



CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139
Tel. (617) 349-4121
Fax. (617) 349-4134

Legal Counsel

Birge Albright
Gail S. Gabriel
Arthur J. Goldberg
Linda A. Stamper
Deborah R. Cautela
Nancy E. Glowa

Russell B. Higley
City Solicitor
Donald A. Drisdell
Deputy City Solicitor
Michael C. Costello
Assistant City Solicitor

December 7, 1994

To: D. Margaret Drury, City Clerk
James M. Conry, Executive Director for
Management Services, School Department

From: Russell B. Higley *RBH*

Subject: 117 Cushing Street

As I stated in my memo to you of November 10, 1994, I enclose a copy of the Order of Taking from the Registry of Deeds indicating the document being recorded in Book 24985, at Page 159.

RBH/jml
Enclosure



City of Cambridge

T.2

Calendar Item # 6

--Consent-Agenda-#-16--
IN CITY COUNCIL

~~June 6, 1994~~
October 31, 1994

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 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 School Department has requested and the City Manager and City Council have approved and authorized that the City should under the provisions of the aforesaid Chapters of the General Laws take and hold for public school purposes related to the Haggerty School the parcel of land hereinafter bounded and described; and

WHEREAS:

An appropriation duly made by the City Council on October 31, 1994 is sufficient to cover the estimated expense of acquisition as required by the aforesaid Sections of Chapters 40 and 43;

NOW, THEREFORE, by virtue and in 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 for public school purposes and all easements, privileges and appurtenances thereto belonging as well as all trees and all structures thereon. Intending to take and hereby taking in fee simple all the land included within such description by whomsoever the same may be owned, including the fee to the center of any and all streets adjacent to said areas bounded and described, vis:

A certain parcel of land situated in Cambridge, Middlesex County, Massachusetts, at 117 Cushing Street, Cambridge, identified as lot B and shown on a plan entitled Subdivision Plan, Cambridge, MA prepared by Wendell H. Mason and dated November 23, 1993;

MSD 11/09/94 03:35:14 731 10.00

24985 PG 158
SEE PLAN IN RECORD BOOK

Bounded and described as follows:

Commencing at a point 28 feet north of the southwesterly corner of the building at the intersection of Cushing Street and Locust Street, thence proceeding North $01^{\circ} 00' 00''$ for a distance of 67.0 feet, more or less:

Thence East $88^{\circ} 52' 30''$ for a distance of 98.0 feet, more or less;

Thence South $0^{\circ} 45' 30''$ for a distance of 67.0 feet, more or less;

Thence West $88^{\circ} 52' 30''$ for a distance of 98.3 feet, more or less, to the point of beginning.

This parcel contains 6,576 square feet more or less. The damages awarded with respect to said parcel are Eighty Thousand Dollars and No/100 (\$80,000.00) and the supposed owner is Ralph Canina.

NOW, THEREFORE, BE IT

ORDERED:

The taking of fee simple title in land herein described is hereby authorized in accordance with General Laws, Chapter 40, Section 14, Chapter 43, Section 30 and Chapter 79, all as amended for the purpose of public schools.

Said land is described above.

This parcel contains 6,576 square feet more or less. The fair market value of said parcel has been appraised at Eighty Thousand Dollars and No/100 (\$80,000.00).

In City Council October 31, 1994.

Adopted by a yea and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
D. Margaret Drury
City Clerk



CITY OF CAMBRIDGE

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November 10, 1994

To: D. Margaret Drury, City Clerk
James M. Conry, Executive Director for
Management Services, School Department

From: Russell B. Higley *RBH*

Subject: 117 Cushing Street

Enclosed is a copy of the Order of Taking recorded at the Middlesex South Registry of Deeds on November 9, 1994 for the above property. The Order was recorded as Document #731 and the plan (not enclosed) as #1100 of 1994. When the Registry returns the original Order to me referencing the book and page numbers I will provide you with a copy.

RBH/jml
Enclosure

DATE 11/9/94 TIME 3:35pm DOC# 731



City of Cambridge

Calendar Item # 6

--Consent-Agenda-#-46--
IN CITY COUNCIL

SEE PLAN ~~RECORDED~~ 1100 894 PROG

-June-6,-1994

October 31, 1994

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 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 School Department has requested and the City Manager and City Council have approved and authorized that the City should under the provisions of the aforesaid Chapters of the General Laws take and hold for public school purposes related to the Haggerty School the parcel of land hereinafter bounded and described; and

WHEREAS:

An appropriation duly made by the City Council on October 31, 1994 is sufficient to cover the estimated expense of acquisition as required by the aforesaid Sections of Chapters 40 and 43;

NOW, THEREFORE, by virtue and in 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 for public school purposes and all easements, privileges and appurtenances thereto belonging as well as all trees and all structures thereon. Intending to take and hereby taking in fee simple all the land included within such description by whomsoever the same may be owned, including the fee to the center of any and all streets adjacent to said areas bounded and described, vis:

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MSD 11/09/94 03:35:14 731 10.00

Bounded and described as follows:

Commencing at a point 28 feet north of the southwesterly corner of the building at the intersection of Cushing Street and Locust Street, thence proceeding North 01° 00' 00" for a distance of 67.0 feet, more or less:

Thence East 88° 52' 30" for a distance of 98.0 feet, more or less;

Thence South 0° 45' 30" for a distance of 67.0 feet, more or less;

Thence West 88° 52' 30" for a distance of 98.3 feet, more or less, to the point of beginning.

This parcel contains 6,576 square feet more or less. The damages awarded with respect to said parcel are Eighty Thousand Dollars and No/100 (\$80,000.00) and the supposed owner is Ralph Canina.

NOW, THEREFORE, BE IT

ORDERED:

The taking of fee simple title in land herein described is hereby authorized in accordance with General Laws, Chapter 40, Section 14, Chapter 43, Section 30 and Chapter 79, all as amended for the purpose of public schools.

Said land is described above..

This parcel contains 6,576 square feet more or less. The fair market value of said parcel has been appraised at Eighty Thousand Dollars and No/100 (\$80,000.00).

In City Council October 31, 1994.
Adopted by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
D. Margaret Drury
City Clerk

~~--June-6,-1994-~~
October 31, 1994

INTRODUCED BY CITY MANAGER ROBERT W. HEALY

AN ORDER CONCERNING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 1993

ORDERED: That in addition to sums previously appropriated by the City Council for the fiscal period 1993-94 the following sum is hereby appropriated in the Public Investment Fund of the City of Cambridge:

FUNCTION	DEPARTMENT OR PROGRAM	SALARY & WAGES	OTHER ORDINARY MAINTENANCE	TRAVEL & TRAINING	EXTRAORDINARY EXPENDITURES	APPROPRIATIONS
EDUCATION	SCHOOL				\$80 000	\$80 000

BE IT FURTHER ORDERED: That the above appropriation in the Public Investment Fund to be financed by estimated revenues drawn from the following sources:

FINANCING PLAN	REVENUE
Parking Fund	\$80 000

In City Council. October 31, 1994.

Adopted by a yeas and nays vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy

ATTEST:-

D. Margaret Drury
D. Margaret Drury, City Clerk.

~~--June 6, 1994--~~
October 31, 1994

INTRODUCED BY CITY MANAGER ROBERT W. HEALY

AN ORDER CONCERNING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 1993

ORDERED: That in addition to sums previously appropriated by the City Council for the fiscal period 1993-94 the following sum is hereby appropriated in the Public Investment Fund of the City of Cambridge:

FUNCTION	DEPARTMENT OR PROGRAM	SALARY & WAGES	OTHER ORDINARY MAINTENANCE	TRAVEL & TRAINING	EXTRAORDINARY EXPENDITURES	APPROPRIATIONS
EDUCATION	SCHOOL				\$80 000	\$80 000

BE IT FURTHER ORDERED: That the above appropriation in the Public Investment Fund to be financed by estimated revenues drawn from the following sources:

FINANCING PLAN	REVENUE
Parking Fund	\$80 000

In City Council. October 31, 1994.

Adopted by a ye and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy *D. Margaret Drury*
ATTEST:-

D. Margaret Drury, City Clerk.



City of Cambridge

Calendar Item # 6

--Consent-Agenda-#-46--
IN CITY COUNCIL

~~June 6, 1994~~
October 31, 1994

WHEREAS:

By Section 30 of Chapter 42, Section 14 of Chapter 40, and Chapter 79 of the General Laws, all as amended, it is provided that the 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 School Department has requested and the City Manager and City Council have approved and authorized that the City should under the provisions of the aforesaid Chapters of the General Laws take and hold for public school purposes related to the Haggerty School the parcel of land hereinafter bounded and described; and

WHEREAS:

An appropriation duly made by the City Council on October 31, 1994 is sufficient to cover the estimated expense of acquisition as required by the aforesaid Sections of Chapters 40 and 43;

NOW, THEREFORE, by virtue and in 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 for public school purposes and all easements, privileges and appurtenances thereto belonging as well as all trees and all structures thereon. Intending to take and hereby taking in fee simple all the land included within such description by whomsoever the same may be owned, including the fee to the center of any and all streets adjacent to said areas bounded and described, vis:

A certain parcel of land situated in Cambridge, Middlesex County, Massachusetts, at 117 Cushing Street, Cambridge, identified as lot B and shown on a plan entitled Subdivision Plan, Cambridge, MA prepared by Wendell H. Mason and dated November 23, 1993;

Bounded and described as follows:

Commencing at a point 28 feet north of the southwesterly corner of the building at the intersection of Cushing Street and Locust Street, thence proceeding North 01° 00' 00" for a distance of 67.0 feet, more or less:

Thence East 88° 52' 30" for a distance of 98.0 feet, more or less;

Thence South 0° 45' 30" for a distance of 67.0 feet, more or less;

Thence West 88° 52' 30" for a distance of 98.3 feet, more or less, to the point of beginning.

This parcel contains 6,576 square feet more or less. The damages awarded with respect to said parcel are Eighty Thousand Dollars and No/100 (\$80,000.00) and the supposed owner is Ralph Canina.

NOW, THEREFORE, BE IT

ORDERED:

The taking of fee simple title in land herein described is hereby authorized in accordance with General Laws, Chapter 40, Section 14, Chapter 43, Section 30 and Chapter 79, all as amended for the purpose of public schools.

Said land is described above.

This parcel contains 6,576 square feet more or less. The fair market value of said parcel has been appraised at Eighty Thousand Dollars and No/100 (\$80,000.00).

In City Council October 31, 1994.
Adopted by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.
Attest:- D. Margaret Drury, City Clerk.

A true copy: *D. Margaret Drury*

ATTEST:-

D. Margaret Drury
City Clerk



City of Cambridge

Calendar Item # 6

--Consent-Agenda-#-16--
IN CITY COUNCIL

~~June 6, 1994~~

October 31, 1994

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 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 School Department has requested and the City Manager and City Council have approved and authorized that the City should under the provisions of the aforesaid Chapters of the General Laws take and hold for public school purposes related to the Haggerty School the parcel of land hereinafter bounded and described; and

WHEREAS:

An appropriation duly made by the City Council on October 31, 1994 is sufficient to cover the estimated expense of acquisition as required by the aforesaid Sections of Chapters 40 and 43;

NOW, THEREFORE, by virtue and in 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 for public school purposes and all easements, privileges and appurtenances thereto belonging as well as all trees and all structures thereon. Intending to take and hereby taking in fee simple all the land included within such description by whomsoever the same may be owned, including the fee to the center of any and all streets adjacent to said areas bounded and described, vis:

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Said land is described above.

This parcel contains 6,576 square feet more or less. The fair market value of said parcel has been appraised at Eighty Thousand Dollars and No/100 (\$80,000.00).

In City Council October 31, 1994.

Adopted by a ye and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy; *D. Margaret Drury*

ATTEST:-

D. Margaret Drury
City Clerk

City of Cambridge

MASSACHUSETTS

In City Council

10/31

1994

Appropriation Order of \$80,000 for Haggerty School Site

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
✓				Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mr. William H. Walsh
✓				Mayor Kenneth E. Reeves

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C

D

City of Cambridge

MASSACHUSETTS

In City Council

10/31

1994

Order of Taking for Site in Corner W/ Haggerty

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
✓				Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mr. William H. Walsh
✓				Mayor Kenneth E. Reeves

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C. Dueby on susp on both orders W/ 9
RF 0/9
— approp + taking

City of Cambridge

MASSACHUSETTS

In City Council June 6 1994

Agenda Item # 16A. - Taking for Parcel of Land - Haggerty School.

YEA	NAY	ABSENT	PRESENT	
				Ms. Kathleen L. Born
				Mr. Francis H. Duehay
				Mr. Jonathan S. Myers
				Mrs. Sheila T. Russell
				Mr. Michael A. Sullivan
				Mr. Timothy J. Toomey, Jr.
				Ms. Katherine Triantafillou
				Mr. William H. Walsh
				Mayor Kenneth E. Reeves

City of Cambridge

MASSACHUSETTS

In City Council

June 6

1994

Agenda Item 16.B - Appropriation of \$80,000. - Parcel of
land - Naggety School.

YEA	NAY	ABSENT	PRESENT	
				Ms. Kathleen L. Born
				Mr. Francis H. Duehay
				Mr. Jonathan S. Myers
				Mrs. Sheila T. Russell
				Mr. Michael A. Sullivan
				Mr. Timothy J. Toomey, Jr.
				Ms. Katherine Triantafillou
				Mr. William H. Walsh
				Mayor Kenneth E. Reeves



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

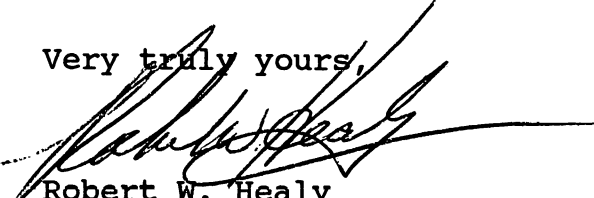
June 13, 1994

To the Honorable, the City Council:

In reference to Calendar Item #7 regarding the Order of Taking and the Appropriation Order for a parcel of land situated across the street from the site of the new Haggerty School, please be advised of the following:

A question was asked at the last Council meeting as to the assessed square footage value of the lot. Because the land to be taken is part of a larger parcel of land, the land to be taken itself does not have a unique assessed value. The only way the Assessors could grant a legal assessed value would be if the land in question existed as a separate lot. That raises the potential question: at what value would the Assessors then assess the new lot? Under that scenario, the Assessors would determine the residential development potential of the lot. The development potential for a 6,576 square foot residential lot under the existing site zoning (Residential B) would allow 2 units, either 2 townhouses or a traditional 2-family house. In that neighborhood, the Assessors estimate the value of 6,576 square feet of developable land to be \$40,000 per unit, or \$80,000 in total.

Very truly yours,


Robert W. Healy
City Manager

Consent Agenda # 8

Information relative to Calendar Item
Number Seven of 6/13/94 regarding the
Order of Taking and the appropriation
order for a parcel of land situated across
the street from the site of the new
Haggerty School.

In City Council,

June 13, 1994

*Referred to Calendar
Item # 7.*



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

June 6, 1994

To the Honorable, The City Council:

I am submitting to the City Council an Order of Taking for a parcel of land situated across the street from the site of the new Haggerty School. Throughout the planning process for the demolition and reconstruction of the Haggerty School it was always indicated that the plan required acquisition of the parcel referenced in this taking order to provide necessary accessory uses for the new school, particularly parking. Beginning early in the planning process there were discussions with the current land owner regarding the acquisition. Until fairly recently it was believed that the site could be acquired by purchase rather than by eminent domain. Failure to arrive at an agreement for the purchase now dictates the need for the taking of the parcel by eminent domain.

I have arranged for two appraisals of the property. One appraisal sets the fair market value of the parcel at \$75,000.00 and the other places the fair market value at \$80,000.00. As you will note in the Order of Taking, I have identified the fair market value in the order at the higher of the two amounts. I believe it is advisable to appropriate and make a pro tanto award of \$80,000.00 dollars to the land owner to take and hold this property for public school purposes related to the Haggerty School.

Sincerely,

Robert W. Healy
City Manager

Order of Taking for a parcel of land
situated across the site of the new
Haggerty School.

W-170.

10/31/94 - Appropriation

Order adopted 9-0-0.

Order of taking order

adopted 9-0-0.

In City Council,

June 6, 1994

6/6/94

Order of taking
and appropriation
of \$80,000.-

Tabled by
Councillor Triantafyllou

6/20/94 Remains on the
table