

City of Cambridge

MASSACHUSETTS

Agenda # 6 Releasing the City's rights and responsibilities
in connection with bridges located
on Mass. Ave. and Mt. Auburn St.

In City Council

June 25

1979

	YEA	NAY	ABSENT	PRESENT
Mr. Crane	✓			
Mr. Duehay	✓			
Mr. Frisoli			✓	
Ms. Graham	✓			
Ms. Preusser	✓			
Mr. Sullivan	✓			
Mr. Vellucci	✓			
Mr. Wylie	✓			
Mayor Danehy	✓			

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City of Cambridge

IN CITY COUNCIL

June 25, 1979

ORDERED:

That the Cambridge City Council hereby approves of the transfer of the City of Cambridge's rights and responsibilities of the bridges located on Massachusetts Avenue and Mt. Auburn Street, known as C-1-12 and C-1-14, respectively, to the Commonwealth of Massachusetts Department of Public Works, as detailed in deed prepared by the Office of the City Solicitor, copy of which is on file in the Office of the City Clerk.

In City Council June 25, 1979.
Adopted by a yeas and nays vote:-
Yeas 8; Nays 0; Absent 1.
Attest:- Paul E. Healy, City Clerk.

A true copy,

ATTEST:-



City of Cambridge

IN CITY COUNCIL

June 25, 1979

ORDERED:

That the Cambridge City Council hereby approves of the transfer of the City of Cambridge's rights and responsibilities of the bridges located on Massachusetts Avenue and Mt. Auburn Street, known as C-1-12 and C-1-14, respectively, to the Commonwealth of Massachusetts Department of Public Works, as detailed in deed prepared by the Office of the City Solicitor, copy of which is on file in the Office of the City Clerk.

In City Council June 25, 1979.
Adopted by a yeas and nays vote:-
Yeas 8; Nays 0; Absent 1.
Attest:- Paul E. Healy, City Clerk.

A true copy,

ATTEST:-

A handwritten signature in cursive script, reading "Paul E. Healy".



City of Cambridge

IN CITY COUNCIL

June 25, 1979

ORDERED:

That the Cambridge City Council hereby approves of the transfer of the City of Cambridge's rights and responsibilities of the bridges located on Massachusetts Avenue and Mt. Auburn Street, known as C-1-12 and C-1-14, respectively, to the Commonwealth of Massachusetts Department of Public Works, as detailed in deed prepared by the Office of the City Solicitor, copy of which is on file in the Office of the City Clerk.

In City Council June 25, 1979.
Adopted by a yea and nay vote:-
Yeas 8; Nays 0; Absent 1.
Attest:- Paul E. Healy, City Clerk.

A true copy,

ATTEST:-

A handwritten signature in cursive script, reading "Paul E. Healy", is written over the printed name of the City Clerk.



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

• (617) 498-9020

LAW DEPARTMENT

RUSSELL B. HIGLEY
CITY SOLICITOR

EDWARD A. CUNNINGHAM
ANDREW T. TRODDEN
MICHAEL C. COSTELLO
ROBERT F. SYDNEY
LEGAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

June 20, 1979

Mr. James L. Sullivan
City Manager
City Hall
Cambridge, Massachusetts

Re: Release of City's responsibility of the
bridges on Massachusetts Avenue and
Mt. Auburn Street

Dear Mr. Sullivan:

Mr. Fagone has requested that the rights and responsibilities of the City of Cambridge of the bridges located on Massachusetts Avenue and Mt. Auburn Street, known as C-1-12 and C-1-14, respectively, be transferred to the Commonwealth of Massachusetts.

In order to effectuate the transfer to the State's Department of Public Works, the following documents must be executed and forwarded to the Department of Public Works for the Commonwealth:

- a. A release deed.
- b. An attestation and acknowledgement.
- c. A City vote.

Enclosed are documents a and b.

If you approve of the transfer, it would be appreciated if the bridges listed above could be placed on the next council agenda for the necessary "City Vote". Upon receipt of the order of the Council's vote, the necessary documents will be forwarded to the Commonwealth for their approval and subsequent recording at the Registry of Deeds.

Mr. James L. Sullivan

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June 20, 1979

Your anticipated cooperation in this matter is greatly appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Michael C. Costello". The signature is written in dark ink and is positioned above the typed name and title.

Michael C. Costello
Assistant City Solicitor

MCC:jl
Encs.

cc: Mr. Conrad C. Fagone
Mr. James F. Rice, Jr.

KNOW ALL MEN BY THESE PRESENTS

The City of Cambridge, a municipal corporation existing under the laws of the Commonwealth of Massachusetts, hereinafter referred to as the Grantor, acting under and pursuant to Chapter 634, Acts of 1971 entitled:

"AN ACT DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT THE TRANSFER OF ALL VEHICULAR BRIDGES CARRYING PUBLIC WAYS OVER THE TRACKS OR RIGHTS-OF-WAY OF RAILROADS WITHIN THE COMMONWEALTH."

does hereby grant to the Commonwealth of Massachusetts through its Department of Public Works, whose post office address is 100 Nashua Street, Boston, Massachusetts 02114, hereinafter referred to as the Department, all rights, title, interest, claim and demand whatsoever as said Grantor has or ought to have in and to a certain vehicular bridge being the B & M railroad bridge on Massachusetts Avenue and being further identified as Fitchburg and Maine Railroad Bridge number 3.43, said bridge being a continuation and extension of a public way known as Massachusetts Avenue in the City of Cambridge providing vehicular passage for the public over the tracks of the B & M Corporation.

The Grantor hereby assumes the following obligations:

1. Snow and ice control operation along the travelled way including bridge surface.
2. Maintenance and cost of operation of existing lighting.
3. Maintenance of the roadway approaches to said bridge including, but not limited to, guard rails, fences and pavement.
4. Maintenance of any wall retaining the roadway beyond a distance of twenty-five (25) feet from the face of the abutments.

The above obligations assumed by the Grantor, the said City of Cambridge, are not in derogation of any responsibility of the Department under Chapter 634, Acts of 1971 for the maintenance, repair, construction, replacement or removal of said bridge.

The execution of this instrument is in compliance with and under direction of Chapter 634 of the Acts of 1971 which required no monetary consideration, therefore, no Massachusetts Excise Stamps are required.

IN WITNESS WHEREOF, the said City of Cambridge has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by James L. Sullivan, its Manager hereto duly authorized, this day of in the year one thousand nine hundred and seventy-nine.

Signed and sealed in presence of CITY OF CAMBRIDGE

BY: _____
CITY MANAGER

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

1979

Then personally appeared the above named James L. Sullivan and acknowledged the foregoing instrument to be the free act and deed of the City of Cambridge, before me

NOTARY PUBLIC
MY COMMISSION EXPIRES

I, Paul E. Healy, City Clerk of the City of Cambridge, Massachusetts, hereby certify that at the City Council Meeting of said City held on _____, 1979, under vote of City Council the following vote was passed:

VOTED: To authorize the City Council in the name and behalf of the City of Cambridge, pursuant to Chapter 40, Section 15 of M.G.L.A., to grant to the Commonwealth of Massachusetts, through its Department of Public Works, whose Post Office address is 100 Nashua Street, Boston, Massachusetts 02114, hereinafter referred to as the Department, all rights, title, claim and demand whatsoever as said Grantor has, or ought to have in and to a certain vehicular bridge being the B & M railroad bridge on Massachusetts Avenue and being further identified as Fitchburg and Maine Railroad Bridge No. 3.43, said bridge being a continuation and extension of a public way known as Massachusetts Avenue in the City of Cambridge providing vehicular passage for the public over the tracks of the B & M Corporation.

I further certify that Mayor Thomas W. Danehy, Kevin P. Crane, Francis H. Duehay, Lawrence W. Frisoli, Saundra Graham, Mary Ellen Preusser, Walter J. Sullivan, Alfred E. Vellucci and David A. Wylie are all of the duly elected members of the City Council of the City of Cambridge.

WITNESS MY HAND this _____ day of _____, 1979.

CITY CLERK

KNOW ALL MEN BY THESE PRESENTS

The City of Cambridge, a municipal corporation existing under the laws of the Commonwealth of Massachusetts, hereinafter referred to as the Grantor, acting under and pursuant to Chapter 634, Acts of 1971 entitled:

"AN ACT DIRECTING THE DEPARTMENT OF PUBLIC WORKS TO ACCEPT THE TRANSFER OF ALL VEHICULAR BRIDGES CARRYING PUBLIC WAYS OVER THE TRACKS OR RIGHTS-OF-WAY OF RAILROADS WITHIN THE COMMONWEALTH."

does hereby grant to the Commonwealth of Massachusetts through its Department of Public Works, whose post office address is 100 Nashua Street, Boston, Massachusetts 02114, hereinafter referred to as the Department, all rights, title, interest, claim and demand whatsoever as said Grantor has or ought to have in and to a certain vehicular bridge being the B & M railroad bridge on Mt. Auburn Street and being further identified as Fitchburg and Maine Railroad Bridge number 5.74, said bridge being a continuation and extension of a public way known as Mt. Auburn Street in the City of Cambridge providing vehicular passage for the public over the tracks of the B & M Corporation.

The Grantor hereby assumes the following obligations:

1. Snow and ice control operation along the travelled way including bridge surface.
2. Maintenance and cost of operation of existing lighting.
3. Maintenance of the roadway approaches to said bridge including, but not limited to, guard rails, fences and pavement.
4. Maintenance of any wall retaining the roadway beyond a distance of twenty-five (25) feet from the face of the abutments.

The execution of this instrument is in compliance with and under direction of Chapter 634 of the Acts of 1971 which required no monetary consideration, therefore, no Massachusetts Excise Stamps are required.

Signed and sealed in presence of CITY OF CAMBRIDGE

-2-

I, Paul E. Healy, City Clerk of the City of Cambridge, Massachusetts, hereby certify that at the City Council Meeting of said City held on _____, 1979, under vote of City Council the following vote was passed:

VOTED: To authorize the City Council in the name and behalf of the City of Cambridge, pursuant to Chapter 40, Section 15 of M.G.L.A., to grant to the Commonwealth of Massachusetts, through its Department of Public Works, whose Post Office address is 100 Nashua Street, Boston, Massachusetts 02114, hereinafter referred to as the Department, all rights, title, claim and demand whatsoever as said Grantor has, or ought to have in and to a certain vehicular bridge being the B & M railroad bridge on Mt. Auburn Street and being further identified as Fitchburg and Maine Railroad Bridge No. 5.74, said bridge being a continuation and extension of a public way known as Mt. Auburn Street in the City of Cambridge providing vehicular passage for the public over the track of the B & M Corporation.

I further certify that Mayor Thomas W. Danehy, Kevin P. Crane, Francis H. Duehay, Lawrence W. Frisoli, Saundra Graham, Mary Ellen Preusser, Walter J. Sullivan, Alfred E. Vellucci and David A. Wylie are all of the duly elected members of the City Council of the City of Cambridge.

WITNESS MY HAND this _____ day of _____, 1979.

CITY CLERK



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

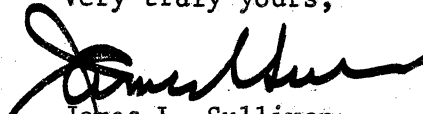
June 25, 1979

To the Honorable, the City Council:

I transmit herewith a self-explanatory communication from Michael C. Costello, Assistant City Solicitor, relative to Mr. Fagone's request to transfer the rights and responsibilities of the City in connection with the bridges located on Massachusetts Avenue and Mt. Auburn Street to the Commonwealth of Massachusetts Department of Public Works.

Enclosed also you will find a proposed release deed, and an attestation and acknowledgement form, to be completed by the City Clerk. An order providing for the Council's approval of this transfer is attached. Your favorable consideration of this transfer is recommended.

Very truly yours,


James L. Sullivan
City Manager

JLS/b

H-80 Agenda # 6

Releasing the City's responsibilities and rights in connection with bridges located on Massachusetts Avenue and Mt. Auburn Street to the Commonwealth of Massachusetts Department of Public Works.

In City Council,
June 25, 1979

CV
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6/25/79

Order

Adopted

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