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Mar 18 6 31 PM '74
LAW DEPARTMENT

CAMBRIDGE, MASS.

EDWARD D. MCCARTHY
ACTING CITY SOLICITOR

ROWENA E. TAYLOR
ASSISTANT CITY SOLICITOR

RUSSELL B. HIGLEY
SPECIAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

March 18, 1974

Paul E. Healy, City Clerk
City of Cambridge
City Hall
Cambridge, MA 02139

RE: 463 Massachusetts Avenue

Dear Mr. Healy:

I am in receipt of a number of orders from the City Council relative to the above property.

I have carefully reviewed the existing Demolition Permit, which was issued October 15, 1973, to Mr. George Rothman, who, at that time, was the owner of the property in question, and it is my opinion that this permit is valid and cannot legally be revoked.

Also, I have reviewed the action of the License Commission and find that there has been full compliance with General Laws, Chapter 140. Their issuance of a license is contingent upon a restaurant being built and furnished in accordance with the plans and specifications filed with the License Commission, and it is my opinion that this license cannot legally be revoked at this time.

Any action to revoke the above-mentioned permit and license would only involve the City in unnecessary litigation with no practical likelihood of success.

The Council requested my advice as to what steps may be taken by the City Council in an effort to prevent the demolition of the existing building, and it is my opinion that the only effective means of accomplishing this result would be for the Council to vote to take the property by eminent domain. Such a taking must, of course, be for a public purpose. If the building does have historical significance, a taking for the purpose of preserving such a site would, in my opinion, be valid.



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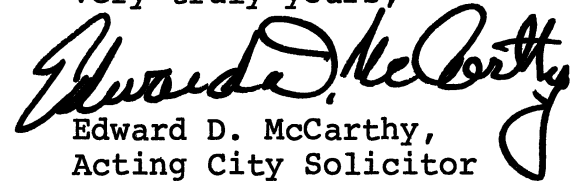
Paul E. Healy, City Clerk

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March 18, 1974

In an effort to assist the Council, I have made arrangements to have the property appraised to determine what it would cost the City to acquire said property. I will forward that information promptly upon its receipt.

Very truly yours,


Edward D. McCarthy,
Acting City Solicitor

EDM:jmw

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