

COPY

LAW DEPARTMENT OF THE CITY OF CAMBRIDGE

April 29, 1935.

Board of Library Trustees,
City Hall,
Cambridge, Massachusetts.

Attention: Mr. Harry Mahoney

Dear Sir:-

Upon the instructions of the City Solicitor and acting upon the request made to the Law Department for an opinion, I have investigated the situation surrounding the status of the property now known as Dana Park.

I find that by a deed given to the City by Edmund T. Dana dated December 5, 1855 the property now known as Dana Park was conveyed to the city with the following restrictions:

"That said parcel of land shall be forever kept open and in good order as a public square; that the grantee shall cause the same to be properly graded and shall always maintain a suitable fence around the same. That proper and convenient walks shall be laid out and finished and always preserved thereon; that trees shall be planted and preserved and continued thereon; that the streets on the last three named sides of the said parcel of land shall be properly graded with suitable sidewalks and that the trees shall be planted and preserved on the outside of the four sidewalks enclosing the said square."

The property at the time was bounded by Niagra^a (formerly Warren) Street, and some time during 1927 the city decided to discontinue the use of Niagra Street as a public way with the idea of having it included as a part of Dana Park. In order to do this the city entered into an agreement with the heirs of Edmund T. Dana, with the authority of the Mayor and City Council, whereby it was agreed that Niagra Street should be added to the Dana Park property to become a part of the park with the same restrictions.

In view of the definite language of these restrictions wherein the intention is that the property should be maintained as a public park, I am of the opinion that the city would not have the right to locate a branch library on any part of it, even that portion which was formerly Niagra Street.

Trusting that this opinion furnishes you with the information which you desired on this matter, I am

Very truly yours,
Harold G. Jackson,
ASSISTANT CITY SOLICITOR



City of Cambridge

In City Council

May 7, 1935.

ORDERED:-

That a Special Committee of three members be appointed to confer with the Heirs of the Dana Estate with a view to securing a modification of the restrictions in force on that portion of Dana Square formerly known as Niagara Street.

*Councillors Hillis, O'Connor and Shea
appointed*

In City Council MAY 7 1935

Adopted by the affirmative vote

of 14 members.

Frederick H. Burbee City Clerk.

City of Cambridge

MAY 9 1935

Presented to the Mayor

for approval

Frederick H. Burke

City Clerk

Order
relative to Committee to
consider restrictions in
Dana Square

Hillier - 5

Hillier
O'Connor
Hillier

May 7, 1935

Mr. Hillier

City of Cambridge

to confer with the heirs of the Dana estate with a view to
that a Special Committee of three members be appointed
to consider the restrictions of the Dana estate with a view to
of Dana Square formerly known as Niagara Street.