

C.C. 5808

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

At a meeting of the County Commissioners
for the County of Middlesex, holden at
Cambridge, within and for said County,
on the twentieth day of August, in
the year of our Lord one thousand
nine hundred and eighty-five

RECEIVED AT
OFFICE OF CITY CLERK

AUG 28 10 34 AM '85

CAMBRIDGE, MASS.

The City Council of the City of Cambridge, in said County, by
their petition to said Commissioners - among other matters - pray
that a New Way may be laid out as a public way across the location
and tracks of CONRAIL, at grade therewith, beginning at a point on
existing publicly owned land, at the midline of Fort Washington Park,
and extending in a southeasterly direction for approximately sixty
(60) feet across said Railroad location and tracks to land along
Vassar Street approximately three hundred (300) feet north of Audrey
Street, in said Cambridge, all in accordance with the provisions of
Section 104 of Chapter 160 of the General Laws, as will more fully
appear, reference being had to the petition filed of record in the
case.

The petition was presented to the County Commissioners at their
meeting holden at Cambridge, within and for said County, on the
twenty-eighth day of May, A.D. 1985, when and where notice was
ordered given to all persons and corporations interested therein of
the time and place when and where said Commissioners would meet for

the purpose of viewing the premises and hearing the parties as by their order of notice on file and of record will more fully appear.

AND, at the time of said view and hearing, said Commissioners determined that public convenience and necessity require the laying out of said way as public way across the tracks of said Railroad, at grade therewith; thence the petition has been continued to this time.

And now the said Commissioners make partial return of their proceedings in the premises, as follows: said Commissioners having given notice as the law directs, met at the Superior Courthouse, in said Cambridge, in said County, on the sixteenth day of July, in the year nineteen hundred and eighty-five, when and where the parties appeared, to wit, the petitioners by Kathy A. Spiegelman, Assistant City Manager for Community Development, Joan Lastovica, Engineer for the City of Cambridge, Elizabeth G. Flemings, Project Co-Ordinator for the City of Cambridge, S.C. Walker, Principal Engineer for Public Improvements, CONRAIL, Kathryn C. Bender, Attorney from Law Office of Horace G. Gorab, representing CONRAIL, and the respondents by Bill Cavellini, representing Ward 5 Democratic Committee of Cambridge;

AND, further, said hearing of July 16, 1985 was continued to August 6, 1985, at the Middlesex County Superior Courthouse, in Cambridge, in said County, and Robert W. Healy, Cambridge City Manager, Elizabeth Flemings, Project Co-Ordinator for the City of Cambridge, and Martin Annis, President of American Science and Engineering, appeared in favor of said petition, and no parties appeared to object.

The premises having been examined, and the parties fully heard, said Commissioners adjudge that public necessity and convenience require the laying out of said New Way (Pedestrian Crossing), in said Cambridge, in said County, as a public way across the tracks and location of CONRAIL, at level therewith, as set forth in said petition, and in accordance with the provisions of Section 104 of Chapter 160 of the General Laws.

AND, further, in considering the feasibility of constructing a crossing other than at grade, by a bridge or an underpass, the County Commissioners hereby determine that these types of crossings would involve expenditures that would be prohibitive in this instance.

IN WITNESS WHEREOF, we, the said County Commissioners, have hereunto set our hands this twentieth day of August, in the year of our Lord one thousand nine hundred and eighty-five.

Paul W. Blayn acting for

A true copy,

Attest:

Thomas J. Solkin
Michael E. McLaughlin
William J. Blayn
Middlesex County Commissioners

William P. Johnston
Assistant Clerk

Cambridge City Council, petitioners for the laying out of a New Way (Pedestrian Crossing) as a public way across the location and tracks of CONRAIL, at grade therewith, beginning at a point on existing publicly owned land, at the midline of Fort Washington Park, and extending in a southeasterly direction for approximately sixty (60) feet across said Railroad location and tracks to land along Vassar Street approximately three hundred (300) feet north of Audrey Street, in said Cambridge, all in accordance with the provisions of Section 104 of Chapter 160 of the General Laws.

COPY

PARTIAL RETURN

AUGUST 20, 1985

COMMONWEALTH OF MASSACHUSETTS

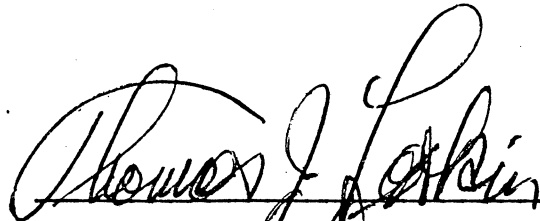
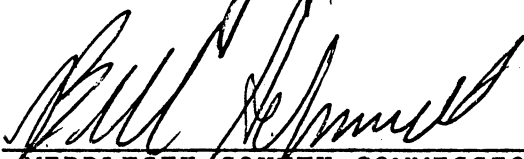
Middlesex. ss.

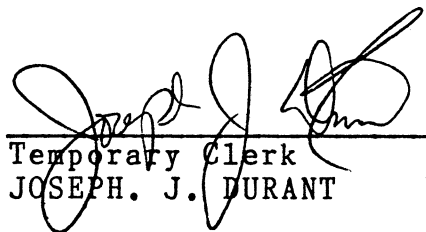
At a meeting of the County Commissioners
for the County of Middlesex, holden at
Cambridge, within and for said County, on
the sixteenth day of July, in the year
of our Lord one thousand nine hundred
and eighty-five.

WHEREAS, it appears that Michael E. McLaughlin, County
Commissioner, is unable to be present at the hearing on the
petition of the Cambridge City Council for the laying out of
a New Way across the location and tracks of CONRAIL, at grade
therewith, beginning at a point on existing publicly owned land,
at the midline of Fort Washington Park, and extending in a
southeasterly direction for approximately sixty (60) feet across
said Railroad location and tracks to land along Vassar Street
approximately three hundred (300) feet north of Audrey Street,
in Cambridge, in accordance with the provisions of Section 104
of Chapter 160 of the General Laws.

NOW, therefore, we, Thomas J. Larkin and Bill Schmidt,
County Commissioners, and Joseph J. Durant, Temporary Clerk
of the Middlesex County Commissioners in accordance with
Chapter 221, Section 14 of the Massachusetts General Laws,
do hereby appoint Paul W. Blazar, of Waltham, in said County,
to act in the stead of the said Michael E. McLaughlin in the
matter of said Hearing of July 16, 1985, in accordance with
the provisions of Section 12, Chapter 34 of the Massachusetts
General Laws.

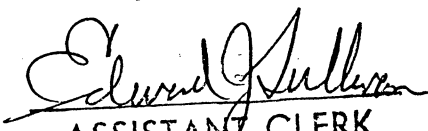
IN WITNESS WHEREOF, we the said County Commissioners have
hereunto set our hands this sixteenth day of July, in the
year of our Lord one thousand nine hundred and eighty-five.



MIDDLESEX COUNTY COMMISSIONERS


Temporary Clerk
JOSEPH. J. DURANT

A TRUE COPY

ATTEST:


ASSISTANT CLERK

C.C. General

Thomas J. Larkin and Bill Schmidt, County Commissioners, and Joseph J. Durant, Temporary Clerk of the Middlesex County Commissioners, do hereby appoint Paul W. Blazar, of Waltham, in said County, to act in the stead of Michael E. McLaughlin, County Commissioner, at the hearing of July 16, 1985 on the petition of the Cambridge City Council for the laying out of a New Way across the location and tracks of CONRAIL, at grade therewith, beginning at a point on existing publicly owned land, at the midline of Fort Washington Park, and extending in a southeasterly direction for approximately sixty (60) feet across said Railroad location and tracks to land along Vassar Street approximately three hundred (300) feet north of Audrey Street, in Cambridge, in accordance with the provisions of Section 104 of Chapter 160 of the General Laws.

COMMONWEALTH OF MASSACHUSETTS

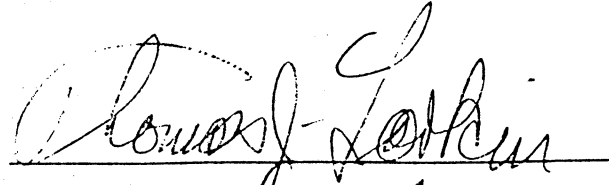
Middlesex. ss.

At a meeting of the County Commissioners
for the County of Middlesex, holden at
Cambridge, within and for said County, on
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and eighty-five.

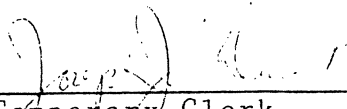
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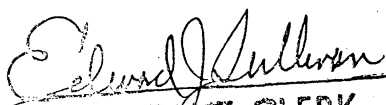
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year of our Lord one thousand nine hundred and eighty-five.



MIDDLESEX COUNTY COMMISSIONERS


Temporary Clerk
JOSEPH. J. DURANT

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PHILIP H. LYNCH, P.E.
County Engineer

COUNTY ENGINEERING DEPARTMENT

County of Middlesex

SUPERIOR COURT HOUSE
EAST CAMBRIDGE, MASS. 02141
494-4140

Assistant
County Engineers
JAMES L. KLOPOTOSKI, P.L.S.
WILLIAM W. BOYD, JR., P.L.S.

August 26, 1985

Paul E. Healy
City Clerk
City Hall
795 Massachusetts Avenue
Cambridge, MA. 02139

RECEIVED
OFFICE OF CITY CLERK
AUG 29 10 34 AM '85
CAMBRIDGE, MASS.

RE: CAMBRIDGE - New Way across the tracks of CONRAIL

Dear Mr. Healy:

Enclosed please find completely executed copy of the Partial Return of the Middlesex County Commissioners for the laying out of a New Way as a public way across the location and tracks of CONRAIL, at grade therewith, beginning at a point on existing publicly owned land, at the midline of Fort Washington Park, and extending in a southeasterly direction for approximately 60 feet across said Railroad location and tracks to land along Vassar Street approximately 300 feet north of Audrey Street, in Cambridge, all in accordance with the provisions of Section 104 of Chapter 160 of the General Laws.

Sincerely,

Philip H. Lynch, P.E.
County Engineer

PHL/mea
enclosure

cc: Joan Lastovica, Cambridge City Engineer
Kathy A. Spiegelman, Assistant Manager for
Community Development
Elizabeth G. Flemings, Project Coordinator
R. B. Hasselman, Sr. Vice President Operations, CONRAIL

8.

S-632

Communication received from Philip H. Lynch,
P. E., County Engineer, transmitting an executed
copy of the Partial Return of the Middlesex
County Commissioners for the laying out of a new
way as a public way across the location and tracks
of Conrail.

In City Council,
September 9, 1985

9/9/1985

Referred to the
City Manager -

Copy sent to the City Manager,
9/12/85 mh