

The City of Providence

WEM:RAF

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1461

No. 184 AN ORDINANCE IN AMENDMENT OF SECTION 200
OF CHAPTER 2 OF THE 1946 REVISED ORDINANCES RELATING TO PETROLEUM
LICENSE FEES.

Approved March 16, 1962

Be it ordained by the City of Providence:

SECTION 1. The first paragraph of Section 200 of
Chapter 2, Article XVII, entitled "License Fees for Storage of
Petroleum Products in Bulk" is hereby amended to read as follows:

"Sec. 200. Amount; Payment to Bureau of Licenses.
Any person, partnership or corporation or other
legal entity storing petroleum products in bulk,
shall pay to the Bureau of Licenses of the City of
Providence the following annual fees for permits
granted by the City Council."

SEC. 2. This Ordinance shall take effect upon its
passage.

IN CITY
COUNCIL

MAR 1 1962

FIRST READING
READ AND PASSED

Everett Whelan
CLERK

APPROVED

MAR 16 1962

Matthew H. Reynolds
MAYOR

IN CITY
COUNCIL

MAR 15 1962

FINAL READING
READ AND PASSED

Edward P. Duggan
PRESIDENT
Everett Whelan
CLERK

No.

CHAPTER

AN ORDINANCE IN AMENDMENT
OF SECTION 200 OF CHAPTER 2
OF THE 1946 REVISED ORDINANCES
RELATING TO PETROLEUM LICENSE
FEES.

IN CITY COUNCIL

FEB 1 - 1962

FIRST READING

REFERRED TO COMMITTEE ON

ORDINANCES

Devereux Wilson CLERK

FILED

JAN 29 10 16 AM '62

CITY CLERK'S OFFICE
PROVIDENCE, R.I.

Mr. Wilson, by request

The City of Providence — Legislative Department

CITY CLERK'S OFFICE—OFFICIAL MEMORANDUM

Providence, R. I., February 14, 1962

TO: City Solicitor

SUBJECT: An Ordinance in amendment of section 200 of chapter 2 of the 1946 Revised Ordinances relating to Petroleum License Fees.

CONSIDERED BY: Committee on Ordinances

ACTION TAKEN: Voted to request of the City Solicitor his opinion as to the the necessity of enabling legislation on the above.

Vincent Vespia, 1st Deputy City Clerk

W. Everett Whelan

City Clerk

CITY OF PROVIDENCE

RHODE ISLAND

LAW DEPARTMENT

WILLIAM E. McCABE

CITY SOLICITOR

HARRY GOLDSTEIN

VINCENT A. RAGOSTA

EDWARD F. BURKE

DAVID J. KEHOE

ASSISTANTS

GUERRINO A. BROSCO

INVESTIGATOR

February 16, 1962.

Committee on Ordinances,
City Hall,
Providence, R. I.

Gentlemen:

You have referred to me the question as to whether it is necessary to secure enabling legislation in order to enact the proposed ordinance which amends Section 200 of Chapter 2 of the 1946 Revised Ordinances.

The ordinance in question amends an existing ordinance requiring the payment to the City Collector of license fees for storage of petroleum products in bulk.

It has been the practice of the City Clerk to issue annually a so-called license and to collect the fee for the same. The only change the proposed ordinance was intended to effect was to provide that the payment of the specified license fee would be made to the Bureau of Licenses rather than to the City Collector. The ordinance does not change the existing law which requires the permit for the storage of petroleum products to be granted by the City Council. It merely changes the collecting agency, and I am therefore of the opinion that as it does not purport or intend to amend Chapter 1958 of the 1920 Public Laws, as amended by Chapter 2251 of the 1922 Public Laws, but simply an existing ordinance, it is within the power of the City Council, without the necessity of enabling legislation.

Very truly yours,

William E. McCabe

CITY SOLICITOR

WEM:RAF

RECEIVED
FEB 17 1962
CITY OF PROVIDENCE
LAW DEPARTMENT

FILED

FEB 19 9 34 AM '62

**CITY CLERK'S OFFICE
PROVIDENCE, R. I.**

The City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1462

No. 185 AN ORDINANCE AMENDING THE APPROPRIATION ORDINANCE, CHAPTER 1424, BY TRANSFERRING THE SUM OF TWELVE THOUSAND NINE HUNDRED (\$12,900) DOLLARS FROM CITY PLAN COMMISSION, ITEM 0, to CITY PLAN COMMISSION, ITEM 1.

Approved March 16, 1962

Be it ordained by the City of Providence:

SECTION 1. Chapter 1424 of the Ordinances of the City of Providence as approved September 21, 1961, entitled: "An Ordinance Making Appropriation of \$42,542,430.35 for the Support of the City Government for the Fiscal Year Ending September 30, 1962", as amended, is hereby further amended by transferring the sum of Twelve Thousand Nine Hundred (\$12,900) Dollars from City Plan Commission, Item 0 to CITY PLAN COMMISSION, ITEM 1.

SECTION 2. This Ordinance shall take effect upon its passage.

IN CITY
COUNCIL

MAR 1 1962
FIRST READING
READ AND PASSED

Everett Whelan
CLERK

APPROVED

MAR 16 1962

Allen Reynolds
MAYOR

IN CITY
COUNCIL

MAR 15 1962

FINAL READING
READ AND PASSED

Edward P. Dwyer
PRESIDENT
Everett Whelan
CLERK

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No.

CHAPTER

AN ORDINANCE

IN CITY
COUNCIL

FEB 15 1962

FIRST READING

REFERRED TO COMMITTEE ON
FINANCE

Devereux Hall CLERK

FILED

FEB 12 4 00 PM '62

CITY CLERK'S OFFICE
PROVIDENCE, R.I.

RESOLUTION OF THE CITY COUNCIL

No. 186

Approved March 16, 1962

Resolved,

That the City Solicitor be and he hereby is authorized to cause the introduction and urge passage by the 1962 General Assembly of an act authorizing the City of Providence to issue bonds in the sum of ONE MILLION SEVEN HUNDRED FIFTY THOUSAND (\$1,750,000.00) Dollars for School Purposes, substantially in accordance with the accompanying draft ^{ACT. V.} ~~and~~.

AND BE IT FURTHER RESOVED THAT Resolution No. 116 of the City Council, approved March 1, 1962 is hereby rescinded and repealed.

APPROVED

IN CITY COUNCIL

MAR 15 1962

READ and PASSED

Edward P. Dugley
President
Deverett Whelan
Clerk

MAR 16 1962

Walter H. Ruppel
MAYOR

PROVIDENCE, R.I.
CITY

MAR 16 1962

RESOLUTION
OF THE
CITY COUNCIL

URGING PASSAGE OF ONE MILLION
SEVEN HUNDRED FIFTY THOUSAND
(\$1,750,000.00) DOLLAR BOND
ISSUE FOR SCHOOL PURPOSES.

Mr. Waples, by request

FILED
MAR 9 9 33 AM '62
CITY CLERK'S OFFICE
PROVIDENCE, R.I.

STATE OF RHODE ISLAND, &C.

IN GENERAL ASSEMBLY

January Session, A. D. 19⁶²

A N A C T

AUTHORIZING THE CITY OF PROVIDENCE TO ISSUE BONDS IN THE SUM OF ONE MILLION SEVEN HUNDRED FIFTY THOUSAND (\$1,750,000.00) DOLLARS FOR SCHOOL PURPOSES

It is enacted by the General Assembly as follows:

SECTION 1. The city of Providence is hereby authorized and empowered, in addition to and not in substitution for authority previously granted, to issue, in addition to the bonds heretofore issued and now outstanding, under its corporate name and seal, serial bonds in any form which the city council of said city has heretofore approved or may approve, in an amount not exceeding one million seven hundred fifty thousand (\$1,750,000.00) dollars. Said bonds shall be of any denomination not exceeding twenty thousand (\$20,000) dollars each, the principal thereof and the interest thereon shall be payable in any coin or currency of the United States of America, which at the time of payment is legal tender for public and private debts, and the debts incurred by said bonds shall be obligatory on said city in the same manner and to the same extent as other debts lawfully contracted by said city. The dates of maturity of said bonds shall, in no case, be more than twenty-five (25) years after date of issue; provided, however, that the first installment of the principal of the bonds issued under the provisions of this act shall mature on such date as said city council shall determine, but not later than five (5) years after the date of issuance.

Sec. 2. Said bonds shall be signed by the city treasurer, and counter-

signed by the mayor of the city of Providence and shall be issued and sold at such times and in such amount as the city council of said city shall determine; provided, however, that the premiums, if any, arising from the sale of said bonds shall be applied to the payment of the principal of said bonds in the order of their maturity. The ^{PROCEEDS} ~~proceedings~~ arising from the sale of the bonds authorized by this act shall be delivered to the city treasurer, and such proceeds, except as heretofore provided in respect to the premiums arising from the sale thereof, shall be expended for the purchase of land for public school purposes and/or the construction, furnishing and equipping of public school buildings in said city. No purchaser of any of said bonds, however, shall be in any way responsible for the proper application of the proceeds derived from the sale thereof. The countersignature of the mayor may be by facsimile signature.

Sec. 3. The city of Providence shall annually appropriate a sum sufficient to pay the interest upon the bonds issued and outstanding under the authority of this act, and also to pay the principal of the bonds maturing in any such year, until said bonds are paid in full. All obligations of said city which are incurred under authority of this act shall be excepted from the operation of section 45-12-2 of the general laws of 1956.

Sec. 4. This act shall take effect upon its passage and shall be submitted to the qualified voters of the city of Providence at the next general or special election in said city, and said bonds shall not be issued unless a majority of the voters of said city voting thereon shall approve this legislative action.

PROVIDENCE R.I.
CITY CLERK'S OFFICE

MAY 2 2 33 AM '55

FILED

FILED

MAR 9 9 33 AM '62

CITY CLERK'S OFFICE
PROVIDENCE, R.I.

6-20-62

RESOLUTION OF THE CITY COUNCIL

No. 187

Approved March 16, 1962

Resolved,

That

the City Solicitor be and hereby is authorized to request adoption by the General Assembly of an Act authorizing the Department of Building Inspection to remove unsafe buildings, to bring suit against owners of said buildings for costs incurred, and to impose a lien on said property for the payment of said costs, substantially in accordance with the accompanying draft act.

IN CITY COUNCIL

MAR 15 1962

READ and PASSED

Edward J. Dugley
President
Reverett Whelan
Clerk

APPROVED

MAR 16 1962

Walter H. Reynolds
MAYOR

RESOLUTION
OF THE
CITY COUNCIL

URGING PASSAGE OF AN
AMENDMENT TO CHAPTER
3338, 1954 PUBLIC LAWS,
RELATING TO REMOVAL OF
UNSAFE BUILDINGS AND
LIENS FOR COST OF SAME.

STATE OF RHODE ISLAND, &C.
IN GENERAL ASSEMBLY

January Session, A. D. 19 62.

AN ACT

IN AMENDMENT OF CHAPTER 3338 OF THE PUBLIC LAWS OF 1954 ENTITLED
"AN ACT AUTHORIZING THE CITY OF PROVIDENCE TO ENACT BUILDING REGULATIONS
AND PROVIDE FOR THEIR ADMINISTRATION."

It is enacted by the General Assembly as follows:

SECTION 1. Paragraph numbered 2 of Section 1 of Chapter 3338 is
amended to read as follows:

Section 1. 2. To regulate the erection of buildings, to
provide for the removal of any buildings which
are deemed to be unsafe, to authorize the re-
moval of said unsafe buildings, to make said
buildings safe by necessary repairs, or to
remove said unsafe buildings; to authorize a
lien upon said premises for any costs incurred
by the City of Providence in making safe or
removing such unsafe structures; to authorize
such lien to be recorded in the office of
the Recorder of Deeds in the same manner as
the recording of lis pendens notices; and to
authorize the foreclosure of said lien in the
manner provided by law for the enforcement of
a common law lien on personal property.

SEC. 2. This Act shall take effect upon its passage and all
Acts or parts of Acts inconsistent herewith are hereby repealed.

RESOLUTION OF THE CITY COUNCIL

No. 188

Approved March 16, 1962

Resolved,

That

the City Solicitor be and he hereby
is directed to urge passage by the 1962 Session of the General
Assembly of an Act authorizing the conversion of certain city
streets in Providence into pedestrian malls, substantially in ac-
cordance with the accompanying draft act.

IN CITY COUNCIL

MAR 15 1962

READ and PASSED

Edward B. Murphy
President
Severett Chelaw
Clerk

APPROVED

MAR 16 1962

Walter H. Murphy
MAYOR

IN CITY COUNCIL

JAN 18 1962

FIRST READING

REFERRED TO COMMITTEE ON

ORDINANCES

Everett L. Lons

THE COMMITTEE ON

Delemauer

Recommends Indefinite

Postponement

Wm. A. H. H. H.

ESPIES

Chick

RESOLUTION URGING PASSAGE OF
AN ACT AUTHORIZING PEDESTRIAN
MALLS.

FILED
JAN 15 2 53 PM '62
CITY CLERK'S OFFICE
PROVIDENCE, R.I.

STATE OF RHODE ISLAND, &c.

IN GENERAL ASSEMBLY

January Session, A. D. 1962

AN ACT

AUTHORIZING THE CONVERSION OF CERTAIN STREETS OF
THE CITY OF PROVIDENCE INTO PEDESTRIAN MALLS.

IT IS ENACTED BY THE GENERAL ASSEMBLY AS FOLLOWS:

ARTICLE I. DECLARATION OF NECESSITY AND PURPOSE OF ACT.

SECTION 1. Declaration of necessity. It is hereby determined as a matter of legislative finding:

(a) The legislature of the State of Rhode Island hereby finds and declares that in certain areas of the City of Providence, and particularly in the central retail shopping area thereof, the physical improvements and facilities of the central business district are growing older and have experienced some physical and economic blight, which is likely to progress and which threatens to retard and choke the healthy growth of the whole community; that such deterioration, if permitted to continue, will adversely affect the tax structure, health, safety and general welfare of the city and of its citizens; that it is a reasonable and proper exercise of its police powers for the City of Providence to take measures designed to correct this trend by maintaining and improving the said central business district so that it may retain its rightful position as a mercantile and industrial center and as the core of the business, professional, social, religious and cultural life of the city and state.

(b) As part of this effort, and in pursuance of its power to use, control and regulate the use of its streets, alleys, bridges and public places and the space above and beneath them, the legislature of the state hereby finds and declares that in certain areas of said city there is need to separate pedestrian travel from vehicular travel and that such separation is necessary to protect the public safety or otherwise to serve the public interest and convenience; and the legislature further finds and declares that such objectives can, in part, be accomplished by the establishment of certain areas in the said central business district for the principal use and convenience of pedestrians, said areas to be referred to herein as "Pedestrian Malls."

ARTICLE II. Definitions. Unless the context otherwise requires, the definitions contained in this chapter shall govern the construction of this act.

(a) "City" or "the city" shall mean the City of Providence.

(b) "Legislative body" means the city council of the City of Providence.

(c) "Street" as used in the definitions of the terms "city streets," "mall intersection" and "intersecting streets" hereinafter defined means any public street, road, highway, alley, lane, court, way or place of any nature open to the use of the public.

(d) "City street," as used with regard to streets located within the City of Providence, means any street located within the city, except a freeway or state highway.

(e) "Pedestrian mall" means one or more "city streets", or portions thereof, on which vehicular traffic is or is to be restricted in whole or in part and which is or is to be used exclusively or primarily for pedestrian travel.

(f) "Mall intersection" means any intersection of a "city street" constituting a part of a "pedestrian mall" with any "street", which intersection is itself part of the "pedestrian mall".

(g) "Intersecting street" means any "street" which meets or crosses a "pedestrian mall" at a "mall intersection" but includes only those portions thereof on either side of a "mall intersection" which lie between the "mall intersection" and the first intersection of the "intersecting street" with a public street or highway open to vehicular traffic.

ARTICLE III. Powers

SECTION 1. The city council of the City of Providence shall have the power:

(a) To establish pedestrian malls.

(b) To prohibit, in whole or in part, vehicular traffic on a pedestrian mall.

(c) To pay, from general funds of the city or other available moneys or from the proceeds of assessments levied on lands benefited by the establishment of a pedestrian mall, the damages, if any, allowed or awarded to any property owner by reason of the establishment of a pedestrian mall.

(d) To construct on city streets which have been or will be established as a pedestrian mall improvements of any kind or nature necessary or convenient to the operation of such city streets as a pedestrian mall, including but not limited to, paving, sidewalks, curbs, gutters, sewers, drainage works, street lighting facilities, fire protection facilities, flood protection facilities, water distribution facilities, vehicular parking areas, retaining walls, landscaping, tree planting, statuary, fountains, decorative structures, benches, restrooms, child care facilities, display facilities,

information booths, public assembly facilities, and other structures, works or improvements necessary or convenient to serve members of the public using such pedestrian mall, including the reconstruction or relocation of existing city-owned works, improvements or facilities on such city streets. The foregoing, or any portion thereof, are sometimes in this part referred to as "improvements".

(e) To pay, from general funds of the city or other available moneys or from the proceeds of assessments levied on property benefitted by any such improvements, the whole or any portion of the cost of such improvements.

(f) To do any and all other acts or things necessary or convenient for the accomplishment of the purposes of this act.

SECTION 2. The powers herein granted to prohibit, in whole or in part, vehicular traffic on any pedestrian mall shall be in addition to and not limited by the powers granted by any other law.

SECTION 3. This act and all of its provisions shall be liberally construed to the end that its purposes may be effected. Any proceedings taken pursuant to this act shall not be held invalid for failure to comply with the provisions of this act, if the acts done and proceedings taken are not invalid under the State or Federal Constitutions.

This act does not affect any other law relating to the same or similar subject, but provides an alternative procedure for the subject to which it relates. When proceedings are taken under this act, its provisions only shall apply.

ARTICLE IV. Resolution of Intention.

When the city council of the City of Providence shall determine that the public interest and convenience require the establishment of a pedestrian mall and that vehicular traffic will not be unduly

inconvenienced thereby, it may adopt a resolution declaring its intention to establish such pedestrian mall. Such resolution shall contain:

- (a) The determination and declaration referred to above.
- (b) A general description of the city streets, or portions thereof, which are proposed to be established as a pedestrian mall.
- (c) A general description of the mall intersections.
- (d) A general description of the intersecting streets.
- (e) A statement that the city council proposes to adopt an ordinance prohibiting, in whole or in part, vehicular traffic on such pedestrian mall. If vehicular traffic is proposed to be prohibited only in part, the resolution shall also contain a general statement of the exceptions proposed to be made. Such exceptions may include exceptions in favor of public, emergency, utility and other classes of vehicles, may include exceptions in favor of all or certain classes of vehicles during certain days or during portions of days, and may include other exceptions of any kind or nature.
- (f) A general statement of the source or sources of funds proposed to be used to pay damages, if any, allowed or awarded to any property owner by reason of the establishment of the pedestrian mall.
- (g) A general statement of the structures, works and improvements to be included in the pedestrian mall.
- (h) A day, hour and place for the hearing by the city council or committee thereof of protests and objections to the establishment of the proposed pedestrian mall, and a statement that any and all persons having any objection to the establishment of the proposed pedestrian mall may file a written protest with the clerk of the city council at any time not later than thirty (30) days from the conclusion of the hearing.

(i) A statement that any person owning or having any legal or equitable interest in any real property which might suffer legal damage by reason of the establishment of the proposed pedestrian mall may file a written claim of damages with the city clerk at any time not later than the hour so fixed for hearing; that such written claim must describe the real property as to which the claim is made, must state the exact nature of the claimant's interest therein, must state the nature of the claimed damage thereto, and must state the amount of damages claimed.

(j) In such resolution any street may be described by referring thereto by its lawful or official name, or the name by which it is commonly known, and the pedestrian mall, the mall intersections, and the intersecting streets may be described by reference to a map or plat thereof on file in the office of the clerk of the city council.

ARTICLE V. Payment of Claims.

SECTION 1. In such resolution the City Council may propose to pay the whole or any part of damages based on claims filed pursuant to Article IV, if any, allowed or awarded to any property owner by reason of the establishment of the pedestrian mall from the proceeds of assessments levied upon lands benefitted by the establishment of the pedestrian mall. In such case the resolution shall also contain:

(a) A general description of the district (which may consist of noncontiguous portions) within which lie the lands deemed by the City Council to be benefitted by the establishment of the proposed pedestrian mall.

(b) A statement that an assessment will be levied pursuant to this article to pay the whole or a stated portion of the damages based on claims filed, if any allowed or awarded to any property owner by reason of the establishment of such pedestrian mall and the

costs and expenses in connection with proceedings or actions taken pursuant to this part.

(c) If bonds are to be issued, a statement that bonds to represent unpaid assessments will be issued, and the interest rate, or maximum interest rate, and term, or maximum term, of any such bonds shall be established.

ARTICLE VI. Notice and Hearing.

SECTION 1. The resolution of intention shall be published in a newspaper of general circulation published within the city once each week for four (4) successive weeks prior to the date fixed therein for hearing.

SECTION 2. A copy of the resolution shall be mailed, postage prepaid, not less than 15 days prior to the hearing to each person to whom any of the following described lands is assessed as shown on the last equalized assessment roll, at his address as shown upon such roll. Such lands are as follows:

(a) All parcels of land abutting upon any portion of the pedestrian mall or any portion of any intersecting street.

(b) If assessments are to be levied, then all parcels of land within the assessment district described in the resolution pursuant to such section.

The City Council may determine that such resolution shall also be mailed to such other persons as it may specify.

SECTION 3. Not later than the hour set for hearing any interested person may, severally or with others, file with the city clerk written objection to the establishment of the proposed pedestrian mall or to the extent of any district described in said resolution. Any protest or objection may be withdrawn at any time by written notice of such withdrawal filed with the clerk of the legislative body with the same effect as if it had never been made.

SECTION 4. Not later than thirty (30) days following the conclusion of the hearing any person owning, or having any legal or equitable interest in, any real property which might suffer legal damage by reason of the establishment of the proposed pedestrian mall shall file with the city clerk a written claim of damages in duplicate. Such written claim must describe the real property as to which the claim is made, must state the exact nature of the claimant's interest therein, must state the nature of the claimed damage thereto, and must state the amount of damages claimed. Any such claim may be withdrawn by the claimant at any time by written withdrawal with the same effect as if it had never been filed.

SECTION 5. At the hearing all objections and protests shall be heard and considered. The hearing may be continued from time to time by order entered on the minutes.

ARTICLE VII. Establishment of the Mall.

SECTION 1. If following the hearing the City Council shall determine that the pedestrian mall shall be established and following the adoption of the resolution as herein provided, and as soon as moneys have been fully provided for the payment of all claims, if any, and for the payment of all damages and compensation, if any, the City Council may adopt an ordinance establishing the pedestrian mall. Such ordinance shall contain:

(a) A general description of the pedestrian mall and a declaration and determination that the same is finally established. The mall as finally established shall be substantially the same as that described in the resolution of intention.

(b) Rules and regulations prohibiting vehicular traffic on such pedestrian mall subject to such exceptions as the ordinance may provide. Such rules and regulations and such exceptions shall be

substantially in accordance with the statements made in the resolution of intention.

(c) Such additional rules and regulations as the legislative body may determine pertaining to the interpretation, operation and enforcement of the rules and regulations referred to in subdivision (b) above, and otherwise pertaining to the use, operation, maintenance and control of the pedestrian mall.

(d) Such provisions as the legislative body may determine pertaining to the operative date or dates of any of such rules or regulations.

(e) Such ordinance shall be adopted and published in the manner, and shall take effect, as provided by law or charter for other ordinances of the city.

(f) Proceedings under this part and the adoption of such ordinance notwithstanding, the city and its legislative body shall retain its police powers and other rights and powers relating to the city streets constituting a part of the pedestrian mall. No action taken pursuant to this part shall be interpreted or construed to be a vacation or abandonment, in whole or in part, of any city street or any right therein, it being intended that the establishment of a pedestrian mall pursuant to this part be a matter of regulation. Nothing in this part shall be interpreted or construed to prevent the city and its legislative body, at any time subsequent to the adoption of the ordinance provided for in this chapter, from abandoning the operation of the pedestrian mall, from changing the extent of the pedestrian mall, or from changing or repealing any of the rules and regulations pertaining to the pedestrian mall.

ARTICLE VIII. Eminent Domain Proceedings.

SECTION 1. The City of Providence shall have the right to acquire any land or other 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 the acquisition of such land or other real property or interest is necessary for the construction or the operation of a pedestrian mall. Such action shall be in the nature of a proceeding in eminent domain for the condemnation of the right or rights in real property, the taking of which by the establishment of the pedestrian mall results in the damages claimed.

(a) The necessity for such acquisition shall be conclusively presumed upon the adoption by the City Council of a resolution declaring that the acquisition of the land or other real property or interest therein, described in such resolution is necessary, for such construction or operation. Within six months thereafter the City Council shall cause to be filed in the land evidence records of the City of Providence a copy of such resolution of the City Council, together with a plat of the real property, or interest therein described, and a statement signed by the Mayor, that such lands, or interest therein, are taken pursuant to the provisions of this act. Thereupon the City Clerk shall file in the Superior Court in and for Providence County a statement of the sum of money estimated by the City Council 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 such City, 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 vest in the City of Providence in fee simple absolute and the City of Providence thereupon may take possession of said land, or interest therein.

(c) No sum so paid into the court or any interest paid thereon shall be charged with clerk's fees of any nature. After the filing of a copy of the resolution, 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 said person or persons reside, 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 by the sheriff or his deputies of the county where the real property lies with the persons, if any, in charge of or having possession of such land, or interest therein, if the same are known to said officer.. Whenever any owner or person entitled to any estate in or any interest in any part of the real property taken resides or is without the state, the City of Providence through its City Clerk shall cause to be served on each such person personally or at his last and usual place of abode a copy attested as aforesaid of such resolution and statement by any disinterested person, which person shall make affidavit of the service thereof and of the mode in which, the time within, and the place at which the service has been made; or service thereof may be made by the admission of such service by said person on the back of a copy of such resolution and statement

and by his acknowledgement thereof before an officer authorized to administer oaths under the law of the place where such admission of service is acknowledged. Upon the filing of such resolution, plat and statement, the City Clerk shall cause a copy of such resolution and statement to be published in some newspaper published or having general circulation 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 of Providence 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 the City of Providence 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, apply by petition to the Superior Court in and for Providence County, setting forth the taking of his land or interest therein, any 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 the City of Providence by serving the City Treasurer 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 thereafter against the money

so deposited in court and in default thereof against any other property of the City of Providence. 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, except that they shall have the same priority as other petitions for the assessment of damages arising out of eminent domain proceedings involving state or municipal governments.

(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 the City of Providence 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 the City of Providence 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 the City of Providence upon the amount of damages suffered by such infant or other person by any taking of his lands as of the

interests in any lands, and may, upon receiving such amount, release to the City of Providence all claims of damages of such infant or other person for such taking.

(f) Whenever, from time to time the City of Providence 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 including any interest or increment on any sums so deposited shall be repaid to the City of Providence. Whenever the City of Providence has satisfied the court that the claims of all persons interested in the land taken have been satisfied, the unexpended balance including any interest or increment on any sums so deposited shall be paid forthwith to the City of Providence.

(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 of Providence the following provisions shall be applicable:

1. At any time during the pendency of such action or proceeding, the City of Providence or an owner may apply to the court for an order directing an owner or the City of Providence, 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, 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 a public utility corporation may be acquired without the approval of the administrator of public utilities or other officer or tribunal having regulatory power over such corporation.

3. If after hearing by the Superior Court, damages finally awarded in respect to the property taken, or any part thereof, shall exceed the amount of money originally offered by the City of Providence, the Court shall enter judgment for said damages with interest from the date the City of Providence became entitled to enter upon and take possession of and use such land or interest or estate therein. If, however, the damages finally awarded are less than the amount originally offered by the City of Providence for the property then no interest shall be due on said judgment.

Upon the application of any party in interest and upon joinder of all other parties in interest, the Court, on such conditions as it may deem proper may order that the money deposited in the Court, or any part thereof, be paid forthwith without interest for or on account of the just compensation to be awarded in said proceeding. If the damages finally awarded in respect to said real property, or any part thereof, shall exceed the amount of the money so received by any person entitled thereto, the Court shall enter judgment against the funds so deposited in court or in default thereof against other property of said City of Providence for the amount of the deficiency plus interest on the deficiency and costs. If the judgment entered is less than the amount withdrawn, then and in that event judgment shall be entered for the City of Providence for the difference between the amount withdrawn and the amount of the judgment plus interest on the overpayment and costs.

Whenever interest is allowed it shall be computed at the prevailing rate paid by Savings Banks in the City of Providence.

ARTICLE IX. Assessments and Bonds.

SECTION 1. If assessments are to be levied, then in the resolution provided for, the City Council shall fix and establish the boundaries of the district as finally determined

SECTION 2. After all claims for damages filed have been finally determined, by allowance by the City Council, by withdrawal, or by a judgment in an action or actions brought pursuant to Article VIII, and the full amount of damages to be paid has accordingly been finally determined, all or any part of the total amount of such damages (but not exceeding such part thereof as may be specified in the resolution of intention), together with all costs and expenses incurred in connection with any proceedings or actions taken pursuant to this act, may be assessed against the lands within the district and subject to assessment, in proportion to the benefits to be derived from the establishment of the pedestrian mall.

SECTION 3. The City Council shall provide for the form of the bonds and of the principal and interest coupons to be attached thereto.

SECTION 4. All collections of assessments and all proceeds of the sale of bonds issued upon unpaid assessments shall be placed in a special fund and used exclusively for the payment of the damages, if any, and expenses for which the assessments were levied. If there is a surplus in such special fund, the City Council may expend such surplus for the improvement or operation of the pedestrian mall.

SECTION 5. Notwithstanding the fact that the proceedings under this act have provided that assessments may be levied, the City Council at any time and either before or after the adoption of the resolution, may determine that such assessments shall not be levied. In lieu thereof the City Council may provide for the payment of all or any part of the amounts referred to out of general funds of the City or out of any other available funds.

ARTICLE X. Improvement of Pedestrian Mall.

SECTION 1. The City and its City Council shall have the power to improve a pedestrian mall. and for the purpose of

in part, of that purpose may use any special assessment. The City may also pay the whole or any part of the cost and expenses of improving a pedestrian mall from its general funds or from any other available money and may let contracts for the work in any manner permitted by law or charter.

SECTION 2. A pedestrian mall established or to be established pursuant to this part may be so improved either concurrently with the proceedings taken under this part for the establishment of the pedestrian mall or at any time subsequent to the establishment of the pedestrian mall, but no contract for the work or improvement shall be awarded until moneys have been fully provided for the payment of all claims allowed and for the payment of all damages and compensation, if any, awarded in any action or actions brought.

SECTION 3. If in connection with the establishment of a pedestrian mall and concurrently with the proceedings taken pursuant to this part, the City Council proposes to improve the proposed pedestrian mall, the City Council may combine any part of the proceedings taken pursuant to this act with any part of the proceedings taken under any such special assessment law, to the end that duplication of ordinances, resolutions, notices, hearings and other acts or proceedings may be avoided.

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