

CHARGE SLIP

REGISTRY OF DEEDS

10634

SOUTHERN DISTRICT
MIDDLESEX COUNTY

JOHN F. ZAMPARELLI

REGISTER

Date 10/22/80

Name City Clerk's Office

Address 795 Mass Ave
Cambridge Mass 02139

Fees Due \$ 20.00

Return Postage _____

TOTAL \$ 20.00

SIGNATURE John F. Zamparelli
City Clerk

Sacramento Street



City of Cambridge

AMENDED ORDER IN CITY COUNCIL

September 22, 1980

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 Community Development 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 recreation open space purposes the parcel of land hereinafter bounded and described; and

WHEREAS:

An appropriation sufficient to cover the estimated expense thereof has been duly made by the City Council as required by the aforesaid Section of Chapter 40 and 43;

THEREFORE BE IT ORDERED:

That the taking in fee simple title of land hereinafter described is hereby authorized in accordance with General Laws, Chapter 40, Section 14, Chapter 43, Section 30 and Chapter 79 as amended, for the purpose of public recreation space, intending to take and hereby taking in fee simple all the land included within such description by whomsoever the same may be owned, and all easements, privileges and appurtenances thereto belonging as well as trees, and all structures thereon including the fee to the center of any and all streets, highways and public ways contiguous and adjacent to the said areas but excluding any and all easements on Sacramento Street bounded and described, vis:

- Parcel 1 A parcel of land situated on and being numbered 9-11R Sacramento Street as shown on the City of Cambridge Assessors' map, page 155, Lot No. 29 containing 42,370 square feet of land, bounded and described as follows:
- Northerly: by land now or formerly owned by Linda M. Sawyer and by land now or formerly owned by the President and Fellows of Harvard College; 281.75',
- Westerly: by land now or formerly owned by the President and fellows of Harvard College; 156.94'.

OCT 23 80 AM 8:01 001 RE 6.01

Southerly: by land now or formerly owned by the President and Fellows of Harvard College; 272.98'.

Easterly: by land now or formerly owned by the President and Fellows of Harvard College; 148.75'.

Parcel 2 A parcel of land situated on and being numbered 21 Sacramento Street as shown on the City of Cambridge Assessors' map, page 155, Lot No. 25 containing 10,636 square feet of land bounded and described as follows:

Westerly: by land now or formerly owned by the President and Fellows of Harvard College; 105.70'.

Southerly: by Sacramento Street; 98.82'.

Easterly: by land now or formerly owned by Anthony G. Enos and Lydia V. Enos; 103.08'.

Northerly: by land now or formerly owned by the President and Fellows of Harvard College; 103.75'.

Parcels 1 and 2 contain 53,006 square feet more or less. The damages awarded with respect to said parcels are \$430,000 and the supposed owners are the President and Fellows of Harvard College.

Said parcels of land are shown on Parcel Number One and Parcel Number Two on a plan entitled, "Sacramento Street Plan of Land in Cambridge" dated April 3, 1980 by James F. Rice, Surveyor, which was recorded at the Middlesex Registry of Deeds, Southern District on April 4, 1980 in Book 13939, Page 70.

A copy of said plan is on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

In City Council September 22, 1980.

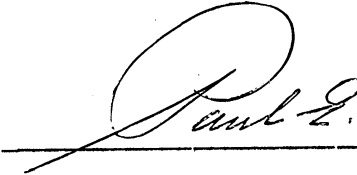
Adopted by a yea and nay vote:-

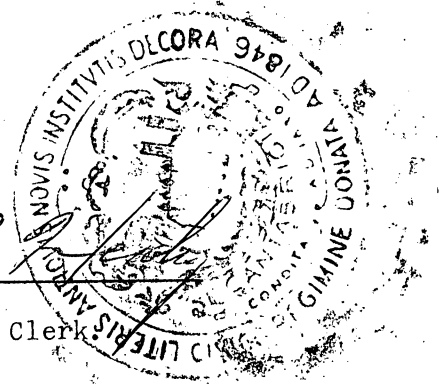
Yeas 8; Nays 0; Absent 1.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-


Paul E. Healy, City Clerk



City Clerk Paul E. Henry
1795 Mass Avenue
Cambridge Mass 02139

RECEIVED AND ENTERED
MIDDLESEX COUNTY
REGISTRY OF DEEDS
SOUTHERN DISTRICT
ATTEST:

John F. [Signature]
REGISTRAR

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT
NO. 80-1881

4

PRESIDENT and FELLOWS OF)
HARVARD COLLEGE)

v.)

CITY OF CAMBRIDGE)

ORDER

The case was argued by both sides in open court, with briefs, supporting documents and affidavits filed by the parties.

BACKGROUND

The City of Cambridge by an order of taking dated April 2, 1979 took certain property, the subject matter of the complaint, by eminent domain. The City failed to record the order of taking within 30 days as required by statute, G.L. c. 79, § 3, rendering the taking ineffectual. The April 2, 1979 order of taking recited the market value of the property had been appraised at \$480,000. This figure was based upon an appraisal by Hewitt and Partridge, dated July 17, 1978, who appraised the land as of July 7, 1978.

The City of Cambridge, by an order of taking dated March 31, 1980, adopted its second order of taking and again awarded damages in the amount of \$480,000.00. The order was recorded in the appropriate Registry of Deeds on April 4, 1980.

Copies to -

On June 12, 1979 the City of Cambridge appriaser, Hewitt and Patridge, appraised the land in question and expressed the opinion in a report to the City that the real estate had a market value of \$750,000 as of June 4, 1979, several months prior to the taking, reflecting a difference in market value as to the stated dates of \$270,000.

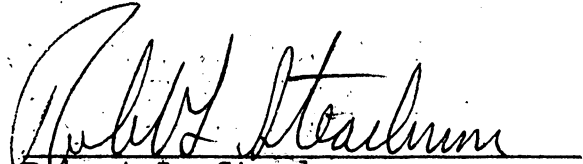
ORDER

Under the provisions of G.L. c. 79, § 10A, the defendant, City of Cambridge, is herewith ordered to comply with the provisions of Mass. Gen. Laws Ann. c. 79, §§ 6, 7A, 7B, 7C, 8A and 12 with reference to its taking of the real property of the plaintiff by order of taking dated March 31, 1980 by the following:

1. The City is to obtain from its appriaser or appraisers an appraisal of the real estate in controversy setting forth the fair market value of the plaintiff's real estate as of the date of the taking of March 31, 1980.
2. In the event that the appraisal noted in Paragraph 1 above is at variance with the amount set forth on its order of taking of March 31, 1980, the defendant is to amend its order of taking to reflect the fair market value of the said property at the time of the taking in accordance with G.L. c. 79, §§ 7G and 8A which the plaintiffs may accept either as full payment or as a pro tanto payment.

3. The City of Cambridge is hereby ordered to comply within sixty (60) days of the date of this order.

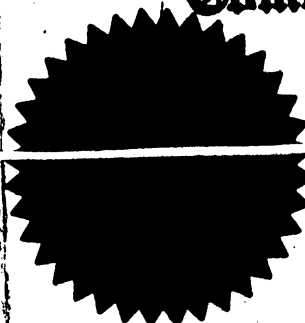
By the Court:



Robert L. Steadman
Justice of the Superior Court

Entered:

May 15, 1980

| | |
|---|---|
| Commonwealth of Massachusetts | |
| Middlesex, ss. | Superior Court |
|  | In testimony that the foregoing is a true copy on file and of record made by photographic process, I hereunto set my hand and affix the seal of said Superior Court, this |
| | day of _____ 19__ |
| | Assistant Clerk |



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

October 24, 1980

President and Fellows of Harvard University
c/o Lewis A. Armistead
Office of Community Affairs
2 Garden Street
Cambridge, MA 02138

Dear Sir:

Enclosed you will find a copy of an amended order relative to the taking by eminent domain under authority of Chapter 40, Section 14, Chapter 43, Section 30 and Chapter 79 of the General Laws, all as amended, of property owned by the President and Fellows of Harvard College on Sacramento Street.

You will note, that the City Council adopted this order at its meeting of September 22, 1980 and the land taking was recorded at the Registry of Deeds, Middlesex South District, East Cambridge, Massachusetts on October 22, 1980.

If you need any more information in this regard, please contact me.

Very truly yours,

Paul E. Healy, City Clerk.

PEH/dl

Enc. (1)



City of Cambridge

AMENDED ORDER IN CITY COUNCIL

September 22, 1980

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 Community Development 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 recreation open space purposes the parcel of land hereinafter bounded and described; and

WHEREAS:

An appropriation sufficient to cover the estimated expense thereof has been duly made by the City Council as required by the aforesaid Section of Chapter 40 and 43;

THEREFORE BE IT ORDERED:

That the taking in fee simple title of land hereinafter described is hereby authorized in accordance with General Laws, Chapter 40, Section 14, Chapter 43, Section 30 and Chapter 79 as amended, for the purpose of public recreation space, intending to take and hereby taking in fee simple all the land included within such description by whomsoever the same may be owned, and all easements, privileges and appurtenances thereto belonging as well as trees, and all structures thereon including the fee to the center of any and all streets, highways and public ways contiguous and adjacent to the said areas but excluding any and all easements on Sacramento Street bounded and described, vis:

Parcel 1 A parcel of land situated on and being numbered 9-11R Sacramento Street as shown on the City of Cambridge Assessors' map, page 155, Lot No. 29 containing 42,370 square feet of land, bounded and described as follows:

Northerly: by land now or formerly owned by Linda M. Sawyer and by land now or formerly owned by the President and Fellows of Harvard College; 281.75',

Westerly: by land now or formerly owned by the President and fellows of Harvard College; 156.94'.

Southerly: by land now or formerly owned by the President and Fellows of Harvard College; 272.98'.

Easterly: by land now or formerly owned by the President and Fellows of Harvard College; 148.75'.

Parcel 2 A parcel of land situated on and being numbered 21 Sacramento Street as shown on the City of Cambridge Assessors' map, page 155, Lot No. 25 containing 10,636 square feet of land bounded and described as follows:

Westerly: by land now or formerly owned by the President and Fellows of Harvard College; 105.70'.

Southerly: by Sacramento Street; 98.82'.

Easterly: by land now or formerly owned by Anthony G. Enos and Lydia V. Enos; 103.08'.

Northerly: by land now or formerly owned by the President and Fellows of Harvard College; 103.75'.

Parcels 1 and 2 contain 53,006 square feet more or less. The damages awarded with respect to said parcels are \$430,000 and the supposed owners are the President and Fellows of Harvard College.

Said parcels of land are shown on Parcel Number One and Parcel Number Two on a plan entitled, "Sacramento Street Plan of Land in Cambridge" dated April 3, 1980 by James F. Rice, Surveyor, which was recorded at the Middlesex Registry of Deeds, Southern District on April 4, 1980 in Book 13939, Page 70.

A copy of said plan is on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

President and Fellows of Harvard College Certificate # 90959, Book 585, Page 9.

In City Council September 22, 1980.

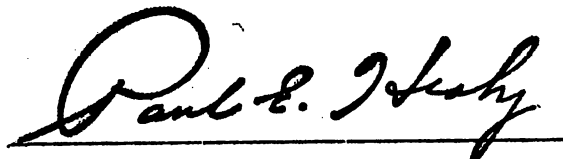
Adopted by a yea and nay vote:-

Yeas 8; Nays 0; Absent 1.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-



Paul E. Healy, City Clerk.

City of Cambridge

MASSACHUSETTS

Agenda # 13 amending the order of taking of land of the Sacramento Street land. In City Council September 22, 1980

| | YEA | NAY | ABSENT | PRESENT |
|-------------------------|-----|-----|--------|---------|
| Mr. Kevin P. Crane | ✓ | | | |
| Mr. Thomas W. Danehy | ✓ | | | |
| Ms. Sandra Graham | | | ✓ | |
| Mr. Leonard J. Russell | ✓ | | | |
| Mr. David E. Sullivan | ✓ | | | |
| Mr. Walter J. Sullivan | ✓ | | | |
| Mr. Alfred Vellucci | ✓ | | | |
| Mr. David A. Wylie | ✓ | | | |
| Mayor Francis H. Duehay | ✓ | | | |

8 0 1



City of Cambridge

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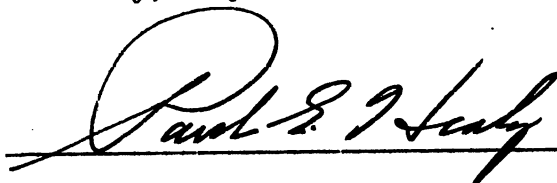
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City of Cambridge

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September 22, 1980

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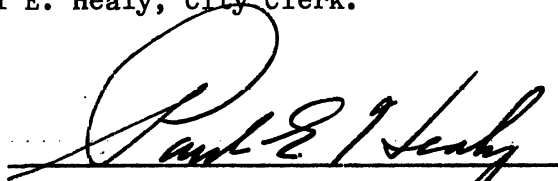
Adopted by a yea and nay vote:-

Yeas 8; Nays 0; Absent 1.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-



Paul E. Healy, City Clerk.

On June 12, 1979 the City of Cambridge appriaser, Hewitt and Patridge, appraised the land in question and expressed the opinion in a report to the City that the real estate had a market value of \$750,000 as of June 4, 1979, several months prior to the taking, reflecting a difference in market value as to the stated dates of \$270,000.

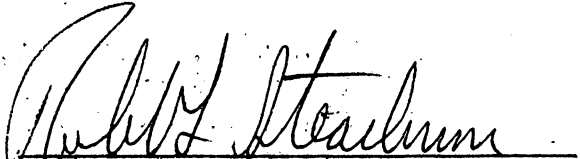
ORDER

Under the provisions of G.L. c. 79, § 10A, the defendant, City of Cambridge, is herewith ordered to comply with the provisions of Mass. Gen. Laws Ann. c. 79, §§ 6, 7A, 7B, 7C, 8A and 12 with reference to its taking of the real property of the plaintiff by order of taking dated March 31, 1980 by the following:

1. The City is to obtain from its appriaser or appraisers an appraisal of the real estate in controversy setting forth the fair market value of the plaintiff's real estate as of the date of the taking of March 31, 1980.
2. In the event that the appraisal noted in Paragraph 1 above is at variance with the amount set forth on its order of taking of March 31, 1980, the defendant is to amend its order of taking to reflect the fair market value of the said property at the time of the taking in accordance with G.L. c. 79, §§ 7G and 8A which the plaintiffs may accept either as full payment or as a pro tanto payment.

3. The City of Cambridge is hereby ordered to comply within sixty (60) days of the date of this order.

By the Court:

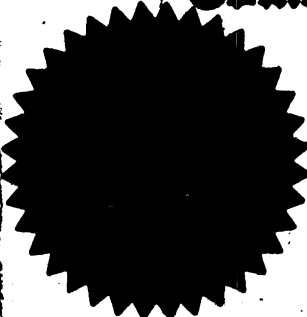
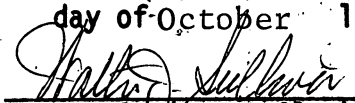

Robert L. Steadman
Justice of the Superior Court

Entered:

May 15, 1980

Commonwealth of Massachusetts
Middlesex, ss. Superior Court

In testimony that the foregoing is a true copy on file and of record made by photographic process, I hereunto set my hand and affix the seal of said Superior Court, this 22 day of October 1980.



Assistant Clerk

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT
NO. 80-1881

4

PRESIDENT and FELLOWS OF)
HARVARD COLLEGE)

v.)

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ORDER

The case was argued by both sides in open court, with briefs, supporting documents and affidavits filed by the parties.

BACKGROUND

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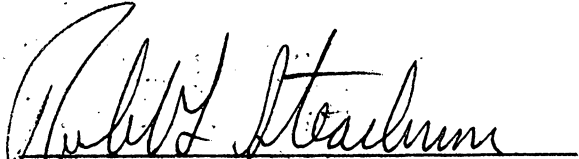
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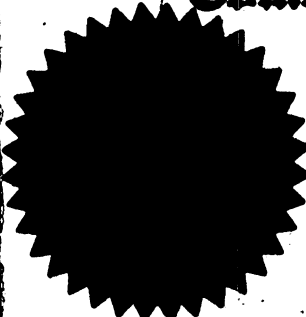
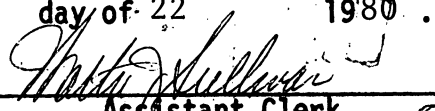
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Robert L. Steadman
Justice of the Superior Court

Entered: *May 15, 1980*

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| Commonwealth of Massachusetts | |
| Middlesex, ss. | Superior Court |
|  | In testimony that the foregoing is a true copy on file and of record made by photographic process, I hereunto set my hand and affix the seal of said Superior Court, this October |
| | day of 22 1980  Assistant Clerk |

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT
NO. 80-1881

4.

PRESIDENT and FELLOWS OF)
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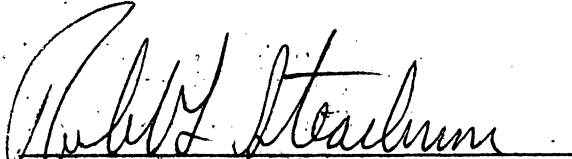
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3. The City of Cambridge is hereby ordered to comply within sixty (60) days of the date of this order.

By the Court:

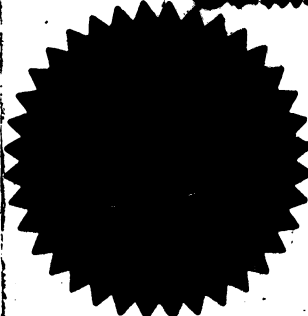


Robert L. Steadman
Justice of the Superior Court

Entered: *May 15, 1980*

Commonwealth of Massachusetts
Middlesex, ss. Superior Court

In testimony that the foregoing is a true copy on file and of record made by photographic process, I hereunto set my hand and affix the seal of said Superior Court, this 22 day of October 1980.



Halter Sullivan
Assistant Clerk



City of Cambridge

IN CITY COUNCIL

September 22, 1980

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 Community Development 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 recreation open space purposes the parcel of land hereinafter bounded and described; and

WHEREAS:

An appropriation sufficient to cover the estimated expense thereof has been duly made by the City Council as required by the aforesaid Section of Chapter 40 and 43;

THEREFORE BE IT ORDERED:

That the taking in fee simple title of land hereinafter described is hereby authorized in accordance with General Laws, Chapter 40, Section 14, Chapter 43, Section 30 and Chapter 79 as amended, for the purpose of public recreation space, intending to take and hereby taking in fee simple all the land included within such description by whomsoever the same may be owned, and all easements, privileges and appurtenances thereto belonging as well as trees, and all structures thereon including the fee to the center of any and all streets, highways and public ways contiguous and adjacent to the said areas but excluding any and all easements on Sacramento Street bounded and described, vis:

Parcel 1 A parcel of land situated on and being numbered 9-11R Sacramento Street as shown on the City of Cambridge Assessors' map, page 155, Lot No. 29 containing 42,370 square feet of land, bounded and described as follows:

Northerly: by land now or formerly owned by Linda M. Sawyer and by land now or formerly owned by the President and Fellows of Harvard College; 281.75',

Westerly: by land now or formerly owned by the President and fellows of Harvard College; 156.94'.

Southerly: by land now or formerly owned by the President and Fellows of Harvard College; 272.98'.

Easterly: by land now or formerly owned by the President and Fellows of Harvard College; 148.75'.

Parcel 2 A parcel of land situated on and being numbered 21 Sacramento Street as shown on the City of Cambridge Assessors' map, page 155, Lot No. 25 containing 10,636 square feet of land bounded and described as follows;

Westerly: by land now or formerly owned by the President and Fellows of Harvard College; 105.70',

Southerly: by Sacramento Street; 98.82',

Easterly: by land now or formerly owned by Anthony G. Enos and Lydia V. Enos; 103.08',

Northerly: by land now or formerly owned by the President and Fellows of Harvard College; 103.75'.

Parcels 1 and 2 contain 53,006 square feet more or less. The damages awarded with respect to said parcels are \$430,000 and the supposed owners are the President and Fellows of Harvard College.

Said parcels of land are shown as Parcel Number One and Parcel Number Two on a plan entitled, "Sacramento Street Plan of Land in Cambridge dated April 3, 1980 by James F. Rice, Surveyor, to be recorded herewith.

A copy of said plan is on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

In City Council September 22, 1980.

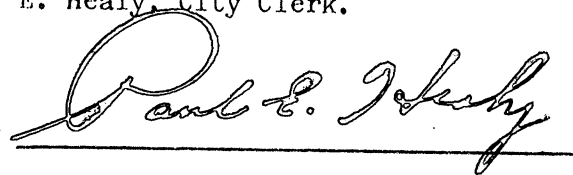
Adopted by a yea and nay vote:-

Yeas 8; Nays 0; Absent 1.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-



Paul E. Healy, City Clerk.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

September 22, 1980

To the Honorable, the City Council:

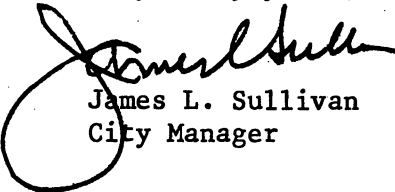
Pursuant to the Middlesex Superior Court Order in the case of President and Fellows of Harvard College, vs. City of Cambridge, Civil Action #80-1881, namely:

In the event that the appraisal noted in Paragraph 1 is at variance with the amount set forth on its order of taking of March 31, 1980, the defendant is to amend its order of taking to reflect the fair market value of the said property at the time of the taking in accordance with Mass. G.L. c79 Sections 7G and 8A which the plaintiff may accept.

On September 15, 1980, Frank A. Mason of Meredith & Grew submitted an appraisal which placed a fair market value of the property at \$430,000 as of April 4, 1980.

I hereby request that the City Council amend its order of taking to comply with the order of the Middlesex Superior Court.

Very truly yours,



James L. Sullivan
City Manager

JLS/b

Amending the order of taking of land on
Sacramento Street.

Copy sent to Law Dept
& Community Dev. 9/23/80 (cc)
(John Nixon)
Copy sent to Harvard
College 10/24/80 (cc)

In City Council,

Sept. 22, 1980

MD / A Order Adopted
8-0-3