



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

July 1, 1986

Fred Pittaro, Esquire
c/o Fine & Ambrogne
Attorneys At Law
Exchange Place
Boston, MA 02109

Dear Mr. Pittaro

Pursuant to your recent request, enclosed you will find a copy of the order adopted by the Cambridge City Council at its regular meeting of Monday, June 23, 1986 granting an easement over a discontinued portion of Cambridge Parkway consisting of approximately 125 square feet lying between 75-83 Commercial Avenue to 75-83 Cambridge Parkway Limited Partnership & authorizing the City Manager to execute & deliver such easement agreement.

Your very kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton
Acting City Clerk.

JEC/mh

Enclosure



City of Cambridge

Agenda Item No. 4

IN CITY COUNCIL

June 23, 1986

WHEREAS:

A communication has been received from the City Manager transmitting a request from 75-83 Cambridge Parkway Limited Partnership that a portion of Cambridge be abandoned, discontinued as a public way of the City of Cambridge and that an easement pertaining to such portion be granted to 75-83 Cambridge Parkway Limited Partnership; and

WHEREAS:

This City Council has determined that public convenience and necessity requires that a portion of Cambridge Parkway consisting of a triangular area of Commercial Avenue consisting of approximately 125 square feet lying between 75-83 Cambridge Parkway and the curb line of Commercial Street and more particularly shown in the plan attached hereto is no longer required for public purposes as a result of the alteration of the layout of Commercial Avenue by the Massachusetts Department of Public Works on behalf of the City of Cambridge; therefore be it

ORDERED:

- (1) That such portion of Cambridge Parkway (or such lesser portion thereof as may be designated by the City Manager) be, and hereby is, discontinued as a public way in the City of Cambridge;
- (2) That 75-83 Cambridge Parkway Limited Partnership be granted an easement over such discontinued area in the form of the Easement Agreement attached hereto; and
- (3) That the City Manager is hereby authorized to execute and deliver to 75-83 Cambridge Parkway Limited Partnership such Easement Agreement.

In City Council June 23, 1986.

Adopted by a yeas and nays vote:-

Yeas 7; Nays 0; Absent 2.

Attest:- Joseph E. Connarton, Acting City Clerk.

A true copy;

ATTEST:-

Joseph E. Connarton
Joseph E. Connarton, Acting City Clerk.



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A true copy;

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Joseph E. Connarton

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CITY OF CAMBRIDGE

In City Council,

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~~WHEREAS~~
~~DETERMINED:~~ THIS CITY COUNCIL HAS DETERMINED

That a portion of Cambridge Parkway consisting of a triangular area of Commercial Avenue consisting of approximately 125 square feet lying between 75-83 Cambridge Parkway and the curb line of Commercial Street and more particularly shown in the plan attached hereto is no longer required for public purposes as a result of the alteration of the layout of Commercial Avenue by the Massachusetts Department of Public Works on behalf of the City of Cambridge; and

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CITY OF CAMBRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT

City Hall Annex - Inman & Broadway - Cambridge, Mass. 02139

498-9034

TO: Robert W. Healy
City Manager

FROM: *J* Jim Campbell
East Cambridge Project Director

RE: Permanent Easement for Cohen Properties

DATE: June 20, 1985

Enclosed for your review and consideration is a proposed City Council Order declaring a small strip of land of approximately 125 sq. ft. to be no longer required for public purposes and discontinuing its use as a public way. This strip of land is 50 feet in length and an average of 2½ feet in width, and abutts the development parcel owned by Cohen Properties on Commercial Avenue. It was taken by eminent domain in 1925, and was originally used as a rail spur. That use has long been discontinued.

Also enclosed is a proposed easement granting use of the strip to Cohen, in exchange for \$200. sq. ft., a fair market value for the land.

JC/jac

cc: Michael Rosenberg
Assistant City Manager for Community Development

CITY OF CAMBRIDGE

In City Council,

WHEREAS:

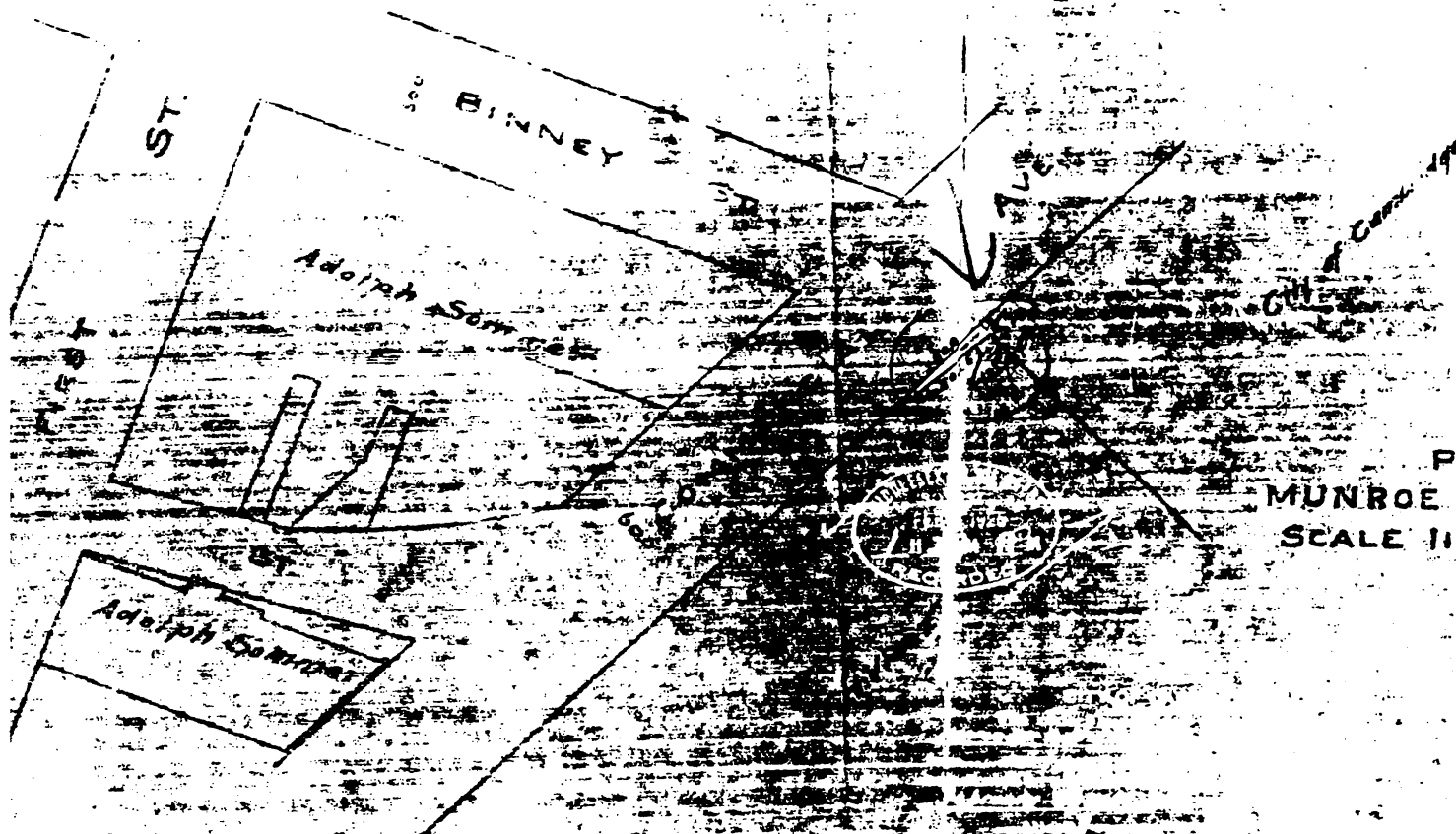
A communication has been received from the City Manager transmitting a request from 75-83 Cambridge Parkway Limited Partnership that a portion of Cambridge be abandoned, discontinued as a public way of the City of Cambridge and that an easement pertaining to such portion be granted to 75-83 Cambridge Parkway Limited Partnership; now it is therefore

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That a portion of Cambridge Parkway consisting of a triangular area of Commercial Avenue consisting of approximately 125 square feet lying between 75-83 Cambridge Parkway and the curb line of Commercial Street and more particularly shown in the plan attached hereto is no longer required for public purposes as a result of the alteration of the layout of Commercial Avenue by the Massachusetts Department of Public Works on behalf of the City of Cambridge; and

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- (3) That the City Manager is hereby authorized to execute and deliver to 75-83 Cambridge Parkway Limited Partnership such Easement Agreement.



PLAN FOR WIDENING
MUNROE ST. AND COMMERCIAL AVE.
SCALE 1 IN. = 40 FT. SEPT. 2, 1924

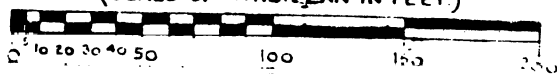
Edw. Hastings
City Engineer

CITY OF CAMBRIDGE
ENGINEERING DEPT.

A-285

(Original on file.)

(ORIGINAL ON FILE.)
(SCALE OF THIS PLAN IN FEET)



MIDDLESEX REGISTRY OF DEEDS, SO. DIST.
CAMBRIDGE, MASS.

COPY OF PLAN

Recorded FEB. 16, 1925 at 1 h 29 m P.M.

In Plan Book 348 Plan 32

Attest *Samuel B. Bucklee*

Cambridge, June 30, 1986

To the Honorable, the City Council
of the City of Cambridge:

The undersigned respectfully pray that the City Council order the discontinuance of and grant an easement for a certain portion of Commercial Avenue, a public way in the City of Cambridge, in connection with the proposed construction by 75-83 Cambridge Parkway Limited Partnership of a residential condominium at 75-83 Cambridge Parkway (the "Site").

The area to be discontinued shall not exceed a 125 square foot triangular area between the rear of 75-83 Cambridge Parkway and the current curb line on Commercial Street which is shown on the plan attached hereto dated September 2, 1924. Such area was originally taken by the City of Cambridge in 1926 in connection with the widening of Commercial Street. As a result of the alteration of Commercial Street pursuant to a layout and order of taking by the Department of Public Works of the Commonwealth of Massachusetts, such area is no longer required for public purposes and the City Manager has determined, in his opinion, such area is no longer required for public purposes.

Petitioners request that you act at the earliest possible date to discontinue the public right of way in this portion of Commercial Avenue and that you grant to 75-83 Cambridge Parkway Limited Partnership an easement appurtenant to the Site in the form submitted herewith.

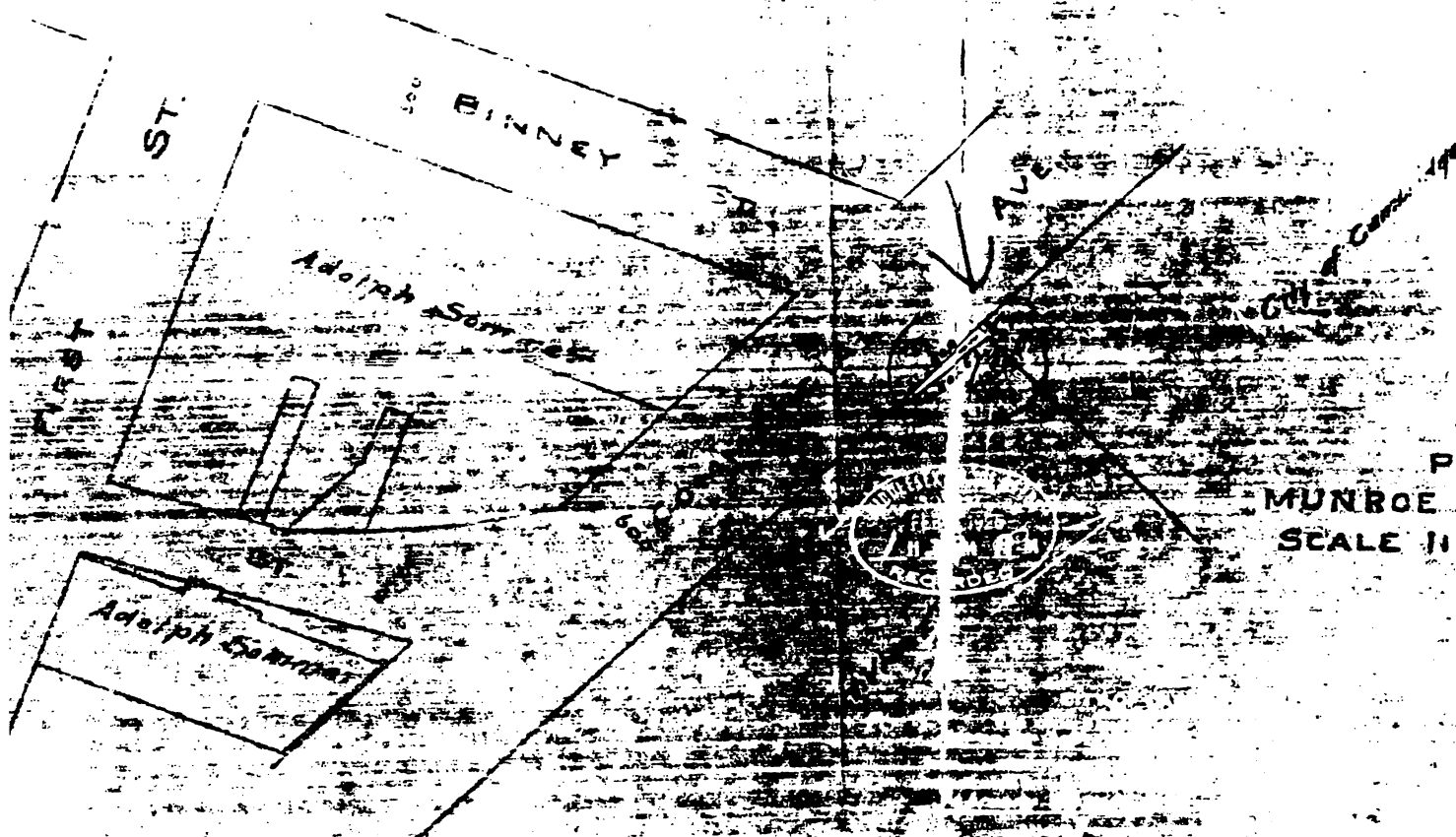
75-83 CAMBRIDGE PARKWAY

LIMITED PARTNERSHIP,

Petitioner

By: RDC-Cambridge Parkway
Limited Partnership,
general partner

By: Richard D. Cohen, his attorney
Richard D. Cohen,
General Partner



PLAN FOR WIDENING
MUNROE ST. AND COMMERCIAL AVE.
SCALE 1 IN. = 40 FT. SEPT. 2, 1924

L. M. Hastings
City Engineer

CITY OF CAMBRIDGE
ENGINEERING DEPT.

A-285

(Original on file.)

(ORIGINAL ON FILE.)
(SCALE OF THIS PLAN IN FEET)



MIDDLESEX REGISTRY OF DEEDS, SO. DIST.
CAMBRIDGE, MASS.

COPY OF PLAN

Recorded FEB. 16, 1925 at 11:29 AM

In Plan Book 348 Plan 32

Attest *Edward D. Quabbin*

3. Upon acceptance hereof CPLP shall pay to the City the fair market value sum of \$200 per square foot of land contained in the Easement Area.

4. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their duly authorized representatives as of the date and year first above written.

75-83 CAMBRIDGE PARKWAY
LIMITED BY PARTNERSHIP
By RDC-CAMBRIDGE PARKWAY
LIMITED PARTNERSHIP,
GENERAL PARTNER

By _____

THE CITY OF CAMBRIDGE

By _____
Robert Healy, City Manager

Approved as to form:

GRANT OF EASEMENT

This Easement Agreement is made as of the ____ day of ____, 1986, by and between THE CITY OF CAMBRIDGE, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts (the "City") and 75-83 CAMBRIDGE PARKWAY LIMITED PARTNERSHIP, a Massachusetts limited partnership having an address at c/o Cohen Properties, Exchange Place, Boston, Massachusetts ("CPLP").

W I T N E S S E T H T H A T :

WHEREAS, CPLP owns a parcel of land and improvements thereon as 75-83 Cambridge Parkway more particularly described in a deed dated December 9, 1985 recorded in the Middlesex South District of the Land Court as Document No. 695895 (the "Development Site") and on which CPLP plans to engage in major construction of residential or other structures approved by the City pursuant to a Special Permit as part of a Planned Unit Development; and

WHEREAS, CPLP seeks to acquire from the City a permanent easement over an area abutting the Development Site more particularly described on Exhibit A (the "Easement Area"),

WHEREAS, pursuant to an order adopted June ___, 1986 has approved the operating of this easement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and CPLP agree as follows:

1. The City hereby grants to CPLP (and its successors and assigns as owners of the Development Site) a permanent exclusive easement on, under and over the Easement Area for the benefit of the Development Site for any purpose incident to any use from time to time on the Development Site including, without limitation, the placement of foundations or other structures on the Easement Area relating to buildings constructed on the Development Site.

2. CPLP agrees that the City shall not be responsible for any loss or damage to person or property which may occur in connection with its activities in or use of the Easement Area, and that in any case CPLP shall save the City harmless and indemnified from any liability for injury, loss, accident or damage to person or property, and from any claims, actions, proceedings, and costs in connection therewith, including reasonable attorney's fees, arising from omission, fault, negligence or other misconduct of CPLP, or arising from any use by CPLP made on or about the Easement Area provided that no partner of CPLP shall have any personal liability hereunder.

COMMONWEALTH OF MASSACHUSETTS

Middlesex County, ss.

, 1986

Then personally appeared the above-named Robert W. Healy, City Manager of the City of Cambridge (the "City"), and acknowledged the foregoing to be his free act and deed and the free act and deed of the City, before me

Notary Public

My commission expires:

COMMONWEALTH OF MASSACHUSETTS

County, ss.

, 1986

Then personally appeared the above-named Richard D. Cohen, the General Partner of 75-83 Cambridge Parkway Limited Partnership, and acknowledged the foregoing to be his free act and deed and the free act and deed of RDC-Cambridge Parkway Limited Partnership, as general partner of 75-83 Cambridge Parkway Limited Partnership, before me

Notary Public

My commission expires:

EXHIBIT A

Easement Area

Note: The exact size and location of the Easement Area shall be determined by CPLP but shall be with the bounds of the following described land;

Land described on a plan entitled: "Plan for Widening Munroe Street and Commercial Avenue," dated September 2, 1924 drawn by L. M. Hastings, City Engineer of Cambridge, Mass., as follows: Beginning at a point in the southeasterly line of Commercial Avenue, at the division line between land of the City of Cambridge and land now or late of Frederick H. Vieux, said point being distant about 15 feet southwesterly from the intersection of the center line of Binney Street produced with the said southeasterly line of Commercial Avenue; thence southwesterly along said southeasterly line of Commercial Avenue about 50 feet to an angle; thence northeasterly 50.25 feet to a point in the said division line between land of the City of Cambridge and now or formerly of Frederick H. Vieux; thence northwesterly along said division line between land of the City of Cambridge and land of said Vieux 5 feet to the point of beginning. Containing about 125 square feet, more or less.

Being the same land described in an order of taking by the City of Cambridge dated February 3, 1925 recorded in Middlesex South Registry of Deeds Book 4815, Page 66.



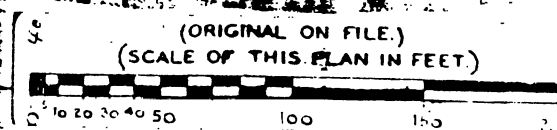
PLAN FOR WIDENING
MUNROE ST. AND COMMERCIAL AVE.
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L. M. Hastings
City Engineer

CITY OF CAMBRIDGE
ENGINEERING DEPT.

A-285

(Original on file.)



MIDDLESEX REGISTRY OF DEEDS, SO. DIST.
CAMBRIDGE, MASS.

COPY OF PLAN

Recorded FEB. 16, 1925 at 1 h 29 m P. M.

In Plan Book 348 Plan 32

Attest *E. C. Bucklee*

City of Cambridge

MASSACHUSETTS

In City Council June 23 1986

AGENDA ITEM NO. 4

RE: ORDER DISCONTINUING A PORTION OF CAMBRIDGE PARKWAY CONSISTING OF APPROXIMATELY 125 SQ. FT. LYING BETWEEN 75 & 83 COMMERCIAL AVE., GRANTING AN EASEMENT TO 75-83 CAMBRIDGE PARKWAY LTD. PARTNERSHIP OVER THE DISCONTINUED AREA & AUTHORIZING THE CITY MANAGER TO EXECUTE & DELIVER TO 75-83 CAMBRIDGE PARKWAY LTD. PARTNERSHIP SUCH EASEMENT AGREEMENT.

	YEA	NAY	ABSENT	PRESENT
Mr. Thomas W. Danehy	✓			
Mr. Francis H. Duehay	✓			
Ms. Sandra Graham			✓	
Mrs. Sheila T. Russell	✓			
Mr. David E. Sullivan	✓			
Mr. Alfred Vellucci	✓			
Mr. William H. Walsh	✓			
Ms. Alice K. Wolf	✓			
Mayor Walter J. Sullivan			✓	

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CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

June 23, 1986

To the Honorable, the City Council:

Enclosed please find copy of a memo from Jim Campbell, East Cambridge Project Director, and a proposed order and easement relative to a small strip of land (125 square feet) lying between 75-83 Cambridge Parkway and the curb line of Commercial Street.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", is written over a horizontal line.

Robert W. Healy
City Manager

RWH/mbf
Encs.

F-299

Re: proposed order discontinuing a portion of Cambridge Parkway consisting of approximately 125 sq. ft. lying between 75 & 83 Commercial Ave., granting an easement to 75-83 Cambridge Parkway Ltd. Partnership over the discontinued area & authorizing the City Manager to execute & deliver to 75-83 Cambridge Parkway Ltd. Partnership such easement agreement.

In City Council,

June 23, 1986

CV
MS
RF

Order Adopted
Roll Call

7-0-2