



City of Cambridge

Consent Agenda #11

IN CITY COUNCIL

April 26, 1993

ORDERED: To approve, pursuant to Section 2.110 of the Cambridge Municipal Code, the grant of an easement to the Massachusetts Institute of Technology in that portion of Ames Street, Cambridge, Massachusetts approximately described in Exhibit A attached hereto and as shown on the plan described in Exhibit A; to approve, pursuant to Section 2.110.010, Paragraph (G), of the Cambridge Municipal Code, the diminution of the process stipulated in Section 2.110.010, Paragraphs (A)-(F), to grant such easement; and to authorize the City Manager to execute and deliver to the Institute, on behalf of the City of Cambridge, such easement, and to take such other actions as may be necessary or desirable to grant such easement, the signature of the City Manager on such instrument to conclusively evidence the approval and authorization hereby.

In City Council April 26, 1993.

Adopted by a ye and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- *D. Margaret Drury*

D. Margaret Drury
City Clerk

Exhibit A

Description of Easement Area and Appurtenant Rights Areas

Beginning at a point adjacent to land now or formerly of the Massachusetts Institute of Technology (the "Institute") and located South 5° 34' 43" West, 391.85 feet, from the point of intersection of the southerly street line of Main Street and the westerly street line of Ames Street, Cambridge, Massachusetts; then

South 62° 21' 57" East, 58.34 feet; then

South 88° 34' 25" East, 5.94 feet, to land now or formerly of the Institute; then

South 5° 34' 43" West, along land now or formerly of the Institute, 16.16 feet; then

Southerly in a curved line, having a radius of 120 feet, along land now or formerly of the Institute, 0.88 feet; then

North 88° 34' 25" West, 8.67 feet; then

North 62° 21' 57" West, 55.42 feet, to land now or formerly of the Institute; then

North 5° 34' 43" East, along land now or formerly of the Institute, 18.34 feet, to the point of beginning.

Said Easement Area is located from Elevation +14 to Elevation -4 (Cambridge City Base) as shown on the Plan described below.

Being the area shown as "Tunnel Easement" on a plan entitled "Tunnel Easement, Ames Street, Cambridge, Massachusetts", dated May 12, 1993, by Cullinan Engineering, Inc., recorded herewith (the "Plan").

Along with the following two Appurtenant Rights Areas:

1. Beginning at the point adjacent to land now or formerly of the Institute and located South 5° 34' 43" West, 388.07 feet, from the point of intersection of the southerly street line of Main Street and the westerly street line of Ames Street, Cambridge, Massachusetts; then

South 62° 21' 57" East, 58.96 feet; then

South 88° 34' 25" East, 5.37 feet, to land now or formerly of the Institute; then

South 5° 34' 43" West, along land now or formerly of the Institute, 3.51 feet; then

North 88° 34' 25" West, along the Easement Area, 5.94 feet; then

North 62° 21' 57" West, along the Easement Area, 58.34 feet, to land now or formerly of the Institute; then

North 5° 34' 43" East, along land now or formerly of the Institute, 3.78 feet, to the point of beginning.

Shown as the "Appurtenant Rights Area" located adjacent to and to the north of the Easement Area on the Plan.

2. Beginning at the point adjacent to land now or formerly of the Institute and located South 5° 34' 43" West, 410.19 feet, from the point of intersection of the southerly street line of Main Street and the westerly street line of Ames Street, Cambridge, Massachusetts; then

South 62° 21' 57" East along the Easement Area, 55.42 feet; then

South 88° 34' 25" East, 8.67 feet along the Easement Area, to land now or formerly of the Institute; then

Southerly in a curved line, having a radius of 120 feet, along land now or formerly of the Institute, 3.51 feet; then

North 88° 34' 25" West, 9.30 feet; then

North 62° 21' 57" West, 54.82 feet, to land now or formerly of the Institute; then

North 5° 34' 43" East, along land now or formerly of the Institute, 3.78 feet, to the point of beginning.

Shown as the "Appurtenant Rights Area" located adjacent to and to the south of the Easement Area on the Plan.

PROPOSED VOTE

426 agenda orders

ORDERED: To approve, pursuant to Section 2.110 of the Cambridge Municipal Code, the grant of an easement to the Massachusetts Institute of Technology in that portion of Ames Street, Cambridge, Massachusetts approximately described in Exhibit A attached hereto and as shown on the plan described in Exhibit A; to approve, pursuant to Section 2.110.010, Paragraph (G), of the Cambridge Municipal Code, the diminution of the process stipulated in Section 2.110.010, Paragraphs (A)-(F), to grant such easement; and to authorize the City Manager to execute and deliver to the Institute, on behalf of the City of Cambridge, such easement, and to take such other actions as may be necessary or desirable to grant such easement, the signature of the City Manager on such instrument to conclusively evidence the approval and authorization hereby.



OFFICE OF THE PRESIDENT

CAMBRIDGE, MASSACHUSETTS 02139

November 13, 1992

The Honorable Cambridge City Council
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

RECEIVED BY
OFFICE OF CITY CLERK
1992 NOV 16 AM 11:25
CAMBRIDGE MA.

Dear Members of the Cambridge City Council:

On June 8, 1992, MIT submitted for your consideration a proposal to construct a tunnel under Ames Street to connect the new Biology Building to the Center for Cancer Research and other MIT buildings. The petition described the request for an easement to allow MIT to use the property beneath the street as a safe passage for pedestrian traffic and handicap access, as well as a conduit for electric and other utilities (the original transmittal is attached for your reference).

During the review of the petition, the Council expressed concern about some important community issues; the permanent siting of CASPAR, the construction activities at 640 Memorial Drive, a voluntary resident hiring policy on construction projects, and the delivery of open space as defined by the Cambridgeport Rezoning Ordinance.

At this time, we would like to provide a brief update in each of the these areas. We hope to demonstrate that we have made progress since June. We also want to apprise you of the construction schedule for the Biology Building project as it relates to the Ames Street tunnel, and ask for your help in advancing the construction of the tunnel.

CASPAR

As the Council is aware, many council orders have been passed over the years asking MIT and others to identify a permanent site for CASPAR. In August, after a lengthy review process, MIT identified the site at 380 Green Street and introduced it to the Council as a viable location. Now, many sectors of the Cambridge community are engaged in the challenging process of assessing the proposed site as well as looking at alternative sites for the CASPAR emergency services center.

MIT is working actively with members of the City Council, the City Manager and his staff, CASPAR, and community organizations and individuals to help bring this critical matter to a constructive resolution. MIT will continue to work cooperatively with all parties until a resolution is achieved.

640 Memorial Drive

We have recently forwarded to you a summary of the current construction project at 640 Memorial Drive. That correspondence outlines some of the union matters specific to the job, and briefly summarizes MIT's history of working with union contractors (see the attached summary).

Since June, MIT has met with the Local 40 Carpenters Union on a number of occasions and attempted to facilitate a resolution of the issues between Local 40 and Erland Construction Company, the general contractor for this job, but to-date, no agreement has been reached. While we cannot tell you that the union issues at 640 Memorial Drive will be resolved, MIT hopes that future discussions with Local 40 will bear fruit.

Resident Hiring on Construction Jobs

In June, MIT was asked to serve on the Mayor's Cambridge Resident Jobs Policy Commission to ensure the availability of positions for Cambridge residents on contracts involving city and other funds. MIT has been meeting with the Commission since July and looks forward to constructive results. MIT has indicated its willingness to explore the possibility of a voluntary agreement to promote the hiring of Cambridge residents on its own construction projects. We will continue to work with the Commission as it lays out its program for resident hiring.

Open Space

As the Council knows, the recent Cambridgeport Zoning Ordinance has within it a provision for the donation of 59,000 square feet of open space from MIT to the City for recreational purposes in Cambridgeport. Through the past summer, MIT worked with the Community Development Department to establish environmental standards for the property and to agree on the necessary components of the lease. The Council has received two updates about this work from the City Manager.

Recently, some questions have been raised regarding the terms of the lease and the ultimate deeding of the property to the City. In response to those concerns, MIT has agreed to a date specific clause on deeding title of the land to the City. The exact time frame will be set within the context of the lease. It is our hope that this revision of the

original agreement will address concerns about the timing of the transfer of the property to the City.

Ames Street Tunnel

The construction schedule for the Biology Building project faces a November 30, 1992 deadline in relation to any amendments to the existing contract for additional work. This means that the only remaining opportunity to add the construction of the tunnel to the current Macomber union contract is within the next few weeks. Because of this pending construction contract deadline, we respectfully request that the City Council approve, on Monday, November 23, the easement for the use of the land beneath Ames Street for the purposes of constructing a pedestrian tunnel.

Over the last several months we have worked with many City Councillors in an effort to resolve the issues identified by the Council on June 8. We are committed to continue our efforts to address these and other matters of importance to you and the Cambridge community.

Thank you for your careful consideration. Please tell us if we can provide additional background that will be helpful as you consider this matter.

Sincerely,



Ronald P. Suduiko
Assistant to the President



Sarah E. Gallop
Assistant for Government Relations



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

Tel. 498-9011

EXECUTIVE DEPARTMENT

ROBERT W. HEALY

City Manager

JUNE 8, 1992

AGENDA

DATA

NOTES

8. Transmitting communication from Robert W. Healy, City Manager, relative a petition received from MIT to construct a tunnel under Ames Street to connect their new Biology Building on the westerly side of Ames Street to an existing building owned by MIT on the easterly side of Ames Street.



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300
FAX 349-4307

8.

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

June 5, 1992

To the Honorable, the City Council:

I am transmitting copies of a letter and petition received by me from representatives of the Massachusetts Institute of Technology (MIT). The materials represent a proposal by MIT to construct a tunnel under Ames Street to connect their new Biology Building on the westerly side of Ames Street to an existing building owned by MIT on the easterly side of Ames Street.

I have advised MIT that their proposal to obtain the grant of an easement from the City to build the tunnel under a public way will require several actions by the City Council. First, M.G.L. c. 30B requires that the City declare the property available for disposition. Since the requested subsurface easement would be beneath a public way, the City Council, being responsible for the laying out, acceptance, and discontinuance of public ways, must first vote to declare the property available for disposition. If the Council so votes, the City must place an advertisement in a newspaper inviting the submission of proposals. The advertisement must be published at least once a week for two consecutive weeks, the last publication to occur at least eight days prior to the day for opening proposals.

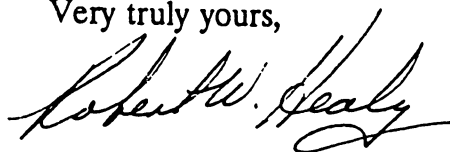
Second, the proposal must be considered by the City Council pursuant to the terms of Chapter 2.110 which governs the disposition of city property. As you will note, MIT believes that their proposal may properly be the subject of Section 2.110.010 (G) of that ordinance. Section G provides for the disposition of city property that is of such little significance that the full process of the ordinance would be unduly burdensome. Section G provides that the City Manager may request of the City Council a diminution of the process under the ordinance. Approval of such a request requires a two-thirds vote of the City Council.

I have reviewed the attached petition from MIT which addresses each of the specifically enumerated issues to be addressed in the full process under the ordinance. In addition, I have met with appropriate city officials to identify areas of concern to address in assessing MIT's petition. I have been advised that traffic and safety concerns are properly addressed in the proposal. I have also been advised that provisions in an easement document can be drafted to protect the City so that any future use of the property, including necessary repairs and maintenance of the roadway, can be accomplished without adverse consequences stemming from the existence of the tunnel. Provisions can be included, for

example, guaranteeing that MIT would be responsible in the event that any future maintenance of the roadway might be more expensive as a result of the existence of the tunnel.

Based upon my review of the petition I think it is reasonable to accept MIT's request that I forward their petition to you with a request that the Council vote to process the petition pursuant to Section G. If the Council chooses by a two-thirds vote to accept that request, and the Council votes to declare the property available for disposition, the petition may lay on the table until the completion of the advertisement required by c. 30B. Once the 30B process is complete the petition would be ready for final action by the Council. Final approval of the disposition of the property will require a third vote. The final vote will also require a two-thirds majority to pass.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert W. Healy".

Robert W. Healy
City Manager



CAMBRIDGE, MASSACHUSETTS 02139

June 4, 1992

Mr. Robert Healy
Cambridge City Manager
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Healy:

Attached is MIT's application for an easement from the City for the use of an area beneath Ames Street. The easement would allow for the construction of a tunnel beneath the surface of the street, to be used as a passage for intra-pedestrian traffic and handicap access, as well as a conduit for electric and other utilities.

The application is outlined in the manner that we have discussed. Thank you for your assistance on this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ron", is written over the typed name of Ronald P. Suduiko.

Ronald P. Suduiko
Assistant to the President

THE COMMONWEALTH OF MASSACHUSETTS
CITY OF CAMBRIDGE

DATE: June 4, 1992

CAMBRIDGE CITY COUNCIL

REQUEST FOR DIMINUTION OF PROCESS AND
APPLICATION FOR EASEMENT

NAME OF APPLICANT: MASSACHUSETTS INSTITUTE OF TECHNOLOGY

ADDRESS: 77 MASSACHUSETTS AVENUE, CAMBRIDGE, MA 02139

PROPOSED PROJECT:

Massachusetts Institute of Technology ("MIT") is now constructing a building that will house its Biology Department ("the Biology Building"), including administrative offices, research and teaching labs, classrooms, and joint facilities, on land owned by MIT on the westerly side of Ames Street. MIT has obtained, or will obtain in the ordinary course, all permits and licenses necessary for the construction of the Biology Building. MIT wishes to construct a tunnel connecting the Biology Building to an existing building on the easterly side of Ames Street on MIT's campus. The proposed tunnel will be approximately 17 feet in width and 64 feet in length and cover approximately 1,091 square feet (the "Easement Area"). Details of the location and size of the proposed tunnel are shown on the plan identified as "Plan Showing Proposed Tunnel Easement, Ames Street, Cambridge, Massachusetts," prepared by Cullinan Engineering Company, dated May 24, 1991 (attached as "Exhibit A"). Details of the tunnel's design are shown on the four architectural plans prepared by Goody, Clancy & Associates, Inc., dated July 26, 1991 (attached as "Exhibits B-1 through B-4"). If the City approves this request, the City would maintain fee ownership and MIT would acquire an easement to use the property beneath the street.

SPECIFIC REQUEST(S):

I. Pursuant to Section 2.110.010 (the "Section"), Paragraph (G) ("Paragraph (G)"), of the Cambridge Municipal Code (the "Code"), and for reasons set forth hereunder, MIT respectfully requests a diminution of the process stipulated in Section 2.110.010, Paragraphs (A)-(F), for the transfer of interest in City-owned land, thereby allowing the City Council to decide whether or not to grant the easement based on the information included in this Application and the attached plans.

II. Further, MIT respectfully requests that, following compliance with the requirements of the Massachusetts Uniform Procurement Act, M.G.L. Ch.30B ("Chapter 30B"), the City Council vote to grant the easement to MIT and vest the City Manager with the authority

to execute and deliver such easement in form and substance as he determines is necessary or advisable.

I. REQUEST FOR DIMINUTION OF PROCESS STIPULATED IN THE CODE

Paragraph (G) of the Section permits a diminution of the procedural requirements set forth therein if the subject property is "of such little significance that the [procedure] would be unduly burdensome." We believe that Paragraph (G) is appropriate for review of MIT's request for this easement to use the land beneath the street, and respectfully request that a limited review process be approved.

By its terms, the Section applies to "the sale, transfer, lease or rental, or exchange of any city-owned property or property rights or interest such as a public easement on private property. . . ." The Section states that its purpose is "to protect the citizens of Cambridge and to achieve land uses that best serve the City's public purpose." When that purpose is best served by a disposition of City property for a private purpose, the City's objective is "to receive the fair market value for such property, to protect real estate values, and to dispose of each property without favoritism." Although the request for the easement is a request for the conveyance of an interest in land, and falls within the domain of the Section, the purpose of the Section and references to property interests therein indicate that the detailed and comprehensive procedure set forth in the Section pertains to property that is of some significance or use to the City or the public.

Limiting the scope of review for the requested easement would be consistent with the express objective of the review process required by the Section: to render "a fair analysis of how the greatest public benefit can be obtained from the City property in question." We believe that the information we have furnished in this petition is sufficient to enable the City Manager and City Council to make this determination regarding the Easement Area.

Further, the detailed review required by the Section includes the submission of information, such as a report on zoning status and recent attempts to rezone, traffic analysis, parking studies, a report on developmental potential of the property, and two independently prepared appraisals of the property's value, that are inappropriate in this situation. In terms of time, money, and manpower, the costs and benefits of the comprehensive procedure to both the City and MIT are important to weigh in considering whether to limit the review process. Since the procedure set forth in the Section would produce substantial costs for both parties with no apparent corresponding benefit, we believe that a comprehensive review should be limited in a situation, such as this, involving a minor easement to use the land beneath the street.

Therefore, we respectfully submit that the present situation is of the exact character contemplated by Paragraph (G) of the Section. We believe that we have set forth in this petition and the attached exhibits all information relevant and pertinent to an analysis of the greatest public benefit that can be obtained from the Easement Area.

II. REQUEST FOR EASEMENT:

To the extent applicable, the following analysis addresses those issues identified in the Section as matters to be considered in determining whether or not to grant the proposed easement. References are to relevant Paragraphs of the Section.

A. Satisfaction of Intent and Purpose of the Section

The conveyance would be in harmony with the intent and purpose of the Section. The Section seeks to promote uses of City-owned property "that best serve the City's public purpose." The proposed easement involves use rights for land beneath the street, and the City would retain ownership interest in fee simple. Currently, the Easement Area is not used by the City for any purpose and does not reasonably seem to be suitable for any purpose other than that requested by MIT. The easement will not alter the use of the surface of Ames Street or affect the use of the public way, other than that from minor disruptions during construction. The receipt of adequate consideration for the easement is the greatest public benefit that can be obtained from the Easement Area. It also furthers the well-accepted public interest in efficient land use.

B. Importance of Tunnel

The City's grant of the requested easement is of great importance to the MIT educational and research community. The new Biology Building will house faculty and students of the Biology Department who are now scattered on MIT's campus, thereby enhancing the Biology Department's capabilities as a world-renowned research and teaching facility for molecular and cellular biology and furthering its continued contributions to these fields with research programs to further our understanding of cancer, AIDS, and genetic diseases. The proposed tunnel would fully integrate the Biology Building with adjacent research facilities on MIT's campus, on which a number of buildings are connected by tunnels, and promote the efficient movement of pedestrian traffic between the Biology Building and other locations. It would also extend MIT's system of indoor pedestrian accessways connecting many of the MIT buildings, enhancing the safety of pedestrians, equipment, and materials' transport, particularly during inclement weather, and making the entire campus more accessible to disabled individuals.

The City's grant of the requested easement would ultimately benefit the City and public as well. Diverting pedestrian traffic to the tunnel would lessen congestion, thereby increasing public safety, and limit use of Ames Street, thereby decreasing street and sidewalk maintenance costs. At the same time, the tunnel will not inhibit the continued use of the area beneath the surface of Ames Street for underground utilities.

C. Alternative Uses for the Easement Area (Paragraph (B)(1))

There are no reasonably foreseeable alternative uses for the Easement Area by the City, the public, or any entity other than MIT. To MIT's knowledge, the Easement Area has never been used for any purpose by the City, the public, or any other entity.

D. The Use of the Easement Area at Time of Recommended Disposition and any Actual or Projected Revenues or Costs Associated with the Easement Area (Paragraph (B)(2))

Presently, the Easement Area is not in use. Pedestrian and vehicular use of Ames Street will only be affected during the actual construction of the proposed tunnel. The Easement Area does not produce any current revenues for the City and, absent the grant of the easement of the area beneath the street to MIT for consideration, does not have any foreseeable revenue-generating potential for the City.

E. Zoning Status and Applicable Laws (Paragraph (B)(3))

We do not believe that an analysis of zoning status or applicable laws is relevant to the determination of whether to grant the proposed easement.

F. Attempts to Modify Existing Regulations or Rezone the Easement Area within the Last Five Years (Paragraph (B)(4))

To MIT's knowledge, no attempts have been made to modify existing regulations or rezone the Easement Area within the last five years.

G. The Development Potential of the Easement Area (Paragraph (B)(5))

To MIT's knowledge, the Easement Area has no potential for development by the City, public, or any entity, other than as proposed by MIT.

H. Development Plans, Traffic and Parking Studies, and Impact of Tunnel on Neighboring Areas (Paragraph (B)(6))

Exhibits A and B-1 through B-4 show the plans for the proposed tunnel. Upon conveyance, the tunnel would become part of MIT's infrastructure. As stated previously, all permits necessary for the construction of the Biology Building have been obtained or are expected to be obtained in the ordinary course. The Biology Building is not expected to increase traffic flow because it will house services and functions that MIT already provides on its campus. Therefore, the only noticeable impact of the tunnel would be to decrease pedestrian traffic along Ames Street and, as a result, promote public safety and lessen the City's maintenance costs. Since the tunnel would have no impact on traffic and parking, we believe that traffic and parking studies are not required. MIT's engineers and contractors would, of course, coordinate the installation of the tunnel with the City engineer and other appropriate officials of the City.

I. Financial Arrangements and Compensation (Paragraph (B)(7))

MIT recognizes that MIT will be required to deliver consideration to the City in exchange for the easement. Because the request involves a minor easement beneath the street and because this process is subject to the proposal solicitation procedures set forth in Chapter 30B, we believe that two independently prepared impartial appraisals of the Property are not required and

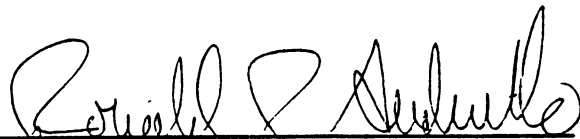
instead propose that the financial arrangements with the City be resolved as part of the Chapter 30B process.

CONCLUSION:

For the foregoing reasons, MIT respectfully requests that the City Manager recommend an abbreviation of the review process as provided in Paragraph (G) of the Section and that the City Council, by a two-thirds vote, approve the abbreviation. In addition, MIT respectfully requests that, following compliance with Chapter 30B, the City Council, by a two-thirds vote, approve the granting of an easement based on the information included in this Application and the attached plans, and authorize the City Manager to execute and deliver an easement in a form and substance as the City Manager determines is necessary or advisable in order to implement the intent of this Application, the signature of the City Manager to be conclusive evidence that such instrument was approved by the City Council.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

By:


Assistant to the President

Background 640 Memorial Drive Project

The following summary provides background information about MIT's construction project at the Ford Assembly Plant on 640 Memorial Drive. MIT is renovating the building and Lifeline Systems, Inc., which manufactures personal response safety systems, will be the anchor tenant. These electronic devices are designed primarily for the elderly to receive immediate assistance when needed. Lifeline will move its headquarters, including 275 employees, to Cambridge and use approximately 100,000 square feet (60% of the building) for its sales, marketing, manufacturing and distribution activities. Lifeline is scheduled to move into the building in the Fall of 1993.

This construction project is managed by Erland Construction, a non-union general contractor who is operating on a merit shop basis. In this manner, both union and non-union subcontractors may bid on various jobs and the lowest, most qualified sub-bidder will be selected for the work. To date, Erland has bid seven subcontracts; four of the seven are being performed by union subcontractors; another was offered to a union subcontractor who first accepted and later turned down the work. The remaining two non-union subcontractors include a Cambridge-based company.

The Carpenters Union -- Cambridge Local 40 -- has objected to MIT's hiring of Erland Construction because the company is non-union. MIT hired Erland Construction because it submitted a bid significantly lower than those received from other construction managers. The 640 Memorial Drive project is an investment activity which requires MIT to realize a certain return on its endowment funds. These funds support academic operations such as financial aid programs and administrative and operational costs.

In the past 15 years, MIT has initiated 34 major construction projects involving new buildings, additions, or substantial renovations to existing facilities. Of these 34 projects, all but four were executed by General Contractors who had signatory agreements with union laborers and carpenters. The combined construction cost for these 30 projects is in excess of \$150M. The four remaining projects were performed by open or merit shop contractors and totaled less than \$2M in construction costs. Therefore, in the case of these major projects, 98.6% of MIT construction dollars spent in the last 15 years has been on union jobs. These figures exclude the ongoing construction of both 640 Memorial Drive and the Biology Building which is a union project that employs 120-200 union workers at any given time.

MIT has invited the Cambridge Local 40 Union to bid on the various carpentry work at the 640 Memorial Drive project. However, representatives of the union have advised MIT that they are unwilling to work on this merit shop project. MIT has met with, and has offered to continue discussions with the Business Agent of the Cambridge Local 40.

Communication # 14

Comm. from Ronald P. Suduiko, Assistant to the President and Sarah E. Gallop, Assistant for Government Relations, MIT, requesting the City Council to approve the easement for the land beneath Ames Street for the purposes of constructing a pedestrian tunnel.

In City Council,

November 23, 1992

*Tabled by
Councilor Russell*

*4/26/93 Referred to
Agenda Item # 11*

City of Cambridge

MASSACHUSETTS

Mgi's Agenda #11

In City Council 4/26 1993

That CC approve agreement for Ames St. Turney?

YEA	NAY	ABSENT	PRESENT	
✓				Mr. Ed Cyr
✓				Mr. Francis H. Duehay
✓				Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Walter J. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Mr. William H. Walsh
✓				Ms. Alice K. Wolf
✓				Mayor Kenneth E. Reeves

9 0 0 0

C Russ m. S. 9/0 W
 C Russ m. N 0/9 W



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300

FAX 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

April 26, 1993

To the Honorable, the City Council:

This communication is in response to your request at the Council Meeting of April 12, 1993 for a report on the status and process involved with the disposition of an easement to MIT for a tunnel of 1091 square feet under Ames Street.

In June, 1992, I transmitted to the Council a proposal from MIT to construct a tunnel under Ames Street to connect its new Biology Building to the Center for Cancer Research and other buildings on the MIT campus. The action requested was the granting of an easement from the City to allow MIT to use the property beneath the street as a passageway for pedestrians and handicapped persons, and as a conduit for electric and other utilities. The proposed tunnel would be approximately 17 feet wide by 64 feet long totaling about 1091 square feet of underground area for which the easement is requested. The City would retain fee ownership in the property and MIT would acquire an easement to use the property beneath the street. The legal process required to grant the easement involves following procedures defined pursuant to Section 2.110.010 (Disposition of City Property) of Cambridge Municipal Code and Chapter 30B of the Massachusetts General Laws.

The disposition process began with a letter from MIT dated June 5, 1992 requesting an easement, and was transmitted as a communication from me to the Council at your June 8, 1992 meeting. In my transmittal letter, I identified the steps that MIT and the Council would need to follow in order for the easement to be granted. Also, in that communication, I indicated that I had met with appropriate city officials to identify areas of concern to address in evaluating MIT's petition. I was assured that traffic and safety concerns were properly addressed by MIT and that the easement language could be drafted so as to protect the future use of the property by the City, including necessary repairs and maintenance of the roadway.

In its June 5 letter, MIT also requested a diminution of the process stipulated in Section 2.110.010, Paragraph G, which eliminates many procedural steps for transfer that are "of such little significance that the (full) process would be unduly burdensome". I believe that invoking Paragraph (G) was appropriate in this instance because of the small underground area requested and because MIT had undertaken substantial analyses -- the same analyses that are required under full process -- which demonstrates no negative impact on the City, and therefore I respectfully requested that a limited review process be approved.

MIT's study of alternative uses for this piece of underground land showed no potential for development by the City, public, or any other entity. The easement area does not currently produce any revenues to the City and, absent the granting of an easement, does not have any foreseeable revenue generating potential for the City. MIT will pay the City a one time installation fee and a yearly tunnel fee.

MIT prepared a traffic analysis which showed that there would be no additional traffic flow in the vicinity of the tunnel, because the building and tunnel will house services and functions that MIT already provides on its campus. The only noticeable impact of the tunnel would be to decrease pedestrian traffic across Ames Street, and as a result promote safety and improve access for people with disabilities.

Also MIT reviewed the zoning status, and all other applicable city, state and federal laws, codes, ordinances and regulations that apply to this transaction and is either in compliance with them, or they have no relevance to the proposed transaction.

Several actions by the City Council are required to grant an easement for public property. The City Council, under Chapter 30B must declare the property available for disposition. The Council so voted on June 15, 1992. Subsequently, the City advertised the availability of this easement in a newspaper inviting the submission of proposals for such disposition. This advertisement appeared in the Cambridge TAB on July 21, 1992 and proposals were due on August 6, 1992. MIT was the sole respondent with a proposal date of August 5, 1992. As a result of these actions, the Chapter 30B process is complete with the exception of the final declaration of the party selected to this transaction noticed in the Central Register and the completion of the advertising period required as a result of the expiration of the initial proposal.

Two actions are required to complete this process under the City Ordinance: 1) a two-thirds vote of the City Council in order to diminish the process under Paragraph (G) -- that vote taken on April 12, 1993: and 2) another two-thirds vote for a final disposition of the easement -- that vote has not yet occurred.

Even though MIT requested a shortened process, their easement request has been the subject of several public discussions.

Although it is not required under the law, the Ordinance Committee of the Council held a hearing on the Ames Street Tunnel easement on July 22, 1992. At the hearing, MIT presented the reasons why the tunnel is of importance to its educational and research community. The tunnel would integrate the Biology Building with adjacent research facilities on Campus, promote the efficient movement of pedestrian traffic between the Biology Building and other locations, and extend MIT's system of indoor pedestrian walkways connecting many of MIT's buildings, and improve accessibility and safety for disabled individuals using the campus. MIT also pointed out that there are no alternative uses for the area requested for the easement, and that the easement would not alter the use of the surface of Ames Street or affect the use of the street as a public way.

MIT also spoke to the purposes that the Ordinance seeks to achieve in the disposition of public property, which are 1) to protect the citizens of Cambridge, and 2) to achieve land uses that best serve the City's public purpose. Since the easement is for land underground, the protection to the public is that offered to those who would be safer using the tunnel, in particular those with disabilities; and the adequate consideration offered for the easement as the immediate public benefit to be provided along with the street improvements that MIT will resurface Ames Street from Main Street to Amherst Street and reconstruct and widen the sidewalk. They will install new lighting fixtures and place existing overhead utilities underground.

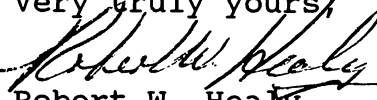
MIT appeared before the Council on this matter in November. With the impending conclusion of the 1992 construction season, MIT requested a decision from the Council on the easement in order to build the tunnel at no additional cost, MIT would have had to make any amendments to the existing contract by November 30, 1992. The Council did not act on MIT's request.

In the intervening months between November and now, it is my understanding that the concerns raised at the July hearing have been addressed. Specifically, the CASPAR facility, to be located on MIT property at 20 Albany Street, is now in the programming/design stage; the lease between MIT and the City for land at 82 Pacific Street is in its final form; and MIT continues to meet with the Mayor's Cambridge Resident Jobs Policy Commission.

MIT's request for the Ames Street Tunnel easement remained tabled in Committee until it came before the Ordinance Committee again on March 25. At that meeting, after hearing from MIT on the current status of its request, the Committee recommended that MIT's request be approved by the Council. The matter was taken up at the Council meeting of April 12 and the Council took one of the two remaining votes necessary to conclude the matter. On a vote of 7-1 the Council voted to grant MIT's request for a diminution of the process under Paragraph (G) of Section 2.110.010 of the Municipal Code. The one remaining step in order for this process to be completed is a two-thirds vote of the Council to grant an easement

for 1091 square feet of land area under Ames Street for the purpose of building a tunnel.

At this point MIT has complied with and/or the requirements of both the City and state laws. They have demonstrated that the tunnel presents no negative impact to the City and that the City will benefit from the project because of the revenues associated with it and because of the street improvements estimated at almost \$1 million which will be born solely by MIT. This matter has been fully reviewed and publicly discussed over the past ten months and I recommend approval by the Council.

Very truly yours,

Robert W. Healy
City Manager

Agenda # 11

S-187A

Ames Street Tunnel Easement.

*See Sundries 1992
629 for original papers.*

In City Council,

April 26, 1993

4/26/93 Easement approved

9-0-0