

Calendar Item No. 20 of January 23, 1989

Re: Sub-surface easement

Reconsidered Roll Calls

City of Cambridge

MASSACHUSETTS

In City Council

198

C. C. Sullivan *Moved the question to the next meeting*

6-10-81 *Y. H. J.* *Recess*

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

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C. C. Sullivan
1/17

Mayor Illwaco

Jan. 23, 1989

Ordered:

That should the proposed
development offered by Carpenter Company,
relative to the Harvard Motor Lodge,
exceeds 70 feet in height, the amount
as granted by this City Council be nullified
and be it further

ORDERED: That it is the sense of this City
Council that the 70 Feet ^{in height} be
granted by the Planning Board
as a compromise between the
Developer and opponents of said
development.

City of Cambridge

MASSACHUSETTS

In City Council

Jan. 23, 1989

Mayor Vellucci - 70' only - Approval for Easement be Nullified
 Building Not Eased

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

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City of Cambridge

MASSACHUSETTS

In City Council

Jan. 23 1989

C. W. Sullivan

of Housing Administration

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

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City of Cambridge

MASSACHUSETTS

In City Council

Jan. 23 1989

W. Sullivan - Motion on Reconsideration Hoping the Same

WILL NOT Proceed Relative to the Vote of Exemption
An Easement as Amended

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

City of Cambridge

MASSACHUSETTS

In City Council

Jan 22 1989

C. W. Sullivan - Motion on Recommendation of Amendment

Art 3 to Amend by C. Graham & Mayor
 Vellucci
 YEA NAY ABSENT PRESENT

Mr. Thomas W. Danehy

Mr. Francis H. Duhaay

Ms. Sandra Graham

Mrs. Sheila T. Russell

Mr. David E. Sullivan

Mr. Walter J. Sullivan

Mr. William H. Walsh

Ms. Alice K. Wolf

Mayor Alfred E. Vellucci

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City of Cambridge

MASSACHUSETTS

In City Council

198

Ms. Alice K. Wolf Amendment #3

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

4

5

Failed by Adoption

Under Recommendation

City of Cambridge

MASSACHUSETTS

In City Council

Jan. 23

1989

Councillor Graham. Motion that the City Manager take the appropriate steps to designate a portion of the money, released from the Easement Agreement be allocated to the Union, Trust Fund

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

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Under Review

City of Cambridge

MASSACHUSETTS

In City Council

Jan 23

1989

Mayor Vellucci - Motion that the City Manager establish a "Special Permanent Fund" from the money derived from the Saseement Agreement for the sole purpose of buying books for the School Department

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

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City of Cambridge

(Reconsideration of Main Motion as Amended Calendar Item No. 20)
Agenda Item No. 2
IN CITY COUNCIL

December 19, 1988

January 23, 1989

- WHEREAS: The City of Cambridge and Carpenter/Eliot Square Associates Limited Partnership ("Developer") are about to enter into a certain parking agreement relating to the City's existing parking easement on the land commonly known as the Harvard Motor House; and
- WHEREAS: The Developer proposes to construct certain parking in the underground tunnel located under Eliot Street and in connection therewith has requested the City to grant to the owner of the Harvard Motor House an easement to connect said Harvard Motor House property to said underground tunnel; and
- WHEREAS: The City of Cambridge believes that the foregoing easement will foster a creative parking solution to the parking shortage in the Harvard Square area by facilitating a parking use of the underground tunnel that is otherwise unused; now therefore be it
- ORDERED: That the City Manager be and hereby is authorized on behalf of and in the name of the City of Cambridge to execute and deliver an easement agreement running in favor of the owner of the Harvard Motor House parcel in substantially the form of the agreement attached hereto, with such changes therein as the City Manager may deem reasonably necessary or appropriate, in order to facilitate access to and use of the underground tunnel as aforesaid; and be it further
- ORDERED: That execution of any modifications of the City's current easement at 110 Mount Auburn Street be contingent upon development of a plan for municipal parking that will meet the goal of making the 48 parking spaces readily accessible to the public for short-term parking a basis equivalent to other municipal parking spaces and that this plan be presented to the Cambridge City Council prior to the adoption of a final agreement; and be it further

ORDERED: That the City Manager take the appropriate steps to designate a portion of the money received from the easement agreement to be allocated to the Housing Trust Fund and, further, that the City Manager establish a "Special Permanent Fund" from the money derived from the easement agreement for the sole purpose of buying books for the School Department.

(UNDER RECONSIDERATION VICE-MAYOR WOLF'S AMENDMENT #3 FAILED OF ADOPTION ON ROLL CALL OF 4-5-0. COUNCILLOR GRAHAM'S AMENDMENT CONCERNING ALLOCATION OF MONEY TO THE AFFORDABLE HOUSING TRUST FUND CARRIED ON ROLL CALL OF 9-0-0. MAYOR VELLUCCI'S AMENDMENT FOR THE ESTABLISHMENT OF A "SPECIAL PERMANENT FUND" FOR THE PURCHASE OF BOOKS FOR THE SCHOOL DEPT. CARRIED ON ROLL CALL OF 9-0-0.)

(COUNCILLOR WALTER SULLIVAN THEN MOVED RECONSIDERATION OF THESE AMENDMENTS WHICH HAD CARRIED AND ON A ROLL CALL OF 6-2-1 RECONSIDERATION CARRIED).

(COUNCILLOR WALTER SULLIVAN THEN MOVED ADOPTION OF THE EASEMENT AS AMENDED AFTER RECONSIDERATION WAS MOVED & PREVAILED ON A ROLL CALL VOTE OF 6-3-0)



City of Cambridge

IN CITY COUNCIL

December 19, 1988

WHEREAS:

The City of Cambridge and Carpenter/Eliot Square Associates Limited Partnership ("Developer") are about to enter into a certain parking agreement relating to the City's existing parking easement on the land commonly known as the Harvard Motor House; and

WHEREAS:

The Developer proposes to construct certain parking in the underground tunnel located under Eliot Street and in connection therewith has requested the City to grant to the owner of the Harvard Motor House an easement to connect said Harvard Motor House property to said underground tunnel; and

WHEREAS:

The City of Cambridge believes that the foregoing easement will foster a creative parking solution to the parking shortage in the Harvard Square area by facilitating a parking use of the underground tunnel that is otherwise unused;

NOW, THEREFORE, IT IS ORDERED:

That the City Manager be and hereby is authorized on behalf of and in the name of the City of Cambridge to execute and deliver an easement agreement running in favor of the owner of the Harvard Motor House parcel in substantially the form of the agreement attached hereto, with such changes therein as the City Manager may deem reasonably necessary or appropriate, in order to facilitate access to and use of the underground tunnel as aforesaid.

SUBSURFACE EASEMENT

The City of Cambridge, Massachusetts ("Grantor"), for good and valuable consideration, grants to the owner of the so-called Harvard Motor House property as described in a certain deed (the "Deed") dated February 3, 1982 and recorded with the Middlesex South District Registry of Deeds in Book 14531, Page 506, its successors and assigns ("Grantee"), a subsurface easement (the "Easement") under that land owned by the Grantor (the "Easement Area") shown on a certain plan entitled "Harvard Motor House, ALTA/ASCM Land Title Survey in Cambridge, MA." dated 18 December 1987, as revised 12 January 1988, prepared by William S. Crocker Co., Survey Engineers and recorded herewith (the "Plan") bounded and described as follows:

- WESTERLY, by land of the Grantee by two lines measuring 65.85 and 95 feet, respectively;
- NORTHERLY, by the projected extension of the northerly boundary line of Grantee's property to the intersection of the outside face of the westerly side of the subway tunnel shown on the Plan (the "Subway Tunnel") a distance of approximately _____ feet;
- EASTERLY, by the outside face of the westerly side of the Subway Tunnel; and
- SOUTHERLY, by the projected extension of the southerly boundary of Grantee's land to the intersection of the outside face of the westerly side of the Subway Tunnel a distance of approximately _____ feet.

In the exercise of the foregoing Easement, Grantee shall be permitted to enter into the Easement Area to excavate, construct, install, reconstruct, operate, renew, maintain, repair, replace and remove a connection to the Subway Tunnel for the purpose of connecting the land described in the Deed to the Subway Tunnel and providing underground parking associated therewith.

Grantee, its successors and assigns, by acceptance hereof, covenants and agrees that Grantee shall provide all adequate vertical and lateral support for the remaining land of Grantor adjacent to the Easement Area and shall exercise the foregoing Easement in a workmanlike, safe and efficient manner so as to minimize interference with or disruption of the use of the surface of the land above the Easement Area. Notwithstanding the foregoing, Grantee shall be permitted to excavate the surface of the Easement Area from time to time for the purposes allowed herein; provided however, that in connection therewith, Grantee shall not permit excavation to remain open without proper

safeguard nor for any longer period than reasonably necessary for the performance of the work, and shall restore the surface of the Easement Area to as good a condition as the surface was immediately prior to the excavation or excavations thereof, and shall at all times indemnify and save the Grantor, its successors and assigns, harmless from all loss, cost, damage and expense arising from the negligent exercise thereof or from the exercise thereof in violation of the terms of this easement.

IN WITNESS WHEREOF, the undersigned Grantor has caused this instrument to be executed under seal this _____ day of _____, 1988.

Approved as to form:

CITY OF CAMBRIDGE

City Solicitor

By:

Robert Healy, City Manager,
hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____, 1988

Then personally appeared the above-named Robert Healy, the 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: _____



City of Cambridge

(Amended Main Motion Calendar Item No. 20)

Agenda Item No. 2

IN CITY COUNCIL

December 19, 1988

January 23, 1989

- WHEREAS: The City of Cambridge and Carpenter/Eliot Square Associates Limited Partnership ("Developer") are about to enter into a certain parking agreement relating to the City's existing parking easement on the land commonly known as the Harvard Motor House; and
- WHEREAS: The Developer proposes to construct certain parking in the underground tunnel located under Eliot Street and in connection therewith has requested the City to grant to the owner of the Harvard Motor House an easement to connect said Harvard Motor House property to said underground tunnel; and
- WHEREAS: The City of Cambridge believes that the foregoing easement will foster a creative parking solution to the parking shortage in the Harvard Square area by facilitating a parking use of the underground tunnel that is otherwise unused; now therefore be it
- ORDERED: That the City Manager be and hereby is authorized on behalf of and in the name of the City of Cambridge to execute and deliver an easement agreement running in favor of the owner of the Harvard Motor House parcel in substantially the form of the agreement attached hereto, with such changes therein as the City Manager may deem reasonably necessary or appropriate, in order to facilitate access to and use of the underground tunnel as aforesaid; and be it further
- ORDERED: That execution of any modifications of the City's current easement at 110 Mount Auburn Street be contingent upon development of a plan for municipal parking that will meet the goal of making the 48 parking spaces readily accessible to the public for short-term parking a basis equivalent to other municipal parking spaces and that this plan be presented to the Cambridge City Council prior to the adoption of a final agreement; and be it further

ORDERED: That execution of any modifications of the City's current easement at 110 Mount Auburn Street be contingent upon agreement of payment to the City of Cambridge by the Developer of a sum that represents a fair value for the easement, combining the monetary income stream for the municipal parking with a cash payment representing a portion of the true value of the first floor retail to be built, a sum to be negotiated between the City and the Developer, and to be approved by the Cambridge City Council and that the City Manager take the appropriate steps to designate a portion of the money received from the easement agreement to be allocated to the Housing Trust Fund and, further, that the City Manager establish a "Special Permanent Fund" from the money derived from the easement agreement for the sole purpose of buying books for the School Department.

In City Council January 23, 1989.

Adopted as amended by a yeas and nays vote:-

Yeas 5; Nays 3; Absent 0; Present 1.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

Joseph E. Connarton, City Clerk.

(AT THIS TIME, COUNCILLOR WALTER SULLIVAN MADE A MOTION TO SUSPEND THE RULES FOR THE PURPOSE OF MOVING RECONSIDERATION - AND ON A ROLL CALL OF 6-2-1, THE RULES WERE SUSPENDED.)

(COUNCILLOR WALTER SULLIVAN THEN MOVED RECONSIDERATION HOPING THAT THE SAME WOULD NOT PREVAIL, RELATIVE TO THE VOTE OF GRANTING THE EASEMENT AS AMENDED - AND ON A ROLL CALL OF 6-3-0, RECONSIDERATION CARRIED.)



City of Cambridge

(Original Calendar Item No. 20)

Agenda Item No. 2

IN CITY COUNCIL

December 19, 1988

January 23, 1989

- WHEREAS: The City of Cambridge and Carpenter/Eliot Square Associates Limited Partnership ("Developer") are about to enter into a certain parking agreement relating to the City's existing parking easement on the land commonly known as the Harvard Motor House; and
- WHEREAS: The Developer proposes to construct certain parking in the underground tunnel located under Eliot Street and in connection therewith has requested the City to grant to the owner of the Harvard Motor House an easement to connect said Harvard Motor House property to said underground tunnel; and
- WHEREAS: The City of Cambridge believes that the foregoing easement will foster a creative parking solution to the parking shortage in the Harvard Square area by facilitating a parking use of the underground tunnel that is otherwise unused; now therefore be it
- ORDERED: That the City Manager be and hereby is authorized on behalf of and in the name of the City of Cambridge to execute and deliver an easement agreement running in favor of the owner of the Harvard Motor House parcel in substantially the form of the agreement attached hereto, with such changes therein as the City Manager may deem reasonably necessary or appropriate, in order to facilitate access to and use of the underground tunnel as aforesaid.



City of Cambridge

(Reconsideration of Main Motion as Amended Calendar Item No. 20)
Agenda Item No. 2
IN CITY COUNCIL

December 19, 1988
January 23, 1989

- WHEREAS: The City of Cambridge and Carpenter/Eliot Square Associates Limited Partnership ("Developer") are about to enter into a certain parking agreement relating to the City's existing parking easement on the land commonly known as the Harvard Motor House; and
- WHEREAS: The Developer proposes to construct certain parking in the underground tunnel located under Eliot Street and in connection therewith has requested the City to grant to the owner of the Harvard Motor House an easement to connect said Harvard Motor House property to said underground tunnel; and
- WHEREAS: The City of Cambridge believes that the foregoing easement will foster a creative parking solution to the parking shortage in the Harvard Square area by facilitating a parking use of the underground tunnel that is otherwise unused; now therefore be it
- ORDERED: That the City Manager be and hereby is authorized on behalf of and in the name of the City of Cambridge to execute and deliver an easement agreement running in favor of the owner of the Harvard Motor House parcel in substantially the form of the agreement attached hereto, with such changes therein as the City Manager may deem reasonably necessary or appropriate, in order to facilitate access to and use of the underground tunnel as aforesaid; and be it further
- ORDERED: That execution of any modifications of the City's current easement at 110 Mount Auburn Street be contingent upon development of a plan for municipal parking that will meet the goal of making the 48 parking spaces readily accessible to the public for short-term parking a basis equivalent to other municipal parking spaces and that this plan be presented to the Cambridge City Council prior to the adoption of a final agreement; and be it further

ORDERED: That the City Manager take the appropriate steps to designate a portion of the money received from the easement agreement to be allocated to the Housing Trust Fund and, further, that the City Manager establish a "Special Permanent Fund" from the money derived from the easement agreement for the sole purpose of buying books for the School Department. ---

(UNDER RECONSIDERATION VICE-MAYOR WOLF'S AMENDMENT #3 FAILED OF ADOPTION ON ROLL CALL OF 4-5-0. COUNCILLOR GRAHAM'S AMENDMENT CONCERNING ALLOCATION OF MONEY TO THE AFFORDABLE HOUSING TRUST FUND CARRIED ON ROLL CALL OF 9-0-0. MAYOR VELLUCCI'S AMENDMENT FOR THE ESTABLISHMENT OF A "SPECIAL PERMANENT FUND" FOR THE PURCHASE OF BOOKS FOR THE SCHOOL DEPT. CARRIED ON ROLL CALL OF 9-0-0.)

(COUNCILLOR WALTER SULLIVAN THEN MOVED RECONSIDERATION OF THESE AMENDMENTS WHICH HAD CARRIED AND ON A ROLL CALL OF 6-2-1 RECONSIDERATION CARRIED).

(COUNCILLOR WALTER SULLIVAN THEN MOVED ADOPTION OF THE EASEMENT AS AMENDED AFTER RECONSIDERATION WAS MOVED & PREVAILED ON A ROLL CALL VOTE OF 6-3-0)



City of Cambridge

(Post-Reconsideration Amended Final Version-Calendar Item No. 20)

Agenda Item No. 2

IN CITY COUNCIL

December 19, 1988

January 23, 1989

- WHEREAS: The City of Cambridge and Carpenter/Eliot Square Associates Limited Partnership ("Developer") are about to enter into a certain parking agreement relating to the City's existing parking easement on the land commonly known as the Harvard Motor House; and
- WHEREAS: The Developer proposes to construct certain parking in the underground tunnel located under Eliot Street and in connection therewith has requested the City to grant to the owner of the Harvard Motor House an easement to connect said Harvard Motor House property to said underground tunnel; and
- WHEREAS: The City of Cambridge believes that the foregoing easement will foster a creative parking solution to the parking shortage in the Harvard Square area by facilitating a parking use of the underground tunnel that is otherwise unused; now therefore be it
- ORDERED: That the City Manager be and hereby is authorized on behalf of and in the name of the City of Cambridge to execute and deliver an easement agreement running in favor of the owner of the Harvard Motor House parcel in substantially the form of the agreement attached hereto, with such changes therein as the City Manager may deem reasonably necessary or appropriate, in order to facilitate access to and use of the underground tunnel as aforesaid; and be it further
- ORDERED: That execution of any modifications of the City's current easement at 110 Mount Auburn Street be contingent upon development of a plan for municipal parking that will meet the goal of making the 48 parking spaces readily accessible to the public for short-term parking a basis equivalent to other municipal parking spaces and that this plan be presented to the Cambridge City Council prior to the adoption of a final agreement; and be it further

ORDERED: That the City Manager take the appropriate steps to designate a portion of the money received from the easement agreement to be allocated to the Housing Trust Fund and, further, that the City Manager establish a "Special Permanent Fund" from the money derived from the easement agreement for the sole purpose of buying books for the School Department.

ORDERED: That the City Manager take the appropriate steps to strike the appraisal fee of \$950,000. currently being used in connection with this matter and increase the amount of same to \$1.5 million dollars.

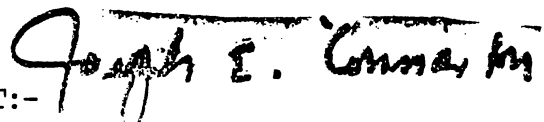
In City Council January 23, 1989.

Adopted as amended by a yea and nay vote:-

Yeas 6; Nays 3; Absent 0.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;


ATTEST:-
Joseph E. Connarton, City Clerk.



City of Cambridge

(ADDENDUM TO)
Calendar Item No. 20
IN CITY COUNCIL

January 23, 1989

MAYOR VELLUCCI

- ORDERED: That, should the proposed development offered by Carpenter Company, relative to the Harvard Motor Lodge exceed 70 feet in height, the easement as granted by this City Council be nullified; and be it further
- ORDERED: That it is the sense of this City Council that the 70 feet in height be granted by the Planning Board as a compromise between the Developer and opponents of said development.

In City Council January 23, 1989.
Adopted by a yeas and nays vote:-
Yeas 9; Nays 0; Absent 0.
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

A handwritten signature in dark ink, appearing to read "Joseph E. Connarton".

ATTEST:-

Joseph E. Connarton, City Clerk.



City of Cambridge

IN CITY COUNCIL

December 19, 1988

WHEREAS:

The City of Cambridge and Carpenter/Eliot Square Associates Limited Partnership ("Developer") are about to enter into a certain parking agreement relating to the City's existing parking easement on the land commonly known as the Harvard Motor House; and

WHEREAS:

The Developer proposes to construct certain parking in the underground tunnel located under Eliot Street and in connection therewith has requested the City to grant to the owner of the Harvard Motor House an easement to connect said Harvard Motor House property to said underground tunnel; and

WHEREAS:

The City of Cambridge believes that the foregoing easement will foster a creative parking solution to the parking shortage in the Harvard Square area by facilitating a parking use of the underground tunnel that is otherwise unused;

NOW, THEREFORE, IT IS ORDERED:

That the City Manager be and hereby is authorized on behalf of and in the name of the City of Cambridge to execute and deliver an easement agreement running in favor of the owner of the Harvard Motor House parcel in substantially the form of the agreement attached hereto, with such changes therein as the City Manager may deem reasonably necessary or appropriate, in order to facilitate access to and use of the underground tunnel as aforesaid.

SUBSURFACE EASEMENT

The City of Cambridge, Massachusetts ("Grantor"), for good and valuable consideration, grants to the owner of the so-called Harvard Motor House property as described in a certain deed (the "Deed") dated February 3, 1982 and recorded with the Middlesex South District Registry of Deeds in Book 14531, Page 506, its successors and assigns ("Grantee"), a subsurface easement (the "Easement") under that land owned by the Grantor (the "Easement Area") shown on a certain plan entitled "Harvard Motor House, ALTA/ASCM Land Title Survey in Cambridge, MA." dated 18 December 1987, as revised 12 January 1988, prepared by William S. Crocker Co., Survey Engineers and recorded herewith (the "Plan") bounded and described as follows:

- WESTERLY, by land of the Grantee by two lines measuring 65.85 and 95 feet, respectively;
- NORTHERLY, by the projected extension of the northerly boundary line of Grantee's property to the intersection of the outside face of the westerly side of the subway tunnel shown on the Plan (the "Subway Tunnel") a distance of approximately _____ feet;
- EASTERLY, by the outside face of the westerly side of the Subway Tunnel; and
- SOUTHERLY, by the projected extension of the southerly boundary of Grantee's land to the intersection of the outside face of the westerly side of the Subway Tunnel a distance of approximately _____ feet.

In the exercise of the foregoing Easement, Grantee shall be permitted to enter into the Easement Area to excavate, construct, install, reconstruct, operate, renew, maintain, repair, replace and remove a connection to the Subway Tunnel for the purpose of connecting the land described in the Deed to the Subway Tunnel and providing underground parking associated therewith.

Grantee, its successors and assigns, by acceptance hereof, covenants and agrees that Grantee shall provide all adequate vertical and lateral support for the remaining land of Grantor adjacent to the Easement Area and shall exercise the foregoing Easement in a workmanlike, safe and efficient manner so as to minimize interference with or disruption of the use of the surface of the land above the Easement Area. Notwithstanding the foregoing, Grantee shall be permitted to excavate the surface of the Easement Area from time to time for the purposes allowed herein; provided however, that in connection therewith, Grantee shall not permit excavation to remain open without proper

safeguard nor for any longer period than reasonably necessary for the performance of the work, and shall restore the surface of the Easement Area to as good a condition as the surface was immediately prior to the excavation or excavations thereof, and shall at all times indemnify and save the Grantor, its successors and assigns, harmless from all loss, cost, damage and expense arising from the negligent exercise thereof or from the exercise thereof in violation of the terms of this easement.

IN WITNESS WHEREOF, the undersigned Grantor has caused this instrument to be executed under seal this _____ day of _____, 1988.

Approved as to form:

CITY OF CAMBRIDGE

City Solicitor

By:

Robert Healy, City Manager,
hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

_____, 1988

Then personally appeared the above-named Robert Healy, the 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: _____

Calendar Item No. 20 of January 23, 1989

Re: Sub-surface easement

Reconsidered Roll Calls

City of Cambridge

MASSACHUSETTS

In City Council

Ja 23 198

C. W. Sullivan

Moved Addition of Easements as
Amended - Under Reconsideration

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

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C. W. Sullivan
MS
AP

Mayor Veltri

Jan. 23, 1989

Ordered:

That should the proposed
development offered by Carpenter Company
relative to the Harvard Motor Lodge,
exceeds 70 feet in height, the easement
as granted by this City Council be nullified
and be it further

ORDERED: That it is the sense of this City
Council that the 70 Feet ^{in height} be
granted by the Planning Board
as a compromise between the
developer and opponents of said
development.

City of Cambridge

MASSACHUSETTS

In City Council

Jan. 23, 1989

Mayor Vellucci - 70' only - Approval for Easement be nullified
 Building Not Elected

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

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MV
 MS
 RF

City of Cambridge

MASSACHUSETTS

In City Council

Jan. 23 1989

C. W. Sullivan - Motion to Suspend Rules for Purpose
of Moving Reconsideration

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

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Under Reconsideration

City of Cambridge

MASSACHUSETTS

In City Council

Jan. 23 1989

W. Sullivan - Motion on Reconsideration Hoping The Same
 WILL NOT Prevail Relative to the Vote of Granting
 An Easement as Amended

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

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City of Cambridge

MASSACHUSETTS

In City Council

Jan 23 1983

C. W. Sullivan - Motion on Reconsideration of Amendment

3 as Amended by C. Graham & Mayor
Vellucci
PRESENT

YEA

NAY

ABSENT

PRESENT

Mr. Thomas W. Danehy

✓

Mr. Francis H. Duehay

✓

Ms. Sandra Graham

✓

Mrs. Sheila T. Russell

✓

Mr. David E. Sullivan

✓

Mr. Walter J. Sullivan

✓

Mr. William H. Walsh

✓

Ms. Alice K. Wolf

✓

Mayor Alfred E. Vellucci

✓

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Under Consideration

City of Cambridge

MASSACHUSETTS

In City Council

Jan 22 198 *5*

Vice Mayor Wolf - Amendment #3

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

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Failed by Adoption

Under Reconsideration

City of Cambridge

MASSACHUSETTS

In City Council

Jan. 23

1989

Councillor Graham. Motion that the City Manager take the appropriate steps to designate a portion of the money received from the Easement Agreement be allocated to the Housing Trust Fund.

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

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City of Cambridge

13.

IN CITY COUNCIL

January 23, 1989

COUNCILLOR DUEHAY:

ORDERED: That the City Manager be and hereby is requested to order the Department of Traffic and Parking to install a pedestrian operated signal light on Garden Street at Appian Way so that pedestrians can cross this dangerous intersection more safely; and be it further

ORDERED: That the City Manager be and hereby is requested to include an appropriation to fund this project in his budget submission for FY 1990.

In City Council January 23, 1989.

Adopted by the affirmative vote of 9 members.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

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

Order #13 F-12

C. Duehay order re: that the City Manager be requested to order the Traffic & Parking Dept. to install a pedestrian operated signal light on Garden St. at Appian Way to assist pedestrians at this location.

In City Council,

January 23, 1989

1-23-89
Order Adopted