March 3, 1960

Be it ordained by the City of Providence:

SECTION 1. Chapter 1288 of the Ordinances of the City of Providence as approved September 18, 1959, entitled: "An Ordinance Making Appropriation of \$39,301,585.32 for the Support of the City Government for the Fiscal Year Ending September 30, 1960", as amended, is hereby further amended by appropriating the sum of Seventeen Thousand Five Hundred (\$17,500) Dollars to POLICE DEPARTMENT, ITEM 2.

SECTION 2. The said sum of Seventeen Thousand Five Hundred (\$17,500) Dollars as thus added and appropriated shall be obtained by authorizing and directing the City Controller and City Treasurer to transfer a like amount from the Reserve for Extraordinary Expenditures Account to the Receipt Account.

SECTION 3. The estimated receipts from Reserve for Extraordinary Expenditures are hereby increased by Seventeen Thousand Five Hundred (\$17,500) Dollars.

SECTION 4. This Ordinance shall take effect upon its passage.

IN CITY COUNCIL

FEB 18 1960

First Reading Read and Passed
Referred to Committee on

FINANCE

D. Everett Whelan
Clerk

IN CITY
COUNCIL

MAR 3 - 1960

FINAL READING
READ AND PASSED

Edward P. Quigley
PRESIDENT
D. Everett Whelan
CLERK

APPROVED

MAR 3 1960

Edward P. Quigley
ACTING MAYOR

FILED

WVA103

FEB 15 4 22 PM '60

CITY CLERK'S OFFICE
PROVIDENCE, R. I.

RECORDED

CITY CLERK

RECEIVED

1960-02-15

JA

Be it ordained by the City of Providence:

140

No. CHAPTER AN ORDINANCE	§ 1	AN ORDINANCE TO AMEND THE CITY CHARTER
	STATE OF RHODE ISLAND AND PROVIDENCE PLANNINGS CITY OF PROVIDENCE	

CHARTER

STATE OF RHODE ISLAND AND PROVIDENCE PLANNINGS

CITY OF PROVIDENCE

RESOLUTION OF THE CITY COUNCIL

No. 189

Approved March 3, 1960

Resolved,

That the City Solicitor be and he hereby is authorized and directed to appear before the 1960 Session of the General Assembly and urge passage of an act authorizing the city of Providence to construct a hurricane barrier, substantially in accordance with the accompanying draft act.

IN CITY COUNCIL

MAR 3 - 1960

READ and PASSED

Edward P. Quigley
.....
President
Lawrence H. Whelan
.....
Clerk

APPROVED

MAR 3 1960

Edward P. Quigley
.....
ACTING MAYOR

FILED

FEB 26 4 32 PM '60

CITY CLERK'S OFFICE
PROVIDENCE, R.I.

RESOLUTION

OF THE

CITY COUNCIL

DIRECTING THE CITY
SOLICITOR TO URGE PAS-
SAGE OF ACT AUTHORIZING
CONSTRUCTION OF A HURRI-
CANE BARRIER.

Mr. Wexler by request

STATE OF RHODE ISLAND, ES.

IN GENERAL ASSEMBLY

1923

January Session, A.D. 1923

AN ACT

AUTHORIZING THE CITY OF PROVIDENCE TO CONSTRUCT A HURRICANE BARRIER.

It is enacted by the General Assembly as follows:

SECTION 1. The City of Providence is hereby authorized within the limitations of any funds appropriated and contributed therefor to plan and construct a barrier for the protection of such areas in the City of Providence as may be deemed vulnerable to hurricane tides and resultant flooding.

SEC. 2. Whenever the City Council of the City of Providence shall judge that public necessity or public interest requires the construction of a hurricane barrier, said City of Providence may take by eminent domain such lands, estates, easements, riparian rights, water rights, and any other property rights or interests, public or private, within such area as the City Council may determine for the location of a hurricane barrier, and in such taking may extinguish existing easements, rights of access, view, light and air, existing highways and private ways. In taking the same, the City Council of the City of Providence shall proceed in the following manner:

Said City Council shall, within six (6) months from the date of the passage of the resolution by the said City Council, judging that public necessity or public interest requires the taking of lands, estates and other rights and interests for a hurricane barrier, cause to be filed in the office of the Recorder of Deeds of said City, a description of the area over which said hurricane barrier is to be established; and also a plan thereof and a statement that the lands and other property therein are taken pursuant to the pro-

FILED

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CITY CLERK'S OFFICE
PROVIDENCE, R. I.

visions of this act, which description, plat and statement shall be signed by the mayor of said city, and upon the filing of such description, plat and statement, and upon the making of deposit as just compensation for property taken in the manner hereinafter set forth, the title to the lands and other property and rights therein taken shall vest absolutely and in fee simple in the City of Providence; and said City thereupon by its director of public works or other officer or officers, agent or agents, as authorized by the City Council may immediately enter and take possession of said land or buildings or interests in land and other property rights without any process of law otherwise required by statute or common law, and remove all buildings, property and other impediments, and proceed to construct the hurricane barrier; and after the filing of such description, plat and statement, notice of the taking of such land shall be served upon the owners of and persons having an estate in or interest in such land by the city sergeant of said city or his deputy, leaving a true and attested copy of such description and statement with each of such persons personally, or at their last and usual place of abode in this state with some person living there, and, in case any of such persons are absent from this state and have no last and usual place of abode therein occupied by any person, such copy shall be left with the persons, if any, in charge of or having possession of such land taken of such absent persons, and another copy thereof shall be mailed to the address of such absent persons if the same is known to said officer; and after the filing of such description, plat and statement, the city clerk of said city shall cause a copy of such description and statement to be published in some newspaper or newspapers published in said city at least once a week for three successive weeks; and if any party shall agree with said city for the value of the land so taken, or for the value of his right or interest therein, and the effect of severance in connection with such taking, the same shall be paid to him forthwith by said city, upon the order of its board of contract and supply, out of any funds available therefor. Until otherwise provided by said City Council, the board of contract and supply of said city shall have general authority to represent said city and to make any agreements for said city hereunder and to do any acts or things necessary or incidental to executing any settlements and agreements, but not to any extent or in any manner inconsistent with any of the provisions of this act.

SEC. 3. Upon the filing in the office of the Recorder of Deeds of the description, plat and statement as herein provided, the City shall file in the Superior Court for Providence County, a statement of the sum of money estimated by it to be just compensation for the property taken and shall deposit in the Superior Court to the use of the persons entitled thereto, the sum set forth in said statement or a greater or lesser sum in accordance with an order of the court determining the sum which should be considered sufficient to satisfy the claims of all persons having an estate or interest in such real property. Whenever, from time to time, the City has satisfied the court that the amount deposited with the court is either greater than required or is insufficient to satisfy the claims of all persons interested in said real property, the court may order that the amount of any such excess shall be repaid to the City or may order additional sums deposited as the court deems necessary. Whenever the City has satisfied the court that the claims of all persons interested in the real property taken have been satisfied, the unexpended balance shall be repaid forthwith to the City.

SEC. 4. Any owner of or person entitled to any estate in or interested in any part of the land so taken, who cannot agree with said city for the value of the land so taken or for the value of his right or interest therein, and the effect of severance in connection with such taking may, within 6 months after personal notice of said taking, or if he have no personal notice, may within 1 year from the filing of the description, plat and statement referred to in Sec. 2 of this act, apply by petition to the Superior Court in and for the county of Providence, setting forth the taking of his land and praying for an assessment of damages by a jury. Upon the filing of said petition, the said court shall cause 20 days' notice of the pendency thereof to be given to said city by serving the mayor of said city with a certified copy thereof, and may proceed after such notice to the trial thereof; and such trial shall determine all questions of fact relating to the value of such land or interest and the amount thereof, and the effect of severance in connection with such taking, and judgment shall be entered upon the verdict of such jury and execution shall be issued therefor. Said case and verdict of the jury shall be subject to all rights of exception, of motions or petitions for new trial, and of appeal as are now provided by law, and upon recovery of final judgment execution shall be issued therefor and shall be forthwith paid out of any funds available therefor. In case of conflicting claims to such land by any two or more petitioners, or claims by mortgagees, lessors or other interests therein, said court may set down the petitions of such petitioners for trial at the same time by the same jury, and may frame all necessary issues for the trial thereof.

SEC. 5. In case any owner of or person having an estate in or

interest in such land, shall fail to receive personal notice of the taking of such land, and shall fail to file his petition as provided in Sec. 3 of this act, said court in its discretion may permit the filing of such petition subsequent to said period of 1 year from the filing of such description, plat and statement: Provided, such person shall have had no actual knowledge of the taking of such land in season to file such petition; and provided said city, after the filing of such description and statement, shall not have paid any other persons claiming to own such land the price or value of the same, or be liable to pay for the same under any judgment rendered against said city under the provisions of this act.

SEC. 6. If any lands, or any interests therein, in which any infant or other person not capable in law to act in his own behalf is interested are taken by said city under the provisions of this act, said superior court, upon the filing thereof of any such petition by or in behalf of such infant or other person, may appoint a guardian ad litem for such infant or other person, and such guardian may appear and be heard in behalf of such infant or other person, and such guardian may also, with the advice and consent of said superior court and upon such terms as said superior court may prescribe, release to said city all claims for damages for the lands of such infant or other person or for any such interests therein. Any lawfully appointed, qualified and acting guardian of the estate of any such infant or other person, with the approval of the court of probate within this state having jurisdiction to authorize the sale of lands within this state of any such infant or other person, may, before the filing of any such petition, agree with said city upon the amount of damages suffered by such infant or other person by any taking of his lands or of his interests in any lands and may, upon receiving such amount, release to said city all claims of damages of such infant or other person for such taking.

SEC. 7. Said city upon taking title to such land or properties may proceed to collect the rents and profits from same, through its city collector, or such other officer or body as may be designated by the City Council thereof, or its board of contract and supply.

SEC. 8. Whenever any land or rights in land shall be taken pursuant to the provisions of this act, the City of Providence may acquire or take in fee more land and property than is needed for actual construction of the hurricane barrier; PROVIDED, HOWEVER, that the additional land and property so authorized to be acquired or taken, shall be no more in extent than would be

sufficient to form suitable building sites abutting on each barrier or on any adjoining public highway, street, place, part or partway.

Such excess land and property shall be included in the description and shown upon the plan referred to in article 8 hereof, and said excess land and property shall be taken in the same manner as is provided in article 8 hereof.

After as much of the land and property has been appropriated for each hurricane barrier as is needed therefor, the excess land and property so taken in fee may be held and improved by said City of Providence for any public purpose or purposes, or by resolution of said City Council, may be sold or leased for value with or without suitable restrictions, and in case of any such sale or lease the persons or persons from whom such additional land and property was taken shall have the first right to purchase or lease the same at the same price and upon the same terms and conditions as said City Council is willing to sell or lease the same to any other person.

SEC. 9. The city of Providence may, for the purpose of carrying out this project, accept or use federal, state and private funds or assistance. In the event that federal funds or federal assistance are made available to the city of Providence, either directly or through the state of Rhode Island, the said city shall have authority to make applications for the same and shall be subject to all the provisions of the proper federal law providing such assistance, and to all rules and regulations made pursuant thereto and to such terms, conditions, rules and regulations, not inconsistent with federal law, rules and regulations as may be imposed by the Legislature.

Funds appropriated by the city for the purpose of carrying out this project may be disbursed directly by the city or through such federal, state or other agency and upon such terms and conditions as may be deemed advisable.

SEC. 10. Any land, easement, water right, riparian right or other property or interest in property, public or private taken under the provisions of this act may be transferred to the United States or the State of Rhode Island by the city of Providence for the purpose of administering any federal aid project or for any public purpose.

SEC. 11. The city is further authorized to execute any contract,

agreement or other instrument indemnifying and holding harmless the United States, the State of Rhode Island and any other person, firm or corporation from loss, damage or injury sustained from or by reason of the construction, control or operation of the hurricane barrier. The city is authorized to do any and all things necessary or convenient to aid and cooperate in the construction, operation and control of said hurricane barrier.

SEC. 12. In order to help defray its share of the cost of said hurricane barrier, the City of Providence is hereby authorized to assess the owners of land and buildings, within the area classified as being vulnerable to hurricane flooding and tides. The total amount of such assessment shall in any event not exceed 10% of the total cost of the hurricane barrier. Prior to making any such assessment, the City Council shall by resolution designate the special assessment district or districts, and the basis of the special assessment to be levied. No such resolution shall be passed or approved until after a public hearing on the same, notice of which shall first be given to all property owners in the special assessment district by registered mail addressed to their last and usual place of abode, at least three weeks prior to the date of the public hearing. Said notice shall be given by the City Clerk and shall specify the time and place of the hearing. Notice by publication shall also be given in a newspaper published within the city at least one week prior to the date of the hearing. The hearing required by this section may be held at any regular, adjourned or special meeting of the City Council.

SEC. 13. The resolution of the City Council shall contain a special assessment roll of all land and buildings, within the designated districts with the amount of the assessment against such properties.

SEC. 14. If after public hearing the Resolution, including the special assessment roll, is passed and approved, a certified copy of the same shall be directed to the City Assessor within ten (10) days thereafter, ordering him to add said assessment to the tax rolls of the City, but in such annual installments as may be directed by the City Council. All special assessments, except such installments thereof as the City Council shall make payable at a future time, shall be due and payable at the same time and in the same manner as taxes assessed on real estate.

SEC. 15. The City Council may provide for the payment of the special assessments in annual installments. Such annual installments shall not exceed twenty-five (25) in number. The first installment shall be due at the date for collection of the next annual general City tax, and the deferred installments shall be due annually thereafter in like manner.

SEC. 16. The special assessments made pursuant to the provisions of this act shall constitute a lien on the land and buildings of the person assessed in the same way and manner as general city taxes assessed on real estate are liens.

SEC. 17. In any case where the provisions of this Act may be proved to be insufficient to carry into full effect the making of any special assessment, the City Council shall by ordinance provide any further steps or procedures required.

SEC. 18. All moneys raised by special assessment in accordance with the provisions of this Act shall be held in a special fund to be applied to the cost of the hurricane barrier or to repay any money borrowed for such purpose.

SEC. 19. If the City Council shall deem any special assessment invalid or defective for any reason whatsoever, or if any court of competent jurisdiction shall adjudge such assessment to be illegal in whole or in part, the City Council shall have power to cause a new assessment to be used for the same purpose for which the former assessment was made, whether the improvement or any part thereof has been completed or not, and whether any part of the assessment has been collected or not. All proceedings on such reassessment and for the collection thereof shall be made in the same manner as provided for the original assessment. If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment and the reassessment to that extent shall be deemed satisfied. If more than the amount reassessed shall have been collected, the balance shall be refunded to the person making the payment.

SEC. 20. If any provision of this Act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or applications of this Act which can be given effect

of the Act are declared to be severable.

SEC. 11. This Act shall take effect upon its passage and all Acts and parts of Acts inconsistent herewith are hereby repealed.

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FEB 26 4 32 PM '60

CITY CLERK'S OFFICE
PROVIDENCE, R. I.

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 140

Approved March 3, 1960

Resolved,

That the City Solicitor be and he hereby is authorized and directed to urge passage by the 1960 General Assembly of an act providing for off-street parking facilities in the City of Providence substantially in accordance with the accompanying draft act.

IN CITY COUNCIL

MAR 3 - 1960
READ and PASSED
Edward P. Deagle
President
Dorothy H. Han
Clerk

APPROVED

MAR 3 1960
Edward P. Deagle
ACTING MAYOR

FILED

MAR 1 3 14 PM '60

CITY CLERK'S OFFICE
PROVIDENCE, R.I.

RESOLUTION

OF THE

CITY COUNCIL

URGING PASSAGE OF AN ACT.
PROVIDING FOR OFF-STREET
PARKING FACILITIES IN
PROVIDENCE.

PROVIDING FOR OFF-STREET PARKING FACILITIES
IN THE CITY OF PROVIDENCE

ARTICLE I. SHORT TITLE

SECTION 1. This act shall be known and may be cited as the "Providence public parking act."

ARTICLE II. LEGISLATIVE FINDING,
POLICY OF STATE AND PURPOSE OF ACT.

SECTION 1. It is hereby found and declared that there exist in the city of Providence particular areas of heavy and concentrated vehicular traffic which constitute either social or economical liabilities, or both, requiring alleviation in the interest of the health, safety and general welfare of the people of the city of Providence in which they exist and of the people of this state generally. These traffic congested areas are characterized by one or more of the following conditions, among others:

(a) The existence of streets and public ways which by reason of design are unable and inadequate to accommodate the number of vehicles which attempt to use them and which conditions create hazards to the safety of the occupants of said vehicles and the pedestrians legally upon said highways.

(b) A danger to the health of the people of the community by reason of the concentration of motorized vehicle exhaust fumes.

(c) A congested traffic situation which prevents the expeditious travel of police cars carrying police officers in the proper exercise of their duties, of fire apparatus responding to calls for its services, and of rescue apparatus responding to calls for immediate aid to the stricken.

It is further found and declared that the existence of such vehicular traffic congested areas, characterized by any or all of such conditions separately or collectively, constitutes a serious and growing menace which is injurious and inimical to the public health, safety and welfare of the people of Providence and of the state generally; that such areas present difficulties

and handicaps which are beyond remedy and control solely by regulatory process in the exercise of the police power; that they contribute substantially and increasingly to the problems of, and necessitate excessive and disproportionate expenditures for the preservation of the public health and safety and the maintaining of adequate police, fire and accident protection and other public services and facilities; that this menace is becoming increasingly direct and substantial in its significance and effect; that the benefits that will result from the remedying of these conditions will accrue to all the inhabitants and property owners of the city of Providence and the people of the state generally.

For these reasons it is hereby declared to be the policy of this state to relieve the vehicular traffic congested areas in the city of Providence and promote the safety, health and welfare of the inhabitants of the city of Providence and the people of the state generally by remedying such injurious conditions through the employment of all means appropriate for that purpose and particularly by the establishment of public off-street automobile parking facilities and it is further declared to be the policy of this state that whenever traffic congestion and its attendant danger to the inhabitants of the city of Providence and to the people of the state generally cannot be remedied by public parking provided by private enterprise alone, without public participation and assistance in the acquisition of land, in planning and in the financing of land assembly, in the work of clearance and in the making of improvements necessary to provide adequate public parking facilities, it is in the public interest to employ the power of eminent domain, to advance or expend public funds for these purposes and to provide a means whereby the traffic congested areas may be relieved and the consequent danger to the health, safety and welfare of the people of the city of Providence and the people of the state generally may be relieved; that the relief of such areas and the remedy of the consequent dangers

therein by the provision for public parking and the provision for appropriate continuing land use and construction policies therein constitute public uses and purposes for which public money may be advanced or expended and private property acquired, and are governmental functions of state concern in the interest of the health, safety and welfare of the people of the city of Providence and the state generally; that it is in the public interest that work on such public parking areas be commenced as soon as possible, and that the necessity in the public interest for the provisions hereinafter enacted is hereby declared to be legislative determination.

ARTICLE III. DEFINITIONS AND AUTHORIZATIONS

SECTION 1. For the purpose of this act (1) public off-street parking facilities are defined as accommodations provided by public authority for the parking of automobiles off the street or highway, and open to public use, with or without charge. Provided, however, that within the central downtown area as defined by the City Plan Commission and described in its master plan for downtown Providence no such facility within three hundred (300) feet of any commercial off-street parking facility capable of accommodating thirty-five (35) or more cars shall be open to the public use without charge. Such facilities may be publicly owned and publicly operated, or they may be publicly owned and privately operated; (2) commercial off-street parking facilities are defined as accommodations provided by private enterprise for the parking of automobile^s off the street or highway, open to public use for a fee; (3) special-purpose off-street parking facilities are defined as accommodations provided by public authorities, private groups, or individuals, for restricted use in connection with public improvements, particular businesses, theatres, hotels, and other private enterprises or combinations thereof, or as adjuncts to housing developments or private residences. Such facilities may or may not be cooperatively established and operated; (4) combined off-street parking facilities are defined as accommodations

provided by joint action of public and private interests.

Parking facilities may consist of lots, garages, or other structures and accessories, they may be surface facilities or facilities above or under the ground.

SEC. 2. The city of Providence is hereby authorized to establish and administer public off-street parking facilities and to foster the provision and participate in the establishment of commercial, special-purpose, and combined off-street parking facilities within the city of Providence.

SEC. 3. The city plan commission, in collaboration with the traffic engineer, shall formulate for public presentation, a general plan of automobile parking facilities, as a guide for the future provision of parking facilities, properly integrated with present and proposed traffic facilities and the Providence master plan, subject to alteration as necessary. The general plan of automobile parking facilities shall include recommended design and location of proposed parking facilities which may include improved or unimproved lots, single or multi-storied garages, or other structures and accessories; and shall further include estimates of costs of the various projects therein included, a construction program, and recommended methods of financing. Where the inclusion in any proposed structure of rental space for other than parking purposes is incidental and reasonably related to the public use of the parking facilities and will materially reduce net public expenditures for such parking facilities, such rental space may be included in the plan; provided, however, that the city of Providence shall not within or on any public off-street parking facilities sell or offer for sale any petroleum products, nor shall the leasee of any public off-street parking facility sell or offer for sale any petroleum products.

SEC. 4. The city of Providence is hereby authorized to construct or cause to be constructed foster and participate in the establishment of off-street parking facilities above, at or below the surface of the earth, including buildings, structures, equipment, entrances, exits, fencing, and all other accessories

necessary or desirable for the safety and convenience of motorists using the facilities.

SEC. 5. The city of Providence is hereby authorized to maintain and operate public off-street parking facilities or to contract therefor, or lease the same by competitive bidding to any individual, firm or corporation, upon such terms and conditions as the public interest may warrant.

The city of Providence shall prescribe rules and regulations for the use of off-street-parking facilities provided wholly or in part by public authorities. Such rules and regulations shall be designed to effectuate the public purposes of these facilities.

The city of Providence shall fix the maximum and minimum rates for each such facility. Where such facility is leased, such rates shall be fixed prior to the issuance of any invitation for proposals for leasing of such off-street parking facilities and shall be included in any such proposal.

In fixing rates, due allowance shall be made for the desirability of creating a reasonable parking turnover in any facility located in a highly congested district, and consideration shall be given to any other factors affecting the usefulness of the facility for ameliorating parking and traffic difficulties.

The provision of this section and of section ⁵/₄ of this article shall be carried out by such official, committee, board, commission or agency as the city of Providence may designate, or the city may enter into an agreement with the redevelopment agency for such purposes.

SEC. 6. The city of Providence is hereby authorized, subject to the requirements of state law and municipal ordinance, to finance the planning design, maintenance, and operation of off-street parking facilities by any one or any combination of the following methods: (a) general fund appropriation or (b) gift, contribution, bequest, devise or grant; and to finance the design, acquisition of property, construction, alteration, or enlargement of off-street parking facilities by any one or any combination of the following methods: (a) general obligation

bonds; (b) general fund appropriation; (c) state and federal grants and aids; (d) gift, contribution, bequest, devise or grant.

When general obligation bonds are to be issued they shall be issued and sold at such times, in such amounts, with such maturities and other terms, and in such form as the city council shall determine. Irrespective of any limitation, by general or special law, as to the amount of such bonds which may be issued, the city of Providence may issue such bonds for the purposes defined by this section in excess of such limitation, in such amount as may be approved by the voters at any general or special election, and all bonds issued under this section shall be exempted from the operation of section 45-12-2 of the general laws of 1956. The city shall annually appropriate a sum sufficient to pay the interest upon its general obligation bonds issued and outstanding under the authority of this section, and also to pay the principal of such bonds maturing in any such year, until said bonds are paid in full. This section shall constitute statutory approval for the incurring of debt for the purposes of this act wherever such approval is required by any general or special law.

SEC. 7. In each instance wherein the city council shall have before it for consideration a proposal to expend money for the purpose of establishing off-street parking facilities there shall be filed with the city council, signed by the mayor and the traffic engineer, a report of said proposed project (including the necessary plans, profiles, specifications,) and estimates of the cost, including the cost of necessary property acquisition; an estimate of the income yield of the facility; a statement showing that the proposed facilities conform to the general plan developed under section 3 of this article; and such other pertinent information as will permit the city council to decide the necessity, extent, cost and income yield of the proposed facility.

SEC. 8. After the mayor and traffic engineer have filed such report, the city council shall by resolution determine the necessity of the proposed public off-street parking facilities and the extent of any expenditure by the city for the purpose of establishing such improvements.

SEC. 9. In accordance with the provisions and procedures prescribed by section 6, of this article, the city council shall provide for financing of the improvements.

ARTICLE IV. EMINENT DOMAIN

SECTION 1. The city of Providence shall have the right to acquire all or any part of the real property, or any interest therein, by the exercise of the power of eminent domain whenever it shall be determined by the city council that such acquisition is necessary to the fulfillment of the purposes of this act and is in the public interest as defined herein, and provided, however, that no existing off-street parking facility may be acquired without the consent of the owner and occupant unless such facility is to be incorporated within an off-street parking facility with a capacity at least 100% greater than the facility to be taken. Where property so acquired by the city of Providence for off-street parking facilities is being operated at the time of acquisition as a commercial off-street parking facility then the operator of said commercial off-street parking facility shall be permitted to continue to operate said facility until alterations to the property shall have been commenced by the city of Providence.

(a) The necessity for such acquisition shall be conclusively presumed upon the adoption of a resolution by the city council declaring that the acquisition of the land or interest therein described in such resolution is in the public interest as defined in this act and that such land or interest therein is to be used for the purposes of providing off-street parking facilities as defined herein. Within six months thereafter the mayor of the city of Providence shall cause to be filed in the land evidence records of said city a copy of such resolution adopted by the

city council, together with a plat of the land or interest therein described and a statement, signed by the mayor that such lands or interests therein are taken pursuant to the provisions of this act. Thereupon the mayor shall file in the superior court for the county of Providence a statement of the sum of money estimated by the mayor to be just compensation for the land taken.

(b) Upon the filing of the copy of such resolution, plat and statement in the land evidence records of the city of Providence, the filing in the superior court of the statement, and the depositing in the superior court, to the use of the persons entitled thereto, of such sum as the court shall determine to be amply sufficient to satisfy the claims of all persons interested in said land (and the court may in its discretion, take evidence on the question to determine the sum to be deposited) title to such land, or interest therein, shall rest in the city of Providence in fee simple absolute and said city may thereupon take possession of said land or interest therein.

(c) No sum so paid into the court shall be charged with clerk's fees of any nature. After the filing of such copy, plat and statement, notice of the taking of such land, or interest therein, shall be served upon the owners of and persons having an estate in and interested in such land by the sheriff or his deputies of the county in which the land, or interest therein, lies, leaving a true and attested copy of such description and statement with each of such persons personally, or at their last and usual place of abode in this state with some person living there, and in case any of such persons are absent from this state and have no last and usual place of abode therein occupied by any person, such copy shall be left with the persons, if any, in charge of or having possession of such land, or interest therein, taken of such absent persons if the same is known to said officer; and after the filing of such resolution, plat and statement, the mayor shall cause a copy of such resolution and statement to be published in some newspaper

published in the county where said land, or interest therein, may be located, at least once a week for three successive weeks. If any person shall agree with the city for the price of the land, or interest therein, so taken, the court, upon the application of the parties in interest, may order that the sum agreed upon be paid forthwith from the money deposited, as the just compensation to be awarded in said proceeding.

(d) Any owner of or persons entitled to any estate in or interested in any part of the land, or interest therein, so taken, who cannot agree with said city for the price of the land, or interest therein, so taken in which he is interested as aforesaid, may, within three months after personal notice of said taking, or, if he have no personal notice, may within one year from the first publication of the copy of such resolution and statement referred to in paragraph (a) of section 1. of this article, apply by petition to the superior court in and for the county in which such land, or interest therein, lies, setting forth the taking of his land or interest therein, and praying for an assessment of damages by a jury. Upon filing of such petition the said court shall cause twenty days' notice of the pendency thereof to be given to said city by serving the mayor with a certified copy thereof, and may proceed after such notice to the trial thereof; and such trial shall determine all questions of fact relating to the value of such land, or interest therein, and the amount thereof, and judgment shall be entered upon the verdict of such jury and execution shall be issued therefor against the money so deposited in court and in default thereof against any other property of said city. In case two or more conflicting petitioners make claim to the same land, or to any interests therein, or to different interests in the same parcel of land, said court[✓] upon motion shall consolidate their several petitions for trial at the same time by the same jury, and may frame all necessary issues for the trial thereof; and all proceedings taken pursuant to the provisions of this act shall take precedence over all other civil matters then pending before said court.

(e) If any lands, or interests therein, in which any infant or other person not capable in law to act in his own behalf is interested, are taken by said city under the provisions of this act, said superior court, upon the filing therein of any such petition by or in behalf of such infant or other person, may appoint a guardian ad litem for such infant or other person, and such guardian may appear and be heard in behalf of such infant or other person; and such guardian may also with the advice and consent of said superior court and upon such terms as said superior court may prescribe, release to such agency all claims for damages for the lands of such infant or other person or for any such interests therein. Any lawfully appointed, qualified and acting guardian or other fiduciary of the estate of any such infant or other person, with the approval of the court of probate within this state having jurisdiction to authorize the sale of lands and properties within this state of any such infant or other person, may before the filing of any such petition, agree with said city upon the amount of damages suffered by such infant or other person by any taking of his lands or of his interests in any lands and may, upon receiving such amount, release to said city all claims of damages of such infant or other person for such taking.

(f) Whenever, from time to time the city has satisfied the court that the amount deposited with the court is greater than is amply sufficient to satisfy the claims of all persons interested in said land, the court may order that the amount of any such excess shall be repaid to the city. Whenever the city has satisfied the court that the claims of all persons interested in the land taken have been satisfied, the unexpended balance shall be paid forthwith to said city.

(g) In any proceedings for the assessment of compensation and damages for land or interest therein taken or to be taken by eminent domain by the city, the following provisions shall be applicable:

(1) At any time during the pendency of such action or proceeding, the city or an owner may apply to the court for an order directing an owner or the city, as the case may be, to show cause why further proceedings should not be expedited, and the court may upon such application make an order requiring that the hearings proceed and that any other steps be taken with all possible expedition.

(2) If any of the land, or interest therein, included within the project is devoted to a public use, it may nevertheless be acquired, and the taking shall be effective provided that no land, or interest therein, belonging to the city or to any government shall be acquired without its consent, and that no land or interest therein belonging to a public utility corporation may be acquired without the approval of the division of public utilities or other officer or tribunal having regulatory power over such corporation. Any land, or interest therein, already acquired by the city may nevertheless be included within such taking for the purpose of acquiring any outstanding interests in such land.

(3) The term "owner", as used in this section, shall include a person having an estate, interest or easement in the land to be acquired or a lien, charge or encumbrance thereon.

ARTICLE V. SEVERABILITY AND EFFECTIVE DATE

SECTION 1. The powers granted and the duties imposed by the several sections of this act shall be construed to be independent and separable and if any one or more sections, clauses, sentences, or parts of this act or the applicability thereof shall be adjudged unconstitutional or invalid such judgment shall not affect the remaining provisions or applications of this act which can be given effect without the invalid provision or application, and the remainder of the act shall remain in full force and effect.

SEC. 2. This act shall take effect upon its passage and thereupon Chapter 2307 of the public laws of 1949, chapter 2514

of the Public Laws of 1950 and all other acts and parts of acts inconsistent herewith shall stand repealed. Provided, however, that all ordinances, resolutions, official acts and determinations and all other actions and proceedings heretofore taken or purported to have been taken under and pursuant to said Chapter 2307 of the Public Laws of 1949 and Chapter 2514 of the Public Laws of 1950 are hereby ratified, confirmed and declared legal in all respects and shall continue in effect under the provisions of this act.

Sec. 3. The voters of the City of Providence having authorized and approved the issuance of bonds in the amount of ONE MILLION SEVEN HUNDRED THOUSAND (\$1,700,000) DOLLARS under the provisions of Chapter 2514 of the Public Laws of 1950 as amended at the General Election held on November 7, 1950, bonds of said City may be issued in an amount not exceeding ONE MILLION SEVEN HUNDRED THOUSAND (\$1,700,000) DOLLARS for any of the purposes stated in said Chapter 2514 without any further approval of the voters of said city, notwithstanding the repeal of said Chapter 2514 of the Public Laws of 1950 as amended, and notwithstanding the provisions of Section 135 of the Providence Charter Act of 1940, as amended, or of any other general or special law.

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. ~~141~~

Approved March 3, 1960

Resolved,

That the following taxpayers be refunded the amounts specified because of overpayment of the 1957 taxes to the City Collector.

Code #22-044-680
Lucy Ventura
27 Walnut St.
No. Providence, R. I.

Amount of original 1957 tax	\$131.35
Amt. abated, Cert 25T-1 approved 2/4/60	78.10
Amt. paid 4/2/59 D Teller	131.35
Amount overpaid, Cert 0-5983	78.10

Refund \$78.10 to Lucy Ventura, 27 Walnut St. No. Prov. R. I.

Code #19-184-821
John F. Seddon Jr. and wf. Elaine M.
179 Vermont Ave.
Providence, R. I.

Amount of original 1957 tax	\$112.18
Amt. abated, Cert 52-3 approved 2/4/60	29.82
Amt. paid 10/25/57 F Teller	112.18
Amount overpaid, Cert 0-5996	29.82

Refund \$29.82 to John F. Seddon Jr. and wf. Elaine M.
179 Vermont Ave, Providence, R. I.

IN CITY COUNCIL

MAR 3 - 1960

READ and PASSED

Edward P. Quigley
President
Robert H. ...
Clerk

APPROVED

MAR 3 1960

Edward P. Quigley
ACTING MAYOR

FILED

FEB 29 12 35 PM '60

CITY CLERK'S OFFICE
PROVIDENCE, R. I.

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 142

Approved March 3, 1960

Resolved,

That the following taxpayers be refunded the amounts specified because of overpayment of the 1958 taxes to the City Collector

Code #26-038-700
Antonio Zona
40 Fisher St.
North Providence, R. I.

Amount of original 1958 tax	\$30.53
Amt. abated, Cert. 25T-14 approved 2/4/60	12.07
Amount paid 10/23/58 P Teller	30.53
Amount overpaid, Cert 0-5984	12.07

Refund \$12.07 to Antonio Zona, 40 Fisher St., North Prov., R. I.

Code #01-270-530
James L. Avary
286 New York Ave.
Providence, R. I.

Amount of original 1958 tax	\$23.43
Amt. abated, Cert 27T-7 approved 2/4/60	23.43
Amt. paid 12/31/59 D Teller	23.43
Amount overpaid, Cert 0-5987	23.43

Refund \$23.43 to James L. Avary, 286 New York Ave., Providence, R. I.

Code #19-184-821
John F. Seddon Jr. and wf. Elaine M.
179 Vermont Ave.
Providence, R. I.

Amount of original 1958 tax	\$112.18
Amt. abated, Cert 52T-3 approved 2/4/60	30.53
Amount paid 10/28/58 T Teller	112.18
Amount overpaid, Cert 0-5997	30.53

Refund \$30.53 to John F. Seddon Jr. and wf. Elaine M., 179 Vermont Ave. Providence, R. I.

IN CITY COUNCIL

MAR 3 - 1960

READ and PASSED

Edward P. Dwyer
President
Robert A. Williams
Clerk

APPROVED

MAR 3 1960

Edward P. Dwyer
ACTING MAYOR

FILED

FEB 29 12 35 PM '60

CITY CLERK'S OFFICE
PROVIDENCE, R.I.

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 143

Approved March 3, 1960

Resolved,

That the following taxpayers be refunded the amounts specified because of overpayment of the 1959 taxes to the City Collector.

Code #05-049-925
Elmcrest Realty Co.
96 Broad St.
Providence, R. I.

Amount of 1959 tax on plat 45 lot 218	\$193.44
Amt. paid 1/20/60 D Teller	145.08
Amt. paid 2/10/60 D Teller	48.36
Amt. paid 10/26/59 R Teller	48.36
Amount overpaid, on plat 45 lot 218 Cert. 0-5981	48.36

Refund \$48.36 to Elmcrest Realty Co., 96 Broad St. Providence, R. I.

Code #12-330-598
Robert L. Lowell
40 Burlington St.
Providence, R. I.

Amount of original 1959 tax	\$62.40
Amt. abated, Cert 27T-4 approved 2/4/60	62.40
Amount paid 10/20/59 R Teller	15.60
Amount overpaid, Cert 0-5985	15.60

Refund \$15.60 to Robert L. Lowell, 40 Burlington St. Providence, R. I.

Code #13-360-290
Elwin E. McCoy Jr.
154 West Clifford St.
Providence, R. I.

Amount of original 1959 tax	\$70.20
Amt. abated, Cert 27T-6 approved 2/4/60	70.20
Amt. paid 10/16/59 D Teller	17.55
Amount overpaid, Cert 0-5986	17.55

Refund \$17.55 to Elwin E. McCoy Jr., 154 West Clifford St., Prov. R. I.

Code #03-531-112
Paul J. Conley
593 Eddy St.
Providence, R. I.

Amount of original 1959 tax	\$78.00
Amt. abated, Cert 27T-9 approved 2/4/60	78.00
Amt. paid 10/16/59 F Teller	19.50
Amount overpaid, Cert 0-5988	19.50

Refund \$19.50 to Paul J. Conley, 593 Eddy St. Providence, R. I.

The City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Code #05-057-180
Carleton W. Emma
232 Laban St.
Providence, R. I.

Amount of original 1959 tax	\$21.06
Amt. abated, Cert 27T-10 approved 2/4/60	21.06
Amount paid 10/21/59 J Teller	5.27
Amount overpaid, Cert 0-5989	5.27

Refund \$5.27 to Carleton W. Emma, 232 Laban St. Providence, R. I.

Code #22-041-400
Thomas Venticinqué
246 Atwells Ave.
Providence, R. I.

Amount of 1959 tax	\$40.56
Amt. abated, Cert 47T-21 approved 2/4/60	29.64
Amt. paid 10/6/59 D Teller	40.56
Amount overpaid, Cert 0-5990	29.64

Refund \$29.64 to Thomas Venticinqué, 246 Atwells Ave. Providence, R. I.

Code #14-055-740
Salvatore Neri
26 River Ave.
Providence, R. I.

Amount of original 1959 tax	\$9.36
Amt. abated, Cert 49T-7 approved 2/4/60	9.36
Amount paid 10/6/59 J Teller	9.36
Amount overpaid, Cert 0-5991	9.36

Refund \$9.36 to Salvatore Neri, 26 River Ave. Providence, R. I.

Code #11-107-400
Lena Kenner
119 Woodbury St.
Providence, R. I.

Amount of original 1959 tax	\$61.66
Amount abated, Cert 49T-11 approved 2/4/60	13.26
Amount paid 10/9/59 D Teller	61.66
Amount overpaid, Cert 0-5992	13.26

Refund \$13.26 to Lena Kenner, 119 Woodbury St. Providence, R. I.

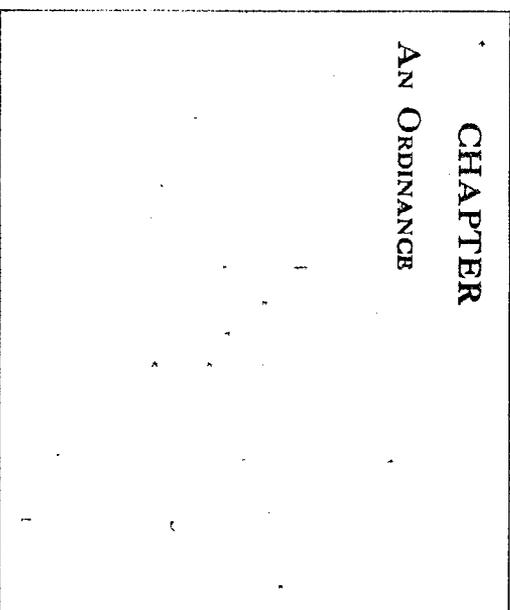
Code #12-082-008
John J. Larkin and wf. Bernice M.
69 Congress Avenue
Providence, R. I.

Amount of original 1959 tax	\$187.59
Amt. abated, Cert 52T-1 approved 2/4/60	33.54
Amount paid 10/29/59 R Teller by Old Colony Bank	187.59
Amount overpaid, Cert 0-5993	33.54

Refund \$33.54 to Old Colony Cooperative Bank Agent for John J. Larkin and wf. Bernice M., 58 Weybosset St. Prov. R. I.

No.

CHAPTER
AN ORDINANCE



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The City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Code #13-559- 420
Robert H. Mende
273 Lowell Avenue
Providence, R. I.

Amount of original 1959 tax	\$17.94
Amt. abated, Cert 52T-2 approved 2/4/60	17.94
Amt. paid 10/14/59 F Teller	4.49
Amount overpaid, Cert. 0-5994	4.49

Refund \$4.49 to Robert H. Mende, 273 Lowell Ave., Providence, R. I.

Code #04-424-040
Elton P. Donabed
80 Updike Street
Providence, R. I.

Amount of original 1959 tax	\$39.00
Amt. abated, Cert. 52T-2 approved 2/4/60	39.00
Amt. paid 11/2/59 A Teller	9.75
Amount overpaid, Cert 0-5995	9.75

Refund \$9.75 to Elton P. Donabed, 80 Updike St. Providence, R. I.

IN CITY COUNCIL

MAR 3 - 1960

READ and PASSED

Edward P. Quigley
.....
President
Robert H. Mende
.....
Clerk

A P P R O V E D

MAR 3 1960

Edward P. Quigley
.....
ACTING MAYOR

FILED

FEB 29 12 35 PM '60

CITY CLERK'S OFFICE
PROVIDENCE, R. I.

No.

<p>CHAPTER</p> <p>AN ORDINANCE</p>
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