

City of Cambridge

MASSACHUSETTS

In City Council 3/17, 1997

Agenda #3A Diminution of process

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

8 0 0 0
absent



City of Cambridge

Agenda No. 3 (A)

IN CITY COUNCIL

March 17, 1997

ORDERED:

Pursuant to Sec. 2.110.010 G of the Cambridge Municipal Code, the City Council hereby orders that the City Council shall utilize a diminished process for the disposition of an easement for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding a handicap ramp by the Whitehead Institute for Biomedical Research (tenant), in concert with Joseph H. Matzkin, Trustee of the Sixcam Realty Trust (landlord), as set forth in Robert W. Healy's March 17, 1997 letter to the City Council.

In City Council March 17, 1997.

Adopted by a yea and nay vote:

Yeas: 8, Nays: 0, Absent: 0, Present: 0, Abstaining: 1.

Attest: D. Margaret Drury, City Clerk

A true copy:

ATTEST:

A handwritten signature in cursive script, reading "D. Margaret Drury". The signature is written in dark ink and is positioned to the right of the word "ATTEST:".

D. Margaret Drury
City Clerk



City of Cambridge

Agenda No. 3 (B)

IN CITY COUNCIL

March 17, 1997

- WHEREAS: Joseph H. Matzkin, Trustee of the Sixcam Realty Trust ("Sixcam"), a Massachusetts Realty Trust, owns the property known as and numbered 111 Sixth Street, Cambridge, Massachusetts and more particularly described in a deed dated December 9, 1996 recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 1165, Page 54 and filed with the Middlesex South Registry District of the Land Court (the "Land Court") as Document No. 1019254, and the building and ancillary improvements located thereon (the "Sixcam Property");
- WHEREAS: Sixcam has leased a portion of the building located on the Sixcam Property (the "Building") to the Whitehead Institute for Biomedical Research, a Delaware corporation ("Whitehead");
- WHEREAS: Whitehead as tenant and Sixcam as landlord are undertaking to expand the Building, a portion of which is currently leased and used by Whitehead;
- WHEREAS: As part of the expansion of the Building, Whitehead as tenant and Sixcam as landlord desire to install a Handicap Ramp within the fifty-foot public right of way owned by the City of Cambridge in front of the Building located at 111 Sixth Street, Cambridge, Massachusetts (the "Handicap Ramp") and more particularly described in Exhibit "A" attached hereto (the "Easement Area"), which Handicap Ramp will be located within an existing planting bed located along the face of the Building facing Charles Street, Cambridge, Massachusetts, and is more particularly shown as AREA FOR HANDICAP RAMP on a plan entitled "Easement Plan for 'Handicap Ramp', No. 111 Sixth Street, Cambridge, MA", prepared for Whitehead Institute, prepared by Harry R. Feldman, Inc., Land surveyors, 112 Shawmut Avenue, Boston, MA, Scale 1 inch = 10 feet, dated January 13, 1997 (the "Easement Plan"), attached hereto as Exhibit "B"; and

WHEREAS: The City Council of the City of Cambridge (the "City Council") has accepted the recommendation that the proposed Handicap Ramp is a desirable feature of the contemplated expansion of the Building; now therefore be it

ORDERED: That the City Council hereby approves and authorizes the City Manager to grant, on behalf of the City of Cambridge, an easement to Sixcam for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding the Handicap Ramp in the Easement Area, all as more particularly described in Exhibit "C" hereto.

In City Council March 17, 1997.

Adopted by a yea and nay vote:

Yeas: 8, Nays: 0, Absent: 0, Present: 0, Abstaining: 1.

Attest: D. Margaret Drury, City Clerk

A true copy:

ATTEST: 

D. Margaret Drury
City Clerk

EASEMENT

WHEREAS, Joseph H. Matzkin, Trustee of the Sixcam Realty Trust ("Sixcam"), a Massachusetts Realty Trust, owns the property known as and numbered 111 Sixth Street, Cambridge, Massachusetts and more particularly described in a deed dated December 9, 1996 recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 1165, Page 54 and filed with the Middlesex South Registry District of the Land Court (the "Land Court"), and the building and ancillary improvements located thereon (the "Sixcam Property");

WHEREAS, Sixcam has leased a portion of the building located on the Sixcam Property (the "Building") to the Whitehead Institute for Biomedical Research, a Delaware corporation ("Whitehead");

WHEREAS, Whitehead as tenant and Sixcam as landlord are undertaking to expand the Building, a portion of which is currently leased and used by Whitehead;

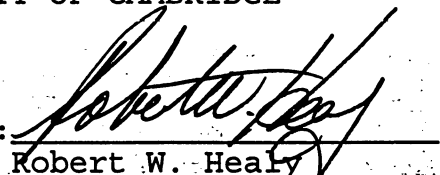
WHEREAS, as part of the expansion of the Building, Whitehead as tenant and Sixcam as landlord desire to install a Handicap Ramp within the fifty-foot public right of way owned by the City of Cambridge in front of the Building located at 111 Sixth Street, Cambridge, Massachusetts (the "Handicap Ramp") and more particularly described in Exhibit "A" attached hereto (the "Easement Area"), which Handicap Ramp will be located within an existing planting bed located along the face of the Building facing Charles Street, Cambridge, Massachusetts, and is more particularly shown as AREA FOR HANDICAP RAMP on a plan entitled "Easement Plan for 'Handicap Ramp', No. 111 Sixth Street, Cambridge, MA", prepared for Whitehead Institute, prepared by Harry R. Feldman, Inc., Land surveyors, 112 Shawmut Avenue, Boston, MA, Scale 1 inch = 10 feet, dated January 13, 1997 (the "Easement Plan"), attached hereto as Exhibit "B"; and

WHEREAS, the City Council has made all findings and determinations necessary and voted unanimously to approve and authorize the City Manager to grant, on behalf of the City of Cambridge, an easement to Sixcam for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding the Handicap Ramp in the Easement Area, all as more particularly described in Exhibit "C" hereto.

NOW THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City of Cambridge hereby grants to Sixcam and its successors and assigns the perpetual right and easement to locate, construct, maintain, repair, replace and rebuild the Handicap Ramp in the Easement Area as shown on the Easement Plan.

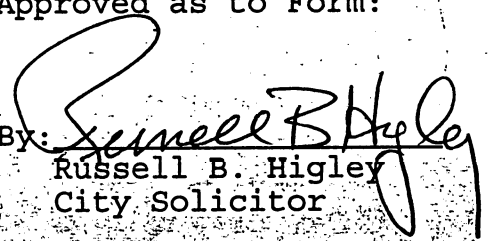
IN WITNESS HEREOF, the City of Cambridge has caused this Easement to be duly executed, under seal, as of this 19 day of March, 1997.

CITY OF CAMBRIDGE

By: 

Robert W. Healy
City Manager

Approved as to Form:

By: 

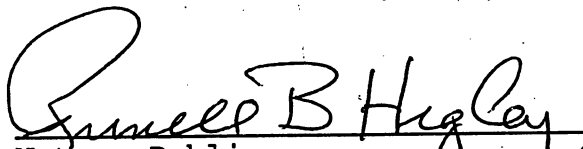
Russell B. Higley
City Solicitor

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

March 19, 1997

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



Notary Public

My Commission Expires: 12/14/2002

EXHIBIT A

A certain parcel of land situated on the Southerly side of Charles Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, being a part of Charles Street and being more particularly described as follows:

Beginning at a point on the Southerly line of Charles Street, said point lying 17.67 feet easterly from the intersection of said Southerly line of Charles street with the Easterly line of Fulkerson Street;

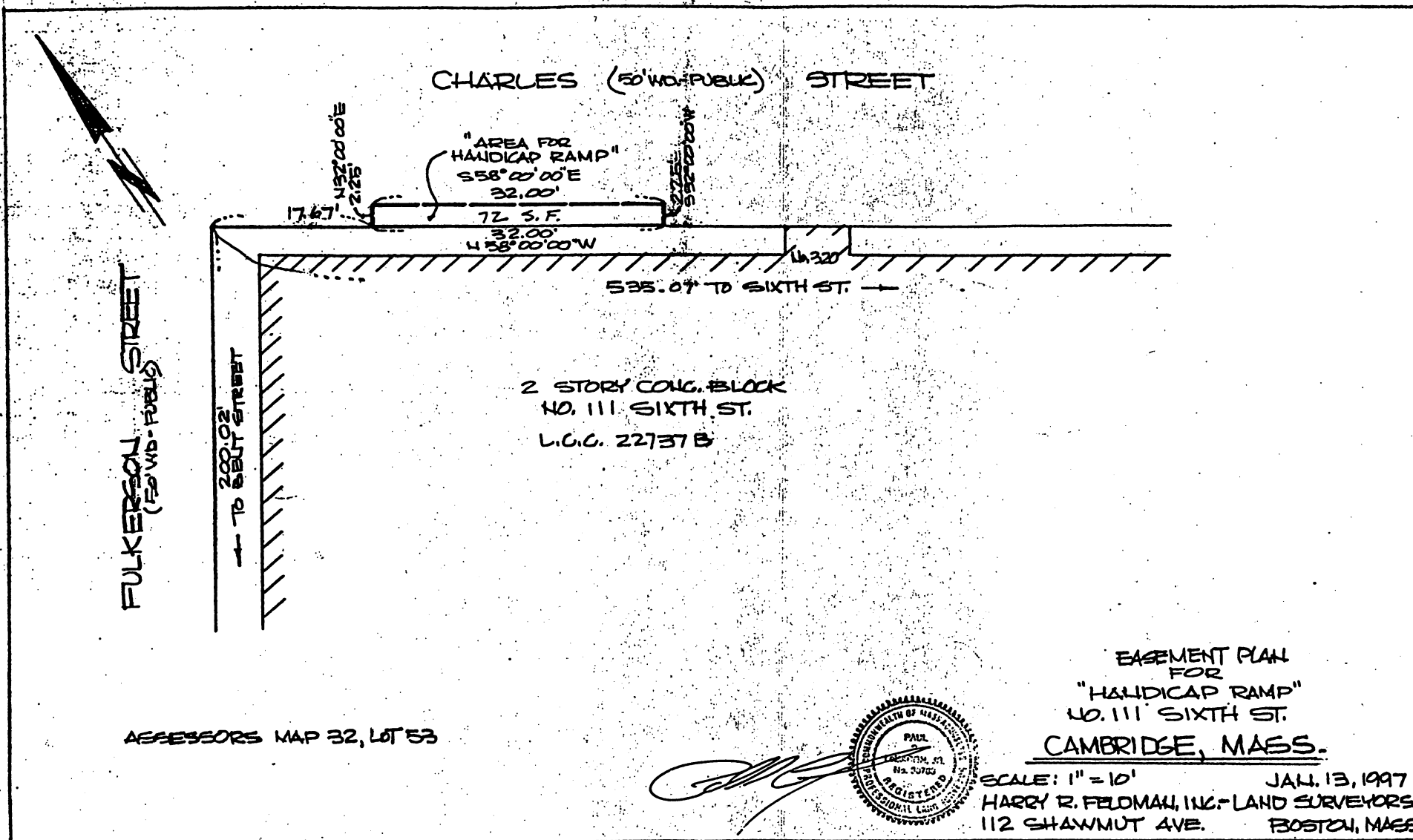
thence running N 32° 00' 00" E, a distance of 2.25 feet to a point;

thence S 58° 00' 00" E, a distance of 32.00 feet to a point;

thence S 32° 00' 00" W, a distance of 2.25 feet to a point on said Southerly side of Charles Street;

thence N 58° 00' 00" W, along said Southerly line, a distance of 32.00 feet to the point of the beginning.

The above described easement area contains an area of 72 square feet of land, more or less, in Cambridge, Massachusetts and is more particularly shown as AREA FOR HANDICAP RAMP on a plan entitled "Easement Plan for 'Handicap Ramp', No. 111 Sixth Street, Cambridge, MA", prepared for Whitehead Institute, prepared by Harry R. Feldman, Inc., Land Surveyors, 112 Shawmut Avenue, Boston, MA, Scale 1 inch = 10 feet, dated January 13, 1997. Said plan is to be recorded herewith in the Middlesex South District Registry of Deeds. A print of said plan is attached as an Exhibit to an original counterpart of this instrument filed with the Middlesex South Registry District of the Land Court.



City of Cambridge

MASSACHUSETTS

In City Council 3/17/97, 199

Authorization
3B Easement to

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

Abstain

✓

8 0 0 0 1

FELDMAN

Legal Description

"Easement Plan for Handicap Ramp"

All that certain portion of Land located in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts being a part of Charles Street and being more particularly described as follows:

Beginning at a point on the southerly line of Charles Street, said point lying 17.67 feet easterly from the intersection of said southerly line of Charles Street with the easterly line of Fulkerson Street;

thence running N 32° 00' 00" E, a distance of 2.25 feet to a point;

thence S 58° 00' 00" E, a distance of 32.00 feet to a point;

thence S 32° 00' 00" W, a distance of 2.25 feet to a point on said southerly line of Charles Street;

thence N 58° 00' 00" W, along said southerly line, a distance of 32.00 feet to the point of beginning.

Said described area contains 72 square feet of land.

CHARLES (50' WD. - PUBLIC) STREET

FULKERSON STREET
(50' WD. - PUBLIC)

200.02'
→ TO SEUT STREET

"AREA FOR
HANDICAP RAMP"
S58°00'00"E
32.00'

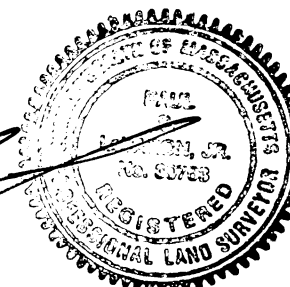
17.67' N32°00'00"E
2.25'
72 S.F.
32.00'

2.25' S58°00'00"W
32.00'
N58°00'00"W

535.07' TO SIXTH ST. →

2 STORY CONC. BLOCK
NO. 111 SIXTH ST.
L.I.C. 22737 B

ASSESSORS MAP 32, LOT 53



EASEMENT PLAN
FOR
"HANDICAP RAMP"
NO. 111 SIXTH ST.

CAMBRIDGE, MASS.

SCALE: 1" = 10'

HARRY R. FELDMAN, INC. - LAND SURVEYORS
112 SHAWMUT AVE. BOSTON, MASS.

JAN. 13, 1997

BOSTON, MASS.



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307



EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

March 17, 1997

To the Honorable, the City Council:

Boston Concession Group (the owner) and the Whitehead Institute (the tenant) is requesting the grant of an easement from the City to accommodate the installation of an accessibility ramp in the front of the building located at 111 Sixth Street. Although the easement area is technically located within the 50-foot wide right-of-way, the proposed ramp will be located entirely within an existing planting bed located along the face of the building and will in no way encumber the existing 6'-0" wide sidewalk.

First, the proposal must be considered by the Council pursuant to Chapter 2.110 of the Cambridge Municipal Code which governs the disposition of city-owned property. I believe this disposition may properly be subject to Section 2.110.010 (G) of that ordinance. Section G provides for the disposition of city-owned property that is of such little significance that the full process of the ordinance would be unduly burdensome. Under this section, the City Manager may request of the City Council a diminution of the process in the ordinance; approval of this request requires a two-thirds vote of the City Council. I recommend such approval at this time.

Secondly, Section 2.110.010 also requires a two-thirds vote of the City Council to authorize the City Manager to grant the easement to Boston Concession Group, the building owner. I also recommend that the City Council vote to grant the easement to Boston Concession Group for the purpose of providing a ramp and to execute and deliver such easement in form and substance as I determine is necessary or advisable.

Financial Arrangements:

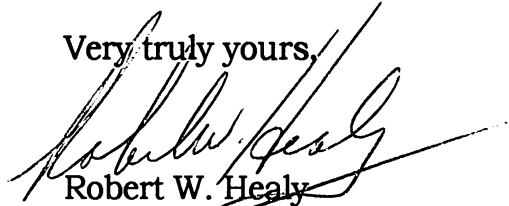
In 1994, two appraisals were completed for the City for the purpose of estimating a fair market value for air rights sold in that year to the Whitehead Institute. The City Assessor reviewed these appraisals, along with commercially zoned land sales which have taken place more recently in East Cambridge and Cambridgeport, and assigned a value to this easement: \$35 per square foot of area on each floor.

Boston Concession Group has agreed to pay a one-time fee of \$2,520 for this area (\$35 X 72 SF of total area).

Page 2

I appreciate your consideration of this matter, and welcome any questions you may have.

Very truly yours,



Robert W. Healy
City Manager

Attachments:

Legal Description of Easement Area for Handicap Ramp
Map of Easement Area

Relative to a request from the
Whitehead Institute that the City grant
an easement in the front of the building
located at 111 Sixth Street.

In City Council March 17, 1997

A. On Diminution
Roll Call
8-0-0-0-1

B. Vote to authorize
City Manager to
grant easement
Roll Call
8-0-0-0-1