



City of Cambridge

Calendar Item #16

IN CITY COUNCIL

December 18, 1989

COUNCILLOR WALTER SULLIVAN

ORDERED: That the City Council go on record adopting the technical amendments as submitted by the City Solicitor regarding the sale of Riverside Road.

In City Council December 18, 1989.
Failed of adoption by a yea and nay vote:-
Yeas 3; Nays 1; Absent 2; Present 3.
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in black ink that reads "Joseph E. Connarton".

Joseph E. Connarton, City Clerk.

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR

RECEIVED BY
OFFICE OF THE CLERK

1989 DEC 18 PM 8:25

CAMBRIDGE MA.

Date

*reconsideration not valid due to
previous motion*

Matt J. Sullivan

Signature

By Hand Delivery

October 23, 1989

Mayor Alfred E. Vellucci
and
Cambridge City Councillors
Cambridge City Hall
Cambridge, Massachusetts 02139

Re: Stop & Shop - Riverside Street

Dear Mayor Vellucci and Cambridge City Councillors:

As neighbors of the Memorial Drive Stop & Shop, we are very concerned about the the proposed sale of Riverside Street to Stop & Shop without any binding agreements (i) to limit the development in height or bulk, (ii) to mitigate adverse traffic, parking or business noise impacts, or (iii) to address other legitimate concerns of planning bodies and neighborhood groups. As far as we know, Stop & Shop has not made any commitments about the size or bulk of the proposed development and has provided no impact analyses. This would not happen if Harvard University or M.I.T. were the developer!

City property should not be conveyed to a developer without there being a review and a weighing of the potential benefits and detriments of the proposed development. There should be input from planners, traffic analysts and potentially affected residents. This has not yet been done in this case. Furthermore, in this case the City Solicitor should investigate and report on Stop & Shop's claim that, under current laws, it would be able to construct 350,000 gross square feet at the site as a matter of right.

We respectfully ask that, before reconsidering any proposed sale of the street to Stop & Shop, at a minimum, impartial development potential and impact analyses be conducted and potentially affected persons be given adequate notice and the opportunity to comment. (We consider the mailed notices that were given of the proposed sale for \$600,000 (in the spring) and for \$1,000,000 (in the summer) to have been inadequate because there was no hint of the potential impact that the sale could have on Stop & Shop's neighbors.)

In particular, we also ask that Mayor Vellucci and Councillors Danehy, Russell and Walsh reconsider their votes in favor of the sale in order to allow time for proper planning and input from Stop & Shop's residential neighbors.

Very truly yours,

Stop & Shop's Neighbors
(See attached.)

cc: Mr. Robert W. Healy, City Manager

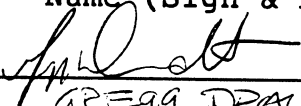
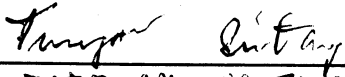


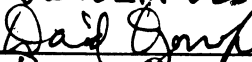
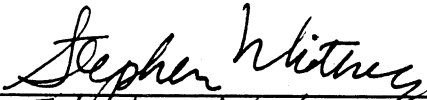
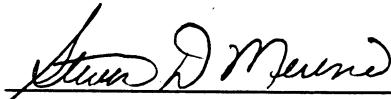
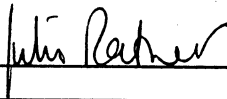
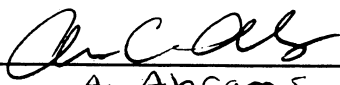

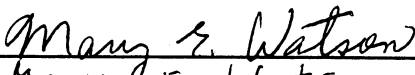
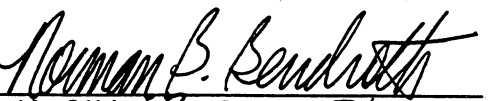
Signers of Letter from Stop & Shop's Neighbors

Name (Sign & Print)	Address	Phone
<u>Carol Burchard O'Hare</u> <u>Carol Burchard O'Hare</u>	<u>172 Magazine St.</u> <u>Cambridge, MA 02139</u>	<u>354-1397</u>
<u>Melinda Glidden</u> <u>Melinda Glidden</u>	<u>170 Magazine St.</u> <u>Cambridge, MA 02139</u>	<u>354-3612</u>
<u>James A Moore</u> <u>JAMES A MOORE</u>	<u>167 Magazine St</u> <u>Cambridge MA</u>	<u>876-4431</u>
<u>Emma M. Linsky</u> <u>EMMA M. LINSKEY</u>	<u>163 Magazine St.</u> <u>CAMBRIDGE, MA</u>	<u>876-8489</u>
<u>Joel Haycock</u> <u>Joel Haycock</u>	<u>159 Magazine St.</u> <u>Cambridge, Mass.</u>	<u>492-3339</u>
<u>Judith Lichty</u>	<u>3 Gordon Pl.</u>	<u>491-3385</u>
<u>Virginia M. Stevenson</u> <u>James M. Stevenson</u>	<u>7 Gordon Place</u>	<u>876-0386</u>
<u>Pauline Ancrum</u> <u>PAULINE ANCRUM</u>	<u>177 MAGAZINE ST.</u>	<u>547-0790</u>
<u>Karen Norton</u> <u>KAREN NORTON</u> <u>MR & MRS. THOMAS K. NORTON</u>	<u>177 MAGAZINE ST.</u>	<u>492-2609</u>
<u>Lorraine Olenick</u> <u>Phyllis R. Olenick</u> <u>Lorraine & Phil Olenick</u>	<u>180 Magazine St</u> <u>(1st Floor)</u>	<u>547-6952</u>
<u>Robert L. Camilly</u> <u>ROBERT CAMILLY</u>	<u>180 Magazine St #3</u>	<u>868-5212</u>


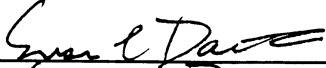

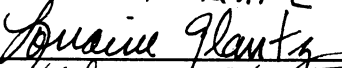
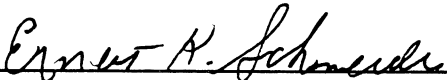
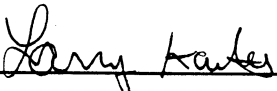

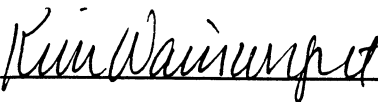
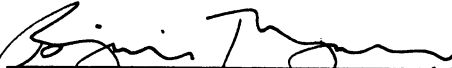
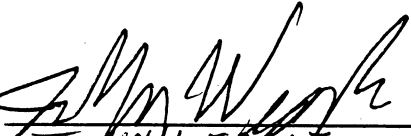
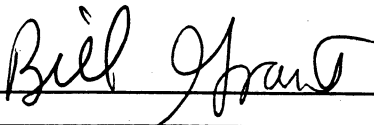
Signers of Letter from Stop & Shop's Neighbors

Name (Sign & Print)	Address	Phone
<u>Isabel Kurzon</u>	<u>4 Florence St</u> <u>Camb 02139</u>	<u>864-3276</u>
<u>Niki Baccus</u>	<u>12 Florence St</u> <u>Cambridge Ma 02139</u>	<u>491-1534</u>
<u>Stash Horowitz</u>	<u>12 FLORENCE ST</u> <u>CAMBRIDGE MA 02139</u>	<u>491-1534</u>
<u>George Baccus</u>	<u>12 Florence St.</u> <u>Camb. MA 02139</u>	<u>868-2803</u>
<u>James Baccus</u>	<u>12 Florence St</u> <u>Cambridge MA</u>	<u>868-2803</u>
<u>Don [unclear]</u>	<u>12 Florence St</u>	<u>864-6870</u>
<u>Mary Celine</u>	<u>10 FLORENCE</u>	<u>864-2624</u>
<u>Chris Panina</u>	<u>8 Florence St</u>	<u>864-4169</u>
<u>Ronald F. Vady</u>	<u>14 Florence St</u>	<u>354-4354</u>
<u>Joseph P. Poonas</u>	<u>13 FLORENCE ST.</u>	<u>354-2472</u>
<u>Bridget J. Gallagher</u>	<u>16 Florence St.</u>	<u>354-7430</u>
<u>Rose Spina</u>	<u>13 Florence St</u>	<u>527-1366</u>

Signers of Letter from Stop & Shop's Neighbors

Name (Sign & Print)	Address	Phone
 GREG DRAUDT	356 PEARL ST CAMBRIDGE MA - 02139	976-6889
 TIEMJAN BRITHONG	356 PEARL ST.	864-6762
 ANDREW HAWLEY	23 ROCKINGHAM ST CAMBRIDGE 02139	
 VICTORIA VESPE OZONOFF  DAVID OZONOFF	2 GORDON PLACE CAMBRIDGE, MA 02139	491-6154
 Stephen Whitney	3 Gordon Place Camb Ma 02139	876-3846
	182 Magazine St #3 Cambridge, Ma. 02139	876-9212
	182 Magazine St #1 Cambridge, MA 02139	868-1561
 A. Abrams	182 Magazine St #1 Cambridge 02139	
 SUSAN WARD	182 MAGAZINE ST. #1 CAMBRIDGE 02139	868-1561
 Mary E. Watson	55 Granite St Cambridge Ma 02139	547-3170
 NORMAN B. BENDROTH Margaret L Bendroth Margaret L Bendroth	155 MAGAZINE ST. CAMBRIDGE, MA 02139	354-4673

Signers of Letter from Stop & Shop's Neighbors

Name (Sign & Print)	Address	Phone
 LISA GOSS	180 Magazine #3	368-5212
 Susan Dames	150 Magazine St #2 Cambridge MA 02139	397-2101
 Bob Donahue Lorraine Glantz Kalman Glantz  Kalman Glantz	59 Granite St Cambridge MA	492-7487
 Ernest A. Schneider	47 Granite St	864-7014
 Larry Kates	171 Magazine St. Cambridge	492-6330
 Mark DeRose Nina Poddek	154 Magazine St Cambridge MA 02139	492-7986
 Kim Wainwright	37 Glenwood Ave	576-6279
 BENJAMIN THOMPSON	33 GLENWOOD AVE	576-2191
 JOHN WEAGLE	35 GRANITE ST.	601-6403
 Bill Grant	29 Granite St	507-8689

5.

Comm. from Carol Burchard O'Hare, et al,
neighbors of Stop & Shop in opposition to
the proposed sale of Riverside Road to
Stop & Shop.

In City Council,

October 30, 1989

*Referred to Calendar
Item # 22*



City of Cambridge

4.

IN CITY COUNCIL

December 18, 1989

COUNCILLOR DUEHAY

ORDERED: That the City Manager be and hereby is requested to work with officials of Stop and Shop to encourage their plans to build a new supermarket and to develop a detailed plan of all development which they would conduct on the Memorial Drive site in return for the city's sale to them of portions of Riverside Road; and be it further

ORDERED: That the plans so developed be first submitted to one or more neighborhood meetings and then to the Planning Board for their comments prior to final submission to the City Council; and be it further

ORDERED: That these plans be developed in such a manner as to improve traffic safety at this site both during and after construction and have a minimum impact on surrounding residences; and be it further

ORDERED: That the sale to Stop and Shop of Riverside Road be contingent on the implementation within a reasonable period of time of the final plan approved by the City Council.

In City Council December 18, 1989.

Adopted by a yea and nay vote:-

Yeas 7; Nays 1; Absent 1.

Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

Joseph E. Connarton, City Clerk.



City of Cambridge

2.

IN CITY COUNCIL

December 26, 1989

COUNCILLOR WALTER SULLIVAN

- WHEREAS: The City Council on August 7, 1989 voted to sell Riverside Road to the Stop and Shop Company for the sum of \$1,000,000.00 for the purpose of developing a "super store"; and
- WHEREAS: The City Council targeted the sum of \$350,000.00 from the proceeds of this sale for architectural design work for the Morse Elementary School in response to the concerns of the parents and administrators of the school who indicated the need for the reconstruction of the school and refurbishing of the classrooms; and
- WHEREAS: Subsequent to the vote of August 7, 1989 the City Solicitor notified the City Council of the need to adopt certain "technical amendments" to the sale in order to establish good and clear title; and
- WHEREAS: The City Council held numerous discussions relative to the technical amendments and has received testimony from Stop and Shop legal counsel outlining the commitment of the store to their plan for a "Super Stop and Shop", as well as having received a petition from neighborhood resident outlining their concern as it may relate to any proposed expansion at this site; and
- WHEREAS: Pursuant to the concerns raised through negotiations between the city with the City Manager and those raised at the City Council, a resolution was submitted and adopted on December 18, 1989 addressing same along with an expressed desire by the City Council that Stop and Shop not close its current location located on Memorial Drive; therefore be it
- RESOLVED: That the City Council of Cambridge now accept and adopt the "technical amendments" as submitted by the City Solicitor on September 25, 1989.

Referred to the new City Council on motion of Mayor Vellucci



City of Cambridge

2.

IN CITY COUNCIL

December 26, 1989

COUNCILLOR WALTER SULLIVAN

- WHEREAS: The City Council on August 7, 1989 voted to sell Riverside Road to the Stop and Shop Company for the sum of \$1,000,000.00 for the purpose of developing a "super store"; and
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City of Cambridge

2.

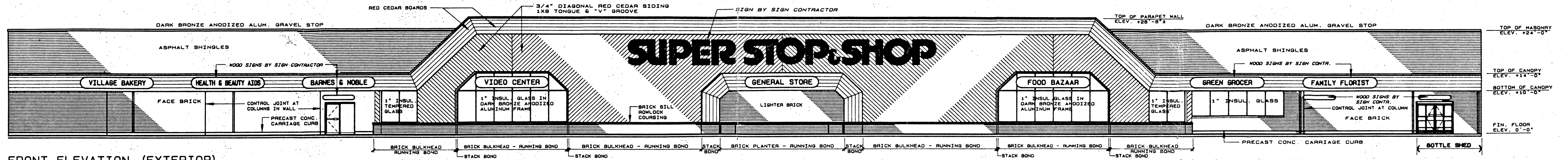
IN CITY COUNCIL

December 26, 1989

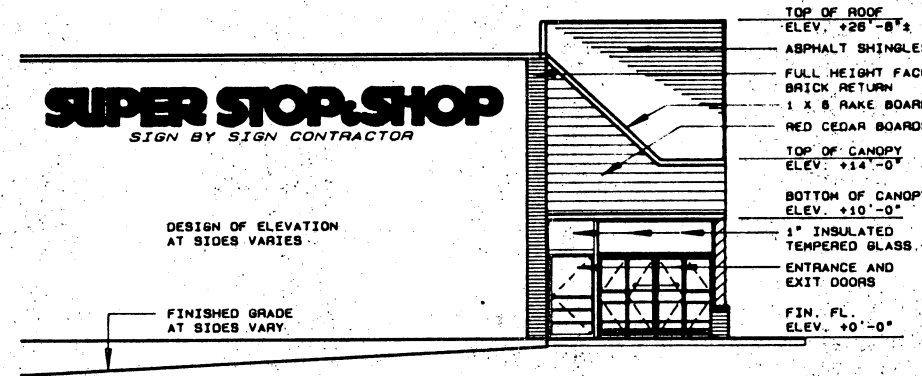
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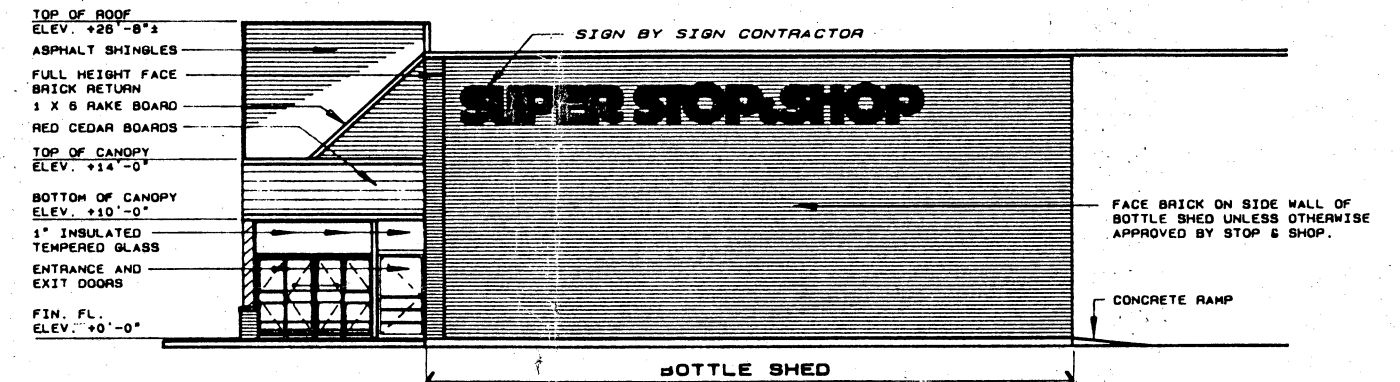
*C. Wolf - Move to table - withdrawn
 Mayor Ref to C/C 1/1/90*



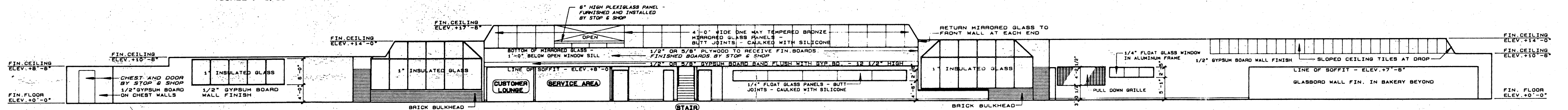
FRONT ELEVATION (EXTERIOR)
 (BASED ON RIGHT HANDED STORE)
 SCALE: 1/16" = 1'-0"



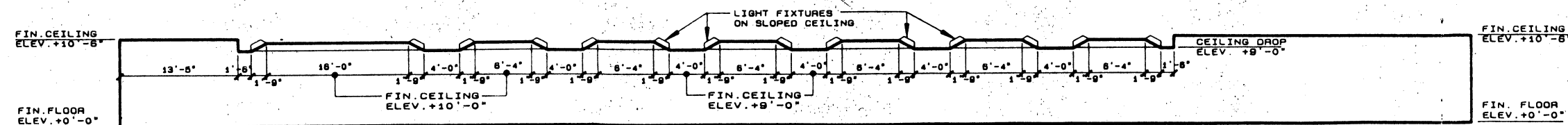
LEFT SIDE ELEVATION
 SCALE: 1/16" = 1'-0"



RIGHT SIDE ELEVATION
 SCALE: 1/16" = 1'-0"



FRONT ELEVATION (INTERIOR)
 (BASED ON RIGHT HANDED STORE)
 SCALE: 1/16" = 1'-0"



SECTION - PRODUCE SALES DROP CEILING
 SCALE: 1/16" = 1'-0"



NO.	REVISION	DATE
TITLE : ELEVATIONS		
DRAWN : E.K.C.	SCALE: 1/16"=1'-0"	E-1
CHECKED:	DATE : 4/1/89	DRAWING NO.



City of Cambridge

Calendar Item #16

IN CITY COUNCIL

December 18, 1989

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In City Council December 18, 1989.
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Yeas 3; Nays 1; Absent 2; Present 3.
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

Joseph E. Connarton, City Clerk.



City of Cambridge

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A true copy;

ATTEST:-

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Joseph E. Connarton, City Clerk.

City of Cambridge

MASSACHUSETTS

In City Council

Dec. 18 1989

*C. W. Sullivan - Moved Adoption / Calendar Item # 16
City Technical Amendments to Sale of Riverside Road*

	YEA	NAY	ABSENT	PRESENT
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duguay		✓		
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				✓

3

2

1

3

December 11, 1989

RIVERSIDE ROAD REPURCHASE OPTION

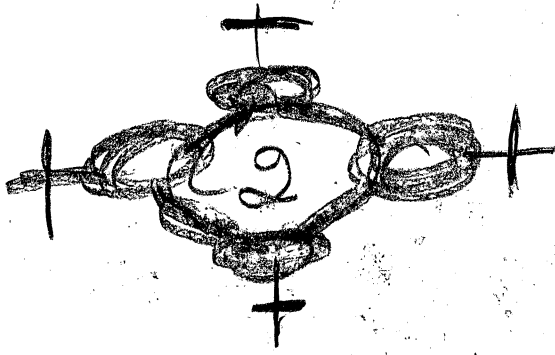
1. If Stop & Shop does not remodel the existing supermarket or build a new supermarket on our Memorial Drive property within 10 years following the date that we take title to Riverside Road, the City would have the right to repurchase it from us.
2. At any time after acquiring Riverside Road, we would have the right to give the City a notice which would accelerate their option to repurchase Riverside Road from us.
3. In the case of either 1 or 2 above, the City's right would be exercisable only once, and if it is not exercised when first available, it would expire.
4. In the case of either 1 or 2 above, the City would have 90 days to exercise its right after the earlier of the expiration of the 10 year period or receipt of our notice, if one is sent.
5. In the case of either 1 or 2 above, the price that the City would pay us for Riverside Road would be calculated as our purchase price plus interest at the Bank of Boston prime rate, calculated as of the 1st day of each intervening month since our purchase.
6. Unless earlier terminated pursuant to paragraphs 2 and 3 above, this repurchase option will expire on the earlier to occur of (i) ten years and 90 days from the date we take title to Riverside Road, or (ii) the issuance of a demolition or building permit relating to the use of our property, of which Riverside Road is a part, for a renovation or a new project which includes a supermarket.

Charles Richards

Memorial Realty Trust

- 1 Louis Schadenman
- 2 Jason McGinches
- 4 Samuel Mandel
- 5 Arthur Robbins

subsidary
of
Stop & Stop



~~John + Elia~~
~~John + Elia~~

City of Cambridge

MASSACHUSETTS

In City Council Dec. 11 1989

*Councilor Walter Sullivan / Moved Adoption of Calendar # 16
Re' Technical Amendments To Sale of Riverside Road*

	YEA	NAY	ABSENT	PRESENT
Mr. Thomas W. Danehy				
Mr. Francis H. Duclay				
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

17.

IN CITY COUNCIL

October 2, 1989

COUNCILLOR RUSSELL

ORDERED: That the technical amendments to the sale of Riverside Road be and hereby are tabled in order to provide additional time to the City Manager to continue to negotiate with the officials of the Stop and Shop Company.

In City Council October 2, 1989.
Adopted by the affirmative vote of eight members.
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

Joseph E. Connarton
City Clerk.

*Proposed order
with technical
Amendments.*

Items
in acc
to dis
Cambri

as, pursuant to Agenda
gust 7, 1989, and
es and procedures, voted
ublic way in the City of
e Trustees of Memorial

Realty Trust to purchase Riverside Road for the sum of
\$1,000,000 and to sell and convey Riverside Road to said
Trustees for the sum of \$1,000,000; and

WHEREAS: In connection with said discontinuance of
Riverside Road, and said sale and conveyance of the same to
the Trustees of Memorial Realty Trust, the City Council
requires that the Buyer make certain covenants and agreements
in order to insure the safety of neighborhood residents
during the planning and construction of any new project upon
the site which will include Riverside Road; and

WHEREAS: In order to enable the City to convey good,
clear, record and marketable title to the Buyer, it is
required that said covenants and agreements not be included
as conditions in the Orders authorizing such discontinuance
of Riverside Road and conveyance of the same to Memorial
Realty Trust which will be recorded in the Registry of Deeds;
but that said agreements and covenants may be included as
contractual obligations of the Buyer in its Purchase and Sale
Agreement with the City; now therefore be it

ORDERED: That the City Council Orders dated August 7,

WHEREAS: The City Council has, pursuant to Agenda Items _____ and _____ passed on August 7, 1989, and in accordance with proper authorities and procedures, voted to discontinue Riverside Road as a public way in the City of Cambridge, to accept the offer of the Trustees of Memorial Realty Trust to purchase Riverside Road for the sum of \$1,000,000 and to sell and convey Riverside Road to said Trustees for the sum of \$1,000,000; and

WHEREAS: In connection with said discontinuance of Riverside Road, and said sale and conveyance of the same to the Trustees of Memorial Realty Trust, the City Council requires that the Buyer make certain covenants and agreements in order to insure the safety of neighborhood residents during the planning and construction of any new project upon the site which will include Riverside Road; and

WHEREAS: In order to enable the City to convey good, clear, record and marketable title to the Buyer, it is required that said covenants and agreements not be included as conditions in the Orders authorizing such discontinuance of Riverside Road and conveyance of the same to Memorial Realty Trust which will be recorded in the Registry of Deeds; but that said agreements and covenants may be included as contractual obligations of the Buyer in its Purchase and Sale Agreement with the City; now therefore be it

ORDERED: That the City Council Orders dated August 7,

1989, voting to discontinue Riverside Road as a public way, to accept the offer of the Trustees of Memorial Realty Trust to purchase Riverside Road for the sum of \$1,000,000 and to sell and convey Riverside Road to said Trustees for the sum of \$1,000,000 be technically amended and corrected by deleting therefrom in their entirety, the three (3) numbered conditions presently contained therein, and that new Orders be issued without said conditions; and be it also

ORDERED: That the Purchase and Sale Agreement for the sale of Riverside Road to the Trustees of Memorial Realty Trust shall contain the following covenants and agreements by the Buyer, which covenants and agreements shall be contractual obligations of the Buyer under said Purchase and Sale Agreement which shall survive the closing, and shall not be contained in the deed of Riverside Road to Buyer and shall not be recorded:

1. During the planning stages of the new project for the site, and until such time as a demolition or building permit issues for the construction of such new project, the Buyer covenants and agrees to consult regularly with an advisory committee to be appointed by the City Manager, consisting of neighborhood residents, parents and faculty of the Morse School, and city officials, concerning issues of neighborhood concern which may arise from and during the construction of the project. Upon the issuance of such demolition or building permit for the project, the

obligations of the Buyer under this paragraph shall automatically terminate and cease.

2. The Buyer and the City each covenants and agrees with each other, in consultation with such advisory committee, appointed by the City Manager, to jointly retain a traffic engineer to assist in the planning of traffic patterns and loading docks for the new project, especially for delivery trucks. Upon the issuance of a demolition or building permit for the project, the obligations of the Buyer and the City under this paragraph shall automatically terminate and cease.

~~WHEREAS:~~ WHEREAS: The City Council has, pursuant to Agenda Items _____ and _____ passed on August 7, 1989, and in accordance with proper authorities and procedures, voted to discontinue Riverside Road as a public way in the City of Cambridge, to accept the offer of the Trustees of Memorial Realty Trust to purchase Riverside Road for the sum of \$1,000,000 and to sell and convey Riverside Road to said Trustees for the sum of \$1,000,000; and

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obligations of the Buyer under this paragraph shall automatically terminate and cease.

2. The Buyer and the City each covenants and agrees with each other, in consultation with such advisory committee, appointed by the City Manager, to jointly retain a traffic engineer to assist in the planning of traffic patterns and loading docks for the new project, especially for delivery trucks. Upon the issuance of a demolition or building permit for the project, the obligations of the Buyer and the City under this paragraph shall automatically terminate and cease.

WHEREAS: The City Council has, pursuant to Agenda Items _____ and _____ passed on August 7, 1989, and in accordance with proper authorities and procedures, voted to discontinue Riverside Road as a public way in the City of _____ ridge, to accept the offer of the Trustees of Memorial _____ ty Trust to purchase Riverside Road for the sum of \$1,000,000 and to sell and convey Riverside Road to said Trustees for the sum of \$1,000,000; and

WHEREAS: In connection with said discontinuance of Riverside Road, and said sale and conveyance of the same to the Trustees of Memorial Realty Trust, the City Council requires that the Buyer make certain covenants and agreements in order to insure the safety of neighborhood residents during the planning and construction of any new project upon the site which will include Riverside Road; and

WHEREAS: In order to enable the City to convey good, clear, record and marketable title to the Buyer, _____ required that said covenants and agreements not _____ as conditions in the Orders authorizing such discontinuance of Riverside Road and conveyance of the same to Memorial Realty Trust which will be recorded in the Registry of Deeds; but that said agreements and covenants may be included as contractual obligations of the Buyer in its Purchase and Sale Agreement with the City; now therefore be it

ORDERED: _____ the City Council. O. _____ dated August 7,

1989, voting to discontinue Riverside Road as a public way, to accept the offer of the Trustees of Memorial Realty Trust to purchase Riverside Road for the sum of \$1,000,000 and to sell and convey Riverside Road to said Trustees for the sum of \$1,000,000 be technically amended and corrected by deleting therefrom in their entirety, the three (3) numbered conditions presently contained therein, and that new Orders be issued without said conditions; and be it also

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1. During the planning stages of the new project for the site, and until such time as a demolition or building permit issues for the construction of such new project, the Buyer covenants and agrees to consult regularly with an advisory committee to be appointed by the City Manager, consisting of neighborhood residents, parents and faculty of the Morse School, and city officials, concerning issues of neighborhood concern which may arise from and during the construction of the project. Upon the issuance of such demolition or building permit for the project, the

obligations of the Buyer under this paragraph shall automatically terminate and cease.

2. The Buyer and the City each covenants and agrees with each other, in consultation with such advisory committee, appointed by the City Manager, to jointly retain a professional engineer to assist in the planning of the loading dock for the new project, including the delivery trucks. Upon the issuance of a demolition or building permit for the project, the obligations of the Buyer and the City under this paragraph shall automatically terminate and cease.



MEMORIAL REALTY TRUST c/o

THE STOP & SHOP
COMPANIES, INC.

P.O. BOX 369, BOSTON, MA 02101

Charles A. Richards
Vice President
Tel.: (617) 380-8217

October 2, 1989

The Honorable City Council
City Hall
Cambridge, MA 02139

RE: Riverside Road
Cambridge, MA

Dear Members of the City Council:

Stop & Shop, through its Memorial Realty Trust, is purchasing Riverside Road with the intention of constructing a new Super Stop & Shop on our Memorial Drive parcel.

I have been told that you would like assurance from us that we will honor our commitments to consult regularly with a neighborhood/school advisory committee and to retain, with the city, a traffic engineer to assist in planning our new project on Memorial Drive.

Stop & Shop has a long history of honoring our commitments, and I want to assure you now that we do indeed stand by these. Although the counsel for our title insurance company insists that these commitments not be recorded in the deed, which would cloud the title, they are set forth as binding contractual agreements in our Purchase and Sale Agreement with the City, which we have executed and backed with a \$100,000 deposit.

I trust that this is the assurance that you wanted as to our intentions to honor these conditions.

Yours truly,

MEMORIAL REALTY TRUST

Charles A. Richards
Trustee

City of Cambridge

MASSACHUSETTS

In City Council

Oct. 2

1989

C. Wolf = Motion to Refer Technical Amendments to the Sale of Riverside Road to the City Manager

	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 4 1

City of Cambridge

MASSACHUSETTS

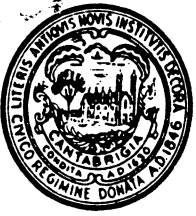
In City Council Oct. 2 1989

*(Duehay) Reconsidered Vote on Technical Amendments
for the Sale of Riverside Road*

	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				

TRANSMISSION CONFIRMATION REPORT No.=000169

DATE/TIME	SEP 28, 1989 3:37PM
DURATION	1m 23s
TRANSMITTER	CAMBRIDGE CITY MANAGER 617 868 8159
RECEIVER	----- 2275240
PAGES XMITTED	03
PAGES ERRORED	
RESULT	OK
COMM. MODE	G3
RESOLUTION	NORMAL



CITY OF CAMBRIDGE
CITY HALL
795 MASSACHUSETTS AVENUE
TELEPHONE #498-9000
FAX #868-8159

FAX COVER SHEET

TO:

Attorney Tabor
McLaughlin Brothers

FROM:

John Flynn
Deputy City Clerk

NUMBER OF SHEETS

2

(INCLUDING COVER SHEET)

REMARKS:

If there are any problems with this transmission, please phone us at
617-498-9011

City of Cambridge

Agenda Item # 6 - technical amendments
to Riverside Road purchase.

MASSACHUSETTS

In City Council Sept. 25, 1989

	YEA	NAY	ABSENT	PRESENT
Mr. Thomas W. Danehy	✓			
Mr. Francis H. Duelay		✓		
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

2

1

2

SHERIN AND LODGEN

PAUL MELROSE
MORTON S. BROWN*
GEORGE WALDBSTEIN**
JOHN M. REED
ROBERT J. MULDOON, JR.
ALETTZ E. REED
EDWARD M. BLOOM
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PAUL R. GUPTA***
JOSHUA M. ALPER
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BRYAN G. KILLIAN
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KENNETH A. BERMAN
FRANK J. BAILEY***
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BARBARA O'DONNELL
BRIAN C. LEVEY
JOANNA E. SCANNELL
A. NEIL HARTZELL
ANDREW ROYCE
KERRY J. TUCKER
DANIEL O. GAQUIN
ELLEN C. HARDER
THOMAS A. HIPPLER
WILLIAM FRANCESLAU
NEREYDA GARCIA

100 SUMMER STREET
BOSTON, MASSACHUSETTS 02110

TELEPHONE (617) 422-6720

FAX (617) 542-6188

TELEX 5101013048

IN CALIFORNIA:
800 SOUTH SEPULVEDA BLVD., SUITE 310
LOS ANGELES, CALIFORNIA 90049
(818) 471-6288

*ADMITTED IN FLA. AND MA.
**ADMITTED IN CAL. AND MA.
***ADMITTED IN N.Y. AND MA.
*ADMITTED IN R.I. AND MA.

September 7, 1989

George A. McLaughlin, Jr., Esquire
The McLaughlin Brothers
44 School Street
Boston, Massachusetts 02108

Re: Riverside Road, Cambridge

Dear Mr. McLaughlin:

This letter is to summarize the title issues presented by the conditions contained in the August 7, 1989 City Council Orders of Discontinuance and Conveyance. The first and second conditions (requiring the Buyer to consult regularly with an Advisory Committee and to join with the City to engage a traffic engineer) do not provide any time limitations, and are thus of unlimited duration. Moreover, these conditions do not define the scope of the Advisory Committee's activities, nor do they provide any mechanism by which the conditions may be satisfied on record title as disclosed at Middlesex South Deeds.

The same points apply to the third condition (requiring a portion of the proceeds from the sale of Riverside Road to be allocated for specific municipal purposes) and in addition, satisfaction of this particular condition is beyond the purchaser's control and entirely within the purview of City officials.

All three conditions pose continuing ambiguities which constitute defects or clouds on title which are not remediable or curable by way of instruments which may be recorded with Middlesex South Deeds; nor can these conditions be satisfied through title insurance because the size of the transaction is such that the title underwriters will not "gamble" on them.

SHERIN AND LODGEN

George A. McLaughlin, Jr., Esquire
September 7, 1989
Page 2

In order to obtain clear record and marketable title to the property, we suggest a technical amendment to delete the conditions from the Orders of Discontinuance and Conveyance and incorporate them into a third Order, not to be recorded, but to be set forth as contractual obligations under a Purchase and Sale Agreement, survive the real estate closing, and terminate upon the issuance of demolition or building permits for the construction of the new project on the property.

If you have any questions about this matter, please let me know.

Yours sincerely,

Joshua M. Alper

Joshua M. Alper

JAM/jtm

WHEREAS: The City Council has, pursuant to Agenda Items _____ and _____ passed on _____ 1989, and in accordance with proper authorities and procedures, voted to discontinue Riverside Road as a public way in the City of Cambridge, to accept the offer of the Trustees of Memorial Realty Trust to purchase Riverside Road for the sum of \$1,000,000 and to sell and convey Riverside Road to said Trustees for the sum of \$1,000,000; and

WHEREAS: In connection with said discontinuance of Riverside Road, and said sale and conveyance of the same to the Trustees of Memorial Realty Trust, the City Council requires that the Buyer make certain covenants and agreements, set forth below, in order to insure the safety of neighborhood residents during the planning and construction of any new project upon the site which will include Riverside Road; now therefore be it

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permit issues for the construction of such new project, the Buyer covenants and agrees to consult regularly with an advisory committee to be appointed by the City Manager, consisting of neighborhood residents, parents and faculty of the Morse School, and city officials, concerning issues of neighborhood concern which may arise from and during the construction of the project. Upon the issuance of such demolition or building permit for the project, the obligations of the Buyer under this paragraph shall automatically terminate and cease.

2. The Buyer and the City each covenants and agrees with each other, in consultation with such advisory committee, appointed by the City Manager, to jointly retain a traffic engineer to assist in the planning of traffic patterns and loading docks for the new project, especially for delivery trucks. Upon the issuance of a demolition or building permit for the project, the obligations of the Buyer and the City under this paragraph shall automatically terminate and cease.



CITY OF CAMBRIDGE

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Office of the City Solicitor
City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

(617) 498-9020

Birge Albright
Legal Counsel

Gail S. Gabriel
Legal Counsel

Joseph M. Kaigler
Legal Counsel

Diane Wynshaw-Boris
Legal Counsel

September 19, 1989

Mr. Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

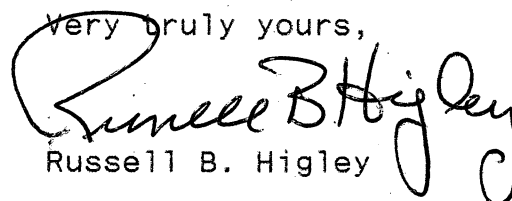
Re: TECHNICAL AMENDMENTS TO CITY COUNCIL ORDER dated 8/7/89

Dear Mr. Healy:

I am in receipt of a letter from Joshua M. Alper, Esq., of the law firm of Sherin and Logden. Attorney Alper is the attorney representing Stop & Shop relative to the purchase of Riverside Road as authorized by Council Order dated August 7, 1989.

In order for the City of Cambridge to convey a GOOD, CLEAR, RECORD AND MARKETABLE TITLE I am requesting that the Council Order dated August 7, 1989 be technically amended so that the three conditions contained in the original council order as outlined in the letter from Attorney Alper to Attorney George McLaughlin can be satisfied. Without this technical amendment the City will not be able to deliver a good, clear, record and marketable title.

Very truly yours,


Russell B. Higley

RBH/jab

CORR. 3/RBH

SHERIN AND LODGEN

PAUL MELROSE
MORTON S. BROWN¹
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¹ADMITTED IN FLA. AND MA.

²ADMITTED IN CAL. AND MA.

³ADMITTED IN N.Y. AND MA.

⁴ADMITTED IN N.J. AND MA.

September 7, 1989

George A. McLaughlin, Jr., Esquire
The McLaughlin Brothers
44 School Street
Boston, Massachusetts 02108

Re: Riverside Road, Cambridge

Dear Mr. McLaughlin:

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SHERIN AND LODGEN

George A. McLaughlin, Jr., Esquire
September 7, 1989
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WHEREAS: In connection with said discontinuance of Riverside Road, and said sale and conveyance of the same to the Trustees of Memorial Realty Trust, the City Council requires that the Buyer make certain covenants and agreements, set forth below, in order to insure the safety of neighborhood residents during the planning and construction of any new project upon the site which will include Riverside Road; now therefore be it

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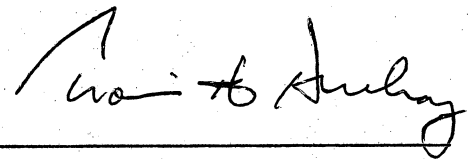
2. The Buyer and the City each covenants and agrees with each other, in consultation with such advisory committee, appointed by the City Manager, to jointly retain a traffic engineer to assist in the planning of traffic patterns and loading docks for the new project, especially for delivery trucks. Upon the issuance of a demolition or building permit for the project, the obligations of the Buyer and the City under this paragraph shall automatically terminate and cease.

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR DUEHAY

SEPTEMBER 25, 1989

Date

Councillor Duehay has filed reconsideration of the vote taken on September 25, 1989 failing to adopt an order with technical amendments to the purchase of Riverside Road.

A handwritten signature in cursive script, appearing to read "Councillor Duehay", written over a horizontal line.

Signature

Reconsideration filed by Councillor Duehay on
the vote failing to adopt the technical amend-
ments to the Riverside Road purchase.

In City Council,
Oct. 2, 1989

6.



CITY OF CAMBRIDGE

**CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011**

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

September 25, 1989

To the Honorable, the City Council:

Attached is a letter from the City Solicitor requesting Technical Amendment to the City Council's August 7th vote relative to the purchase of Riverside Road.

Very truly yours,

Robert W. Healy
City Manager

RWH/dls
enclosure

Technical amendments to purchase of
Riverside Road.

12/26/89 Ord # 2 - to Refer to New
City Council

12/11/89

C.W.S - Moved Adoption
Subsequently moved
to table for 1 week

12/18/89 moved from table
by C. Walter Sullivan
Order failed of adoption
3-2-1-3

Reconsideration filed
by Councillor Walter
Sullivan not valid due
to previous motion

In City Council,

Sept. 25, 1989

9/25/89 Order failed of
Adoption 4-2-1-2
Reconsideration filed
by Councillor Quehay.

c Russell
10/2/89 tabled

10/2/89 Reconsideration moved
by C. Quehay.
Reconsideration carried.

See Order # 17 by Councillor
Russell Tabbey Tech.
Amendments