

1999-CM#385

DONALD F. SMITH
ATTORNEY AT LAW

(617) 489-1030

415 CONCORD AVENUE
BELMONT, MASSACHUSETTS 02478
FAX: (617) 489-0962

May 30, 2002

Ms. Janis M. Lepera
Office Manager
Law Department
City of Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA. 02139

RE: Eminent Domain Taking of Mullane Realty Trust Property

Dear Janis:

Please find enclosed the following documentation in the above matter:

Recorded election and acceptance by Successor Trustee as certified by the Land Court for recording downstairs.

Recorded Resignation of Trustee, as certified by the Land Court for recording downstairs.

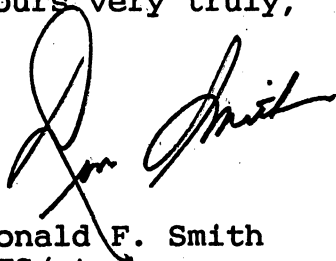
The eminent domain taking as recorded downstairs at 30954-376.

The S Decrees allowing 2 new certificates of title to issue in the name of the City of Cambridge as a result of the taking of the registered parcels upstairs. The new certificates have not yet been drafted and do not yet appear in Book 1222.

1 encumbrance sheet in the only available but now cancelled certificate of title showing the taking in fee as the last entry before cancellation.

I trust these instruments will be useful in establishing that the takings have been properly filed or recorded.

Yours very truly,



Donald F. Smith
DFS/mt
encls.

CK 30954 PG 375

MULLANE REALTY TRUST
CERTIFICATE OF ELECTION
OF SUCCESSOR TRUSTEE AND ACCEPTANCE

I, LAURIE G. MULLANE, being the sole Trustee of MULLANE REALTY TRUST under Declaration of Trust dated as of February 16, 1977, filed on February 22, 1977, in the Land Registration Office for the South Registry District of Middlesex County as Document No. 553051, noted on Certificate of Title No. 151083, do hereby certify that by an instrument in writing signed by 100% of the beneficial interest of said Mullane Realty Trust, I was duly elected and appointed as successor Trustee in place of David L. Mullane, who has resigned effective this same date, ~~and I do hereby accept the appointment of Successor Trustee.~~

EXECUTED as a sealed instrument this 5th day of October, 1999.

Laurie G. Mullane
Laurie G. Mullane, Trustee

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

October 5, 1999

Then personally appeared the above-named Laurie G. Mullane, Trustee as aforesaid, and acknowledged the foregoing instrument to be her free act and deed, before me,

[Signature]
Notary Public
My commission expires: 10/16/03

10.00
38
1999 10-05-13 09:50:27

BK 30951 PG 375A

RECEIVED & ENTERED
MIDDLESEX COUNTY
REGISTRY OF DEEDS
SOUTHERN DISTRICT
ATTEST

[Signature]
REGISTER

DOCUMENT 1124209

I HEREBY ATTEST AND CERTIFY ON 12/14/99
THAT THE FOREGOING DOCUMENT IS A FULL TRUE AND
CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE
AND IN MY LEGAL CUSTODY

EUGENE C. EPLINE
ASST. RECORDER
LAND COURT
BY *[Signature]*

SO. MIDDLESEX LAND COURT
REGISTRY DISTRICT
RECEIVED FOR REGISTRATION

ON 11/17/99 AT 11:39:05 30.00 JMG

NOTED ON:
CERT 0151093 BK 965 PG 133

Fee P& 12/14/99 30.-
CTR. 1956-71 BK 1123 P 121

[Handwritten notes]
McEvoy / Mc Avmond
132 Cambridge
DFE

[Handwritten initials]


30954-374

30954-374

MULLANE REALTY TRUST
RESIGNATION OF TRUSTEE

I, DAVID L. MULLANE, hereby resign as Trustee of the MULLANE REALTY TRUST, under Declaration of Trust dated as of February 16, 1977, filed on February 22, 1977, in the Land Registration Office for the South Registry District of Middlesex County as Document No. 553051, noted on Certificate of Title No. 151083, said resignation being effective immediately as of the date hereof.

EXECUTED as a sealed instrument this 5th day of October, 1999.



David L. Mullane

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

October 5, 1999

Then personally appeared the above-named David L. Mullane and acknowledged the foregoing instrument to be his free act and deed, before me,


Notary Public
My commission expires: 10/16/03

MS 10/14/99 09:50:26 37 10:00

108

30954 11 374A

RECEIVED & ENTERED
MIDDLESEX COUNTY
REGISTRY OF DEEDS
SOUTHERN DISTRICT
ATTYST
REGISTRAR

I HEREBY ATTEST AND CERTIFY ON 12/14/99
THAT THE FOREGOING DOCUMENT IS A FULL TRUE AND
CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE
AND IN MY LEGAL CUSTODY

EUGENE C. BRUNE
ASST RECORDER
LAND COURT

BY *Eugene C. Brune*

30. MIDDLESEX LAND COURT
REGISTRY DISTRICT

RECEIVED FOR REGISTRATION

ON 11/17/99 AT 11:29:58 39.80 IMG

NOTED ON:
CERT 0151083 BK 885 PG 133

Fee Pd 12/14/99 30.-
Chk. 148671 BK 1123 P. 121

DFS
~~McEnnis
112 N.E. PUB. ST.
Cambridge MA~~

DOCUMENT 1141424

①

SO. MIDDLESEX LAND COURT
REGISTRY DISTRICT
RECEIVED FOR REGISTRATION

ON 06/07/00 AT 08:15:10 40.00 JMS

NOTED ON:

CERT 0151083 BK 885 PG 133

NEW CERTIFICATE(S) CREATED:

CERT 0218415 BK 1222 PG 65

James R. Quinn 017-489-1050

1141424

2-2

**REGISTER
THIS
COPY**

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

(SEAL)

CASE NO. 7492S-2000-04

Upon the petition of The City of Cambridge alleging that:

1. Certificate of Title No. 151083 issued from the South Registry District of Middlesex County stands in the name of David L. Mullane, Trustee of Mullane Realty Trust under Declaration of Trust registered as Document No. 553051.
2. By Documents No. 1124208 and 1124209, respectively, David L. Mullane resigned as Trustee and Laurie G. Mullane was appointed and accepted as Successor Trustee.
3. By Document No. 1126269, The City of Cambridge took, by eminent domain, all of the land described in Certificate of Title No. 151083, said parcel being Parcel II, III and IV in the taking.

Petitioner prays that Certificate of Title No. 151083 be cancelled.

After due proceedings, it is **ORDERED**: that Certificate of Title No. 151083 be cancelled and a new certificate of title issue in the name of The City of Cambridge, a municipal corporation, in the County of Middlesex, in said Commonwealth of Massachusetts.

By the Court. (Scheier, J.)

See Doc

Attest:

Charles W. Trombly, Jr.
Recorder

Dated: May 30, 2000

ATTEST
ATTORNEY

Charles W. Trombly, Jr.
RECORDER

GJB/ef

885-133

1-1

NR30954F6376

Handwritten initials and a circular stamp containing the text "CITY CLERK".

CC-101



City of Cambridge

Amended Order
Agenda Item No. 12

IN CITY COUNCIL

November 15, 1999

WHEREAS: By Section 30 of Chapter 43, Section 14 of Chapter 40, and Chapter 79 of the General Laws, all as amended, it is provided that the Cambridge City Council may take in fee in the name of the City for any municipal purpose any land within the limits of the City not already appropriated for public use; and

WHEREAS: The City Council and City Manager of Cambridge have approved and authorized that the City should, under the provisions of the aforesaid Chapter of the General Laws, take and hold for municipal open space for all purposes and uses accessory thereto the parcels of land hereinafter bounded and described and any buildings and trees thereon; and

WHEREAS: Sufficient funds exist for this taking from appropriations to the Open Space Acquisition account as required by the aforesaid Sections of Chapters 40 and 43; now therefore be it

RESOLVED: That by virtue of an in the pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority it thereto enabling, the City of Cambridge by its City Council does hereby take the land hereinafter described and all easements, privileges and appurtenances thereto belonging as well as all trees and all structures thereon, for municipal purposes and for all purposes and uses accessory thereto. Intending to take and hereby taking in fee simple all land included within such description by whomsoever the same may be owned, vis:

12/14/99 09:59:28 78 11.00

1093-830-133

BOOK 30954FG377

Certain parcels of land situated on Harvard Street, Broadway, Clark Street, and Dickinson Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, and more particularly described as:

The six (6) parcels of land in Cambridge, County of Middlesex, bounded and described as follows:

Parcel I

The land in Cambridge, County of Middlesex, Massachusetts, now known and numbered as 133-137 Clark Street, bounded and described as follows:

SOUTHEASTERLY: by Clark Street, seventy-four and $50/1000$ (74.50) feet;
SOUTHWESTERLY: by land now or later of Ricker and owners unknown, sixty three and $39/100$ (63.39) feet;
NORTHWESTERLY: by land now or late of Messer, seventy (70) feet; and
NORTHEASTERLY: by Dickinson Street, sixty-three and $50/100$ (63.50) feet more or less.

Said parcel containing 4,537 square feet more or less.

For title to Parcel I, see Deed of Central Co-operative Bank dated July 26, 1979, recorded with Middlesex South District Registry of Deeds in book 13752, Page 605.

Also another certain parcel of land with the buildings thereon situate in said Cambridge, bounded and described as follows:

Parcel II

NORTHEASTERLY: by Dickinson Street, eighty (80) feet;
SOUTHEASTERLY: sixty-three and $97/100$ (63.97) feet;
SOUTHWESTERLY: six and $75/100$ (6.75) feet;
SOUTHEASTERLY: eight (8) feet by land now or formerly of Frederick W. Dallinger, Trustee;
SOUTHWESTERLY: by lands now or formerly of the First Evangelical Congregational Society in Cambridgeport and of William J. Harris, et al, seventy-three and $14/00$ (73.14) feet; and
NORTHWESTERLY: by lands now or formerly of said Harris, et al and of Peter J. Norton, sixty-nine and $75/100$ (69.75) feet.

Containing 5,614 square feet more or less.

All of said boundaries are determined by the Court to be located as shown on a plan, as approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 77, Page 5, with Certificate of Title 11424.

DN 30954F6378

Also another certain parcel of land with the buildings thereon situate in said Cambridge, bounded and described as follows:

Parcel III

SOUTHEASTERLY: by Dickinson Street, forty-nine and 30/100 (49.30) feet;
SOUTHWESTERLY: by land now or formerly of Peter S. Freeman, et al, fifty-four and 90/100 (54.90) feet;
NORTHWESTERLY: by lands now or formerly of Barbara Rabasebsy et al and of Macalaster Bicknell Co., forty-nine and 70/100 (49.70) feet; and
NORTHEASTERLY: by land now or formerly of Dickinson Realty Corp., fifty-four and 90/100 (54.90) feet.

All of said boundaries are determined by the Court to be located as shown on a plan, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed in the Registry of Deeds, for the South Registry District of Middlesex County in Registration Book 640, Page 155, with Certificate 102105.

Containing 2,717 square feet more or less.

Also another certain parcel of land with the buildings thereon situate in said Cambridge bounded and described as follows:

Parcel IV

NORTHEASTERLY: by the southwesterly line of Dickinson Street, thirty-one and 50/100 (31.50) feet;
SOUTHEASTERLY: by land now or formerly of Mount Auburn Realty, Inc., seventy-two and 84/100 (72.84) feet;
SOUTHWESTERLY: by lands now or formerly of John Filvelatis, et al and The Cambridge Catholic Club, Inc., thirty-eight and 26/100 (38.26) feet;
NORTHWESTERLY: by parcel II, as shown on a plan hereinafter-described eight and 00/100 (8.0) feet;
NORTHEASTERLY: by said Parcel II, six and 75/100 (6.75) feet; and
NORTHWESTERLY: by land now or formerly of Helen G. Phinney, et al, sixty-three and 97/100 (63.97) feet.

Containing 2,330, square feet more or less.

All of said boundaries are determined by the Court to be located as shown on a plan, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 640, Page 156, Certificate 102106.

309546379

Also, another certain parcel of land with the buildings thereon situate in Cambridge bounded and described as follows:

Parcel V

Beginning at a point on the southerly side of Broadway, at the corner of said Broadway and a fifteen (15) foot passageway, now known as Dickinson Street, thence

SOUTHWESTERLY: on said passageway, sixty-five (65) feet; thence turning at a right angle and running

NORTHWESTERLY: fifty-five (55) feet; thence turning and running

NORTHEASTERLY: on a line parallel with the first boundary above named, sixty-five (65) feet to said Broadway, thence

SOUTHEASTERLY: fifty-five (55) feet to the point of beginning.

Containing 3,600 square feet more or less.

Being Lots A & B on a plan of land in Cambridge, dated December 9, 1920, by E.A. Hill, recorded with Middlesex South District Deeds in Plan Book 290, Page 38.

For title to Parcel V, see Deed of Thomas Mullane & Sons, Inc., dated February 16, 1977 recorded in Book 13144, Page 525.

Also, another certain parcel of land with the buildings thereon situate in Cambridge bounded and described as follows:

Parcel VI

SOUTHWESTERLY: by the northeasterly line of Harvard Street, sixty feet;

NORTHWESTERLY: by land now or formerly of Dennis Brown and land now or formerly of Eliza M. Harris, one hundred feet;

NORTHEASTERLY: by land now or formerly of Hugh M. Phinney, et al, sixty feet; and

SOUTHEASTERLY: by land now or formerly of Frederick W. Dallinger, Trustees, one hundred feet.

The plan is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 13, Page 529, with Certificate 2457, (Plan NO. 2723A), containing 6,000 square feet more or less. From Transfer Certificate No. 178986 in Registration Book 1025, Page 36. Originally Registered December 31, 1986 for the South Registry District of Middlesex County.

The above-described parcels contain an area of twenty-four thousand seven hundred and ninety-eight plus or minus square feet (24,798 ± sq. ft.).



D. Margaret Drury
D. Margaret Drury
City Clerk

ATTEST:

A true copy:

In City Council November 15, 1999.
Adopted as amended by yeas and nays vote:-
Yeas 9; Nays 0; Absent 0.
Attest:- D. Margaret Drury, City Clerk.

These parcels contains 24,798 ± sq. ft. The damages awarded with respect to said parcels are \$2,650,000 and the supposed owner is the Milllane Realty Trust; now therefore be it *LARRY G. WILLIAMS, TRUSTEE*
ORDERED: That the taking of fee simple title in land along with all buildings and trees thereon herein described is duly authorized in accordance with General Laws, Chapter 40, Section 14; Chapter 43, Section 30 and Chapter 79, all as amended for municipal purposes and for all purposes and uses accessory thereto.
Said land is described above. Said parcels contains 24,798 ± sq. ft.

BK 30954P6380

26

NEW CERTIFICATE(S) CREATED:
CERT 0218416 BK 1222 PG 66

NOTED ON:
CERT 0198671 BK 1123 PG 121

ON 06/07/00 AT 08:15:13 40.00 JMS

SO. MIDDLESEX LAND COURT
REGISTRY DISTRICT
RECEIVED FOR REGISTRATION

1

**REGISTER
THIS
COPY**

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

(SEAL)

DEPARTMENT OF THE TRIAL COURT

CASE NO. 2723-S-2000-04

Upon the petition of The City of Cambridge alleging that:

- 1. Certificate of Title No. 198671 issued from the South Registry District of Middlesex County stands in the name of David L. Mullane, Trustee of Mullane Realty Trust under Declaration of Trust registered as Document No. 553051.
- 2. By Documents No. 1124208 and 1124209, respectively, David L. Mullane resigned as Trustee and Laurie G. Mullane was appointed and accepted as Successor Trustee.
- 3. By Document No. 1126269, The City of Cambridge took, by eminent domain, all of the land described in Certificate of Title No. 198671, said parcel being Parcel VI in the taking.

Petitioner prays that Certificate of Title No. 198671 be cancelled.

After due proceedings, it is **ORDERED**: that Certificate of Title No. 198671 be cancelled and a new certificate of title issue in the name of The City of Cambridge, a municipal corporation, in the County of Middlesex, in said Commonwealth of Massachusetts.

By the Court. (Scheier, J.)

See Doc.

Attest:

Charles W. Trombly, Jr.
Recorder

Dated: May 30, 2000

ATTEST
ATTEST

Charles W. Trombly, Jr.
RECORDER

GJB/ef

1-2



City of Cambridge

Amended Order
Agenda Item No. 12

IN CITY COUNCIL

November 15, 1999

WHEREAS: By Section 30 of Chapter 43, Section 14 of Chapter 40, and Chapter 79 of the General Laws, all as amended, it is provided that the Cambridge City Council may take in fee in the name of the City for any municipal purpose any land within the limits of the City not already appropriated for public use; and

WHEREAS: The City Council and City Manager of Cambridge have approved and authorized that the City should, under the provisions of the aforesaid Chapter of the General Laws, take and hold for municipal open space for all purposes and uses accessory thereto the parcels of land hereinafter bounded and described and any buildings and trees thereon; and

WHEREAS: Sufficient funds exist for this taking from appropriations to the Open Space Acquisition account as required by the aforesaid Sections of Chapters 40 and 43; now therefore be it

RESOLVED: That by virtue of an in the pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority it thereto enabling, the City of Cambridge by its City Council does hereby take the land hereinafter described and all easements, privileges and appurtenances thereto belonging as well as all trees and all structures thereon, for municipal purposes and for all purposes and uses accessory thereto. Intending to take and hereby taking in fee simple all land included within such description by whomsoever the same may be owned, vis:

Certain parcels of land situated on Harvard Street, Broadway, Clark Street, and Dickinson Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, and more particularly described as:

The six (6) parcels of land in Cambridge, County of Middlesex, bounded and described as follows:

Parcel I

The land in Cambridge, County of Middlesex, Massachusetts, now known and numbered as 133-137 Clark Street, bounded and described as follows:

SOUTHEASTERLY: by Clark Street, seventy-four and 50/1000 (74.50) feet;
SOUTHWESTERLY: by land now or later of Ricker and owners unknown, sixty three and 39/100 (63.39) feet;
NORTHWESTERLY: by land now or late of Messer, seventy (70) feet; and
NORTHEASTERLY: by Dickinson Street, sixty-three and 50/100 (63.50) feet more or less.

Said parcel containing 4,537 square feet more or less.

For title to Parcel I, see Deed of Central Co-operative Bank dated July 26, 1979, recorded with Middlesex South District Registry of Deeds in book 13752, Page 605.

Also another certain parcel of land with the buildings thereon situate in said Cambridge, bounded and described as follows:

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NORTHEASTERLY: by Dickinson Street, eighty (80) feet;
SOUTHEASTERLY: sixty-three and 97/100 (63.97) feet;
SOUTHWESTERLY: six and 75/100 (6.75) feet;
SOUTHEASTERLY: eight (8) feet by land now or formerly of Frederick W. Dallinger, Trustee;
SOUTHWESTERLY: by lands now or formerly of the First Evangelical Congregational Society in Cambridgeport and of William J. Harris, et al, seventy-three and 14/00 (73.14) feet; and
NORTHWESTERLY: by lands now or formerly of said Harris, et al and of Peter J. Norton, sixty-nine and 75/100 (69.75) feet.

Containing 5,614 square feet more or less.

All of said boundaries are determined by the Court to be located as shown on a plan, as approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 77, Page 5, with Certificate of Title 11424.

Also another certain parcel of land with the buildings thereon situate in said Cambridge, bounded and described as follows:

Parcel III

SOUTHEASTERLY: by Dickinson Street, forty-nine and 30/100 (49.30) feet;
SOUTHWESTERLY: by land now or formerly of Peter S. Freeman, et al, fifty-four and 90/100 (54.90) feet;
NORTHWESTERLY: by lands now or formerly of Barbara Rabasebsy et al and of Macalaster Bicknell Co., forty-nine and 70/100 (49.70) feet; and
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SOUTHWESTERLY: by lands now or formerly of John Filvelatis, et al and The Cambridge Catholic Club, Inc., thirty-eight and 26/100 (38.26) feet;
NORTHWESTERLY: by parcel II, as shown on a plan hereinafter-described eight and 00/100 (8.0) feet;
NORTHEASTERLY: by said Parcel II, six and 75/100 (6.75) feet; and
NORTHWESTERLY: by land now or formerly of Helen G. Phinney, et al, sixty-three and 97/100 (63.97) feet.

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NORTHWESTERLY: by land now or formerly of Dennis Brown and land now or formerly of Eliza M. Harris, one hundred feet;

NORTHEASTERLY: by land now or formerly of Hugh M. Phinney, et al, sixty feet; and

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The above-described parcels contain an area of twenty-four thousand seven hundred and ninety-eight plus or minus square feet (24,798 ± sq. ft.).

City of Cambridge

MASSACHUSETTS

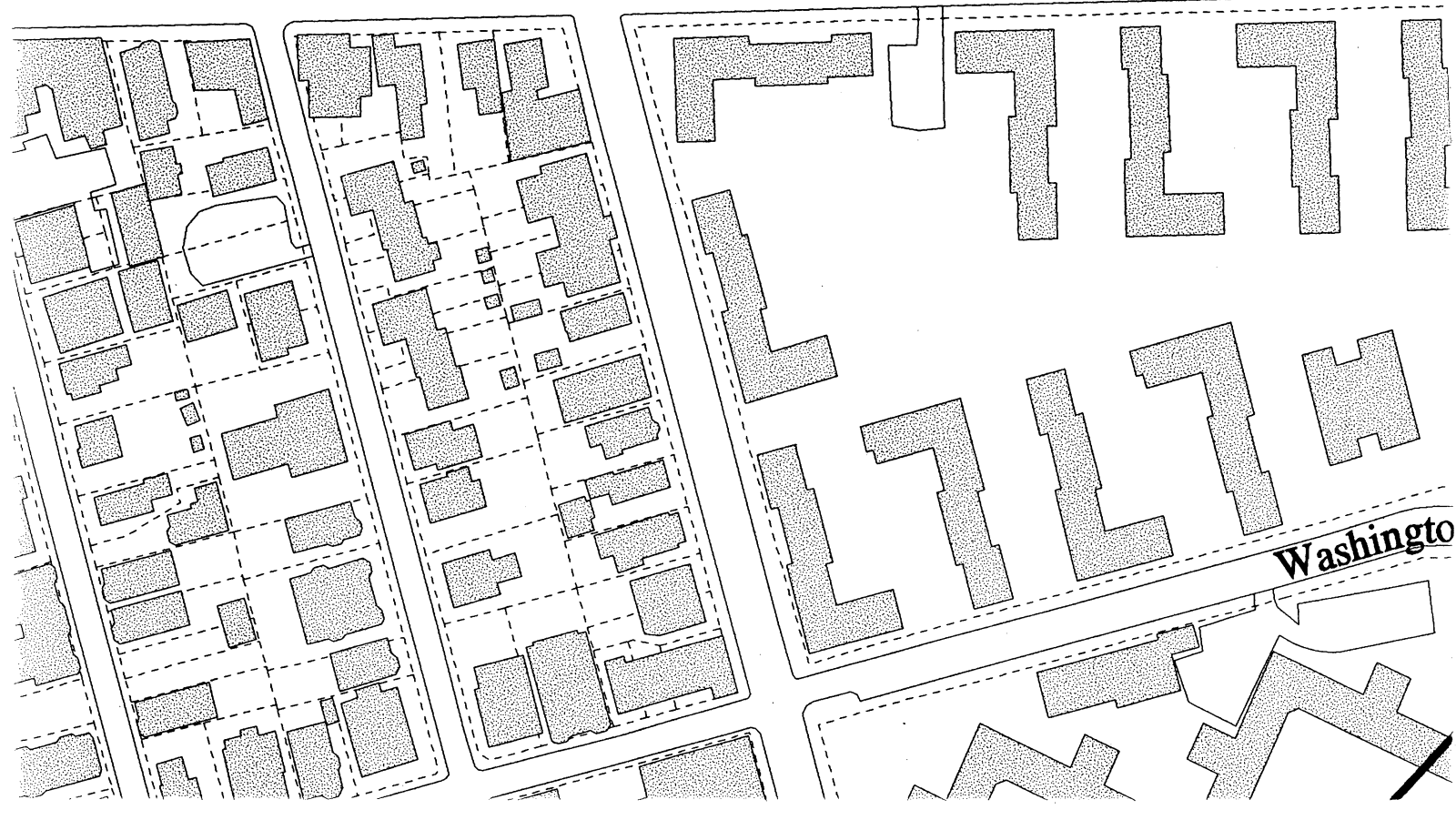
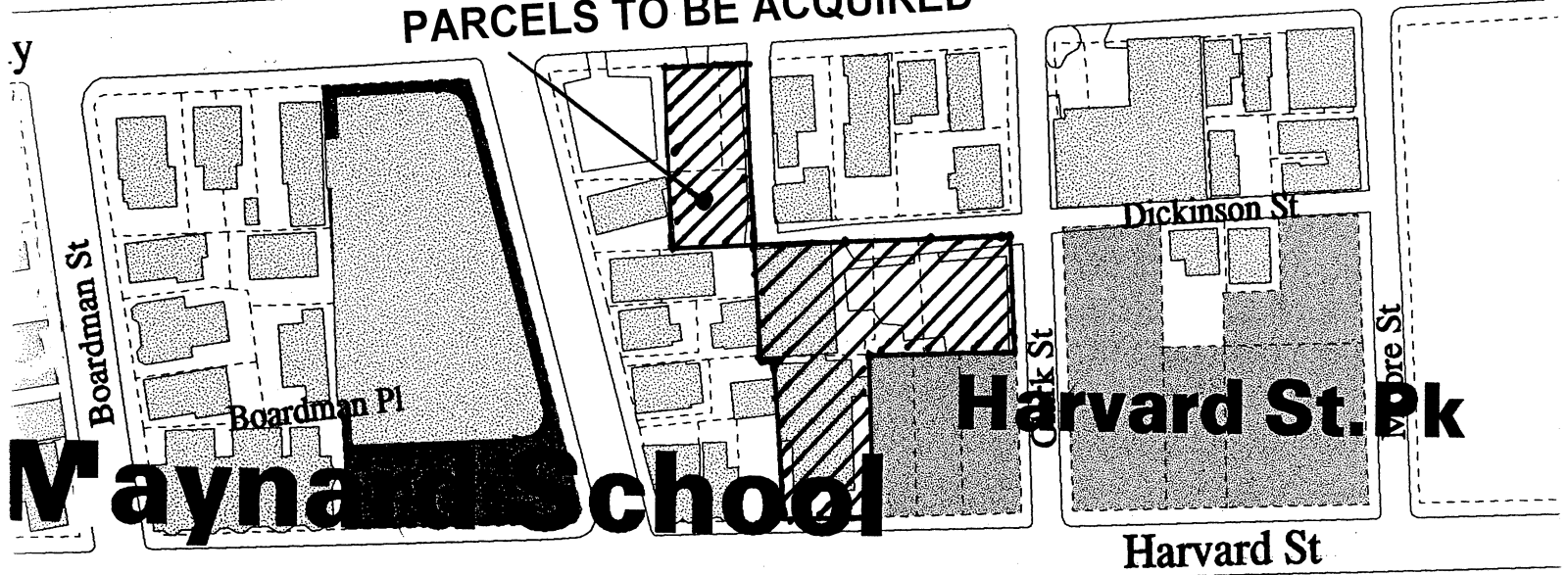
In City Council 11/15, 1999

C M# 12 Eminent Domain order to take 6 parcels at 163 Harvard + 238 Broadway to be used for open space, as amended.

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Ms. Henrietta Davis
✓				V. Mayor Anthony Galluccio
✓				Mr. Kenneth E. Reeves
✓				Ms. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mayor Francis H. Duehay



PARCELS TO BE ACQUIRED





City of Cambridge

Agenda Item No.

IN CITY COUNCIL

November 15, 1999

WHEREAS: By Section 30 of Chapter 43, Section 14 of Chapter 40, and Chapter 79 of the General Laws, all as amended, it is provided that the Cambridge City Council may take in fee in the name of the City for any municipal purpose any land within the limits of the City not already appropriated for public use; and

WHEREAS: The City Council and City Manager of Cambridge have approved and authorized that the City should, under the provisions of the aforesaid Chapter of the General Laws, take and hold for municipal purposes and for all purposes and uses accessory thereto the parcels of land hereinafter bounded and described and any buildings and trees thereon; and

WHEREAS: An appropriation duly made by the City Council on _____, 1999 is sufficient to cover the estimated expense of acquisition as required by the aforesaid Sections of Chapters 40 and 43; now therefore be it

RESOLVED: That by virtue of an in the pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority it thereto enabling, the City of Cambridge by its City Council does hereby take the land hereinafter described and all easements, privileges and appurtenances thereto belonging as well as all trees and all structures thereon, for municipal purposes and for all purposes and uses accessory thereto. Intending to take and hereby taking in fee simple all land included within such description by whomsoever the same may be owned, vis:

Certain parcels of land situated on Harvard Street, Broadway, Clark Street, and Dickinson Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, and more particularly described as:

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NORTHWESTERLY: by land now or late of Messer, seventy (70) feet; and

NORTHEASTERLY: by Dickinson Street, sixty-three and 50/100 (63.50) feet more or less.

Said parcel containing 4,537 square feet more or less.

For title to Parcel I, see Deed of Central Co-operative Bank dated July 26, 1979, recorded with Middlesex South District Registry of Deeds in book 13752, Page 605.

Also another certain parcel of land with the buildings thereon situate in said Cambridge, bounded and described as follows:

Parcel II

NORTHEASTERLY: by Dickinson Street, eighty (80) feet;

SOUTHEASTERLY: sixty-three and 97/100 (63.97) feet;

SOUTHWESTERLY: six and 75/100 (6.75) feet;

SOUTHEASTERLY: eight (8) feet by land now or formerly of Frederick W. Dallinger, Trustee;

SOUTHWESTERLY: by lands now or formerly of the First Evangelical Congregational Society in Cambridgeport and of William J. Harris, et al, seventy-three and 14/00 (73.14) feet; and

NORTHWESTERLY: by lands now or formerly of said Harris, et al and of Peter J. Norton, sixty-nine and 75/100 (69.75) feet.

Containing 5,614 square feet more or less.

All of said boundaries are determined by the Court to be located as shown on a plan, as approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 77, Page 5, with Certificate of Title 11424.

Also another certain parcel of land with the buildings thereon situate in said Cambridge, bounded and described as follows:

Parcel III

SOUTHEASTERLY: by Dickinson Street, forty-nine and 30/100 (49.30) feet;
SOUTHWESTERLY: by land now or formerly of Peter S. Freeman, et al, fifty-four and 90/100 (54.90) feet;
NORTHWESTERLY: by lands now or formerly of Barbara Rabasebsy et al and of Macalaster Bicknell Co., forty-nine and 70/100 (49.70) feet; and
NORTHEASTERLY: by land now or formerly of Dickinson Realty Corp., fifty-four and 90/100 (54.90) feet.

All of said boundaries are determined by the Court to be located as shown on a plan, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed in the Registry of Deeds, for the South Registry District of Middlesex County in Registration Book 640, Page 155, with Certificate 102105.

Containing 2,717 square feet more or less.

Also another certain parcel of land with the buildings thereon situate in said Cambridge bounded and described as follows:

Parcel IV

NORTHEASTERLY: by the southwesterly line of Dickinson Street, thirty-one and 50/100 (31.50) feet;
SOUTHEASTERLY: by land now or formerly of Mount Auburn Realty, Inc., seventy-two and 84/100 (72.84) feet;
SOUTHWESTERLY: by lands now or formerly of John Filvelatis, et al and The Cambridge Catholic Club, Inc., thirty-eight and 26/100 (38.26) feet;
NORTHWESTERLY: by parcel II, as shown on a plan hereinafter-described eight and 00/100 (8.0) feet;
NORTHEASTERLY: by said Parcel II, six and 75/100 (6.75) feet; and
NORTHWESTERLY: by land now or formerly of Helen G. Phinney, et al, sixty-three and 97/100 (63.97) feet.

Containing 2,330, square feet more or less.

All of said boundaries are determined by the Court to be located as shown on a plan, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 640, Page 156, Certificate 102106.

Also, another certain parcel of land with the buildings thereon situate in Cambridge bounded and described as follows:

Parcel V

Beginning at a point on the southerly side of Broadway, at the corner of said Broadway and a fifteen (15) foot passageway, now known as Dickinson Street, thence

SOUTHWESTERLY: on said passageway, sixty-five (65) feet; thence turning at a right angle and running

NORTHWESTERLY: fifty-five (55) feet; thence turning and running

NORTHEASTERLY: on a line parallel with the first boundary above named, sixty-five (65) feet to said Broadway, thence

SOUTHEASTERLY: fifty-five (55) feet to the point of beginning.

Containing 3,600 square feet more or less.

Being Lots A & B on a plan of land in Cambridge, dated December 9, 1920, by E.A. Hill, recorded with Middlesex South District Deeds in Plan Book 290, Page 38.

For title to Parcel V, see Deed of Thomas Mullane & Sons, Inc., dated February 16, 1977 recorded in Book 13144, Page 525.

Also, another certain parcel of land with the buildings thereon situate in Cambridge bounded and described as follows:

Parcel VI

SOUTHWESTERLY: by the northeasterly line of Harvard Street, sixty feet;

NORTHWESTERLY: by land now or formerly of Dennis Brown and land now or formerly of Eliza M. Harris, one hundred feet;

NORTHEASTERLY: by land now or formerly of Hugh M. Phinney, et al, sixty feet; and

SOUTHEASTERLY: by land now or formerly of Frederick W. Dallinger, Trustees, one hundred feet.

The plan is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 13, Page 529, with Certificate 2457, (Plan NO. 2723A), containing 6,000 square feet more or less. From Transfer Certificate No. 178986 in Registration Book 1025, Page 36. Originally Registered December 31, 1986 for the South Registry District of Middlesex County.

The above-described parcels contain an area of twenty-four thousand seven hundred and eleven plus or minus square feet (24,798 ± sq. ft.).

This parcel contains 24,798 ± sq. ft. The damages awarded with respect to said parcel are \$2,650,000 and the supposed owner is the David L. Mullane Trust; now therefore be it

ORDERED: That the taking of fee simple title in land along with all buildings and trees thereon herein described is duly authorized in accordance with General Laws, Chapter 40, Section 14, Chapter 43, Section 30 and Chapter 79, all as amended for municipal purposes and for all purposes and uses accessory thereto.

Said land is described above. Said parcel contains 24,798 ± sq. ft.



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307



12.

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

November 15, 1999

To the Honorable, the City Council:

The City has negotiated an agreement to acquire by eminent domain six parcels of real estate known as 163 Harvard Street and 238 Broadway. The owner has agreed to accept \$2,650,000 for the taking of the property and to waive any challenges to the taking. I recommend that the land be taken for municipal purposes, and I further recommend that upon acquisition, the land should be used for the development of recreational uses and open space. As permitted under Massachusetts General Law Chapter 79, I request that the City Council approve an Order of Taking in the form attached hereto.

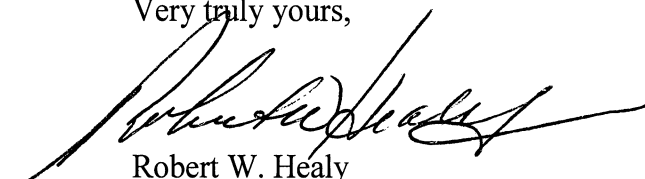
The parcels to be acquired total 24,798 square. The property abuts the Harvard Street Playground and is located one block east of the Maynard Elementary School. This acquisition will be financed through the Open Space Acquisition Fund.

Because the property is partially leased, it will take some time to vacate the buildings for demolition. In the meantime, a park design can be developed for the exterior space of the Maynard School, Harvard Street Park, the acquired parcels and, perhaps, a portion of Clark Street, which maximizes the use of these parcels. The design would be developed with neighborhood input. The Cambridge Historical Commission will need to sign off on the necessary demolition permit.

Preliminary work by the Green Ribbon Open Space Committee has identified this area of Cambridge as one of the highest priority areas in the City for additional open space and recreational facilities. Creating a neighborhood park in this location will take pressure off of Sennott Park and augment opportunities in the neighborhood for active and passive recreation. In addition, creation of additional open space for the use by the Maynard School is an important priority, and the acquisition of these parcels will significantly enhance the play space for the school children.

I urge your approval of this order.

Very truly yours,



Robert W. Healy
City Manager

Attachments

Consent Agenda #12

385-CM

Relative to the agreement to acquire
by eminent domain six parcels of
real estate known as 163 Harvard Street
and 238 Broadway to be used for the
development of recreational uses
and open space.

In City Council November 15, 1999

ORDER ADOPTED

AS Amended

9-0-0.