

Cambridge Redevelopment Authority

Four Cambridge Center/Second Floor
Cambridge, Massachusetts 02142
617 492 6800
617 492 6804 (FAX)



To : Nancy Glowa, Esquire
From: Joe Tulimieri
Date: November 9, 1994
Re : Request for Review Session

Would you please arrange a review session involving Jim Maloney, Margaret Drury, Les Barber, Lisa Peterson, you and me to address the attached documents. These documents include:

- (1) A proposed letter from the Cambridge City Manager to the Authority; and
- (2) A draft form of Easement from the City to the Authority.

It would be helpful if the Office of the City Clerk prepared and distributed a draft copy of the two (2) votes taken by the City Council in advance of the review meeting.

Thank you for your continued cooperation.

Attachments (2)

cc: ✓ Donna Lopez (City Clerk's Office)
Jim Maloney
D. Margaret Drury, Esquire
Les Barber
Lisa Peterson

PRELIMINARY DRAFT / 11-9-94 /JFT

Mr. Joseph F. Tulimieri
Executive Director
Cambridge Redevelopment Authority
Four Cambridge Center/Second Floor
Cambridge, Massachusetts 02142

Re: Transmittal of Approved Air Rights Easement

Dear Mr. Tulimieri:

As you know on Monday, October 3, 1994, the Cambridge City Council, by unanimous vote, acted favorably on the two (2) requests which I recommended in connection with the granting of an air-rights easement to the Authority. In response to the first request, the City Council approved a diminution of the disposition process as provided for in Section 2.110.010(G) of Chapter 2.110 of the Cambridge Municipal Code. In response to the second request, the City Council voted to grant the easement to the Cambridge Redevelopment Authority and to authorize the City Manager to execute and deliver such easement.

Certified copies of the votes taken by the City Council, prepared and executed by the City Clerk, are enclosed.

A fully-executed Easement and four counterparts are enclosed.

On behalf of the City Council, it is our pleasure to cooperate with the Authority and with The Whitehead Institute for Biomedical Research in this matter. We are sure that the resultant design feature will enhance the emerging architectural character of the Kendall Square Urban Renewal Area.

Mr. Joseph F. Tulumieri
November 9, 1994
Page Two

Please advise this office when the Cambridge Redevelopment Authority acts to grant an easement to Nine Cambridge Center Trust and please arrange payment, in the amount of \$7,500.00, previously agreed to by the Whitehead Institute.

Sincerely,

Robert W. Healy
City Manager

cc: D. Margaret Drury, Esquire (e)
Nancy Glowa, Esquire (e)
Lester Barber (e)
James Maloney (e)
Lisa Peterson (e)
John Pratt (e)

EASEMENT

WHEREAS, the Cambridge Redevelopment Authority, a public body politic and corporate (which, together with any successor public body or officer hereinafter designated by or pursuant to law, is hereinafter referred to as the "CRA") organized and existing pursuant to Massachusetts law and having a place of business at Four Cambridge Center, Cambridge, Massachusetts, has conveyed, by quitclaim deed dated July 14, 1994, recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 24710, Page 131 and filed with the Middlesex South Registry District of the Land Court (the "Land Court") as Document No. 953027, to David Barrett, Edward H. Linde and Mortimer B. Zuckerman, as Trustees of Nine Cambridge Center Trust u/d/t dated October 15, 1982 recorded with the Registry in Book 14771, Page 52 ("NCCT"), certain property adjacent to the Whitehead Property and more particularly described in Exhibit A attached hereto (the "NCCT Property", and together with the Whitehead Property, as hereinafter defined, the "Property");

WHEREAS, the CRA has conveyed, by quitclaim deed dated August 8, 1985 recorded with the Registry in Book 16757, Page 198 and filed with the Land Court as Document No. 699759 (the "Cambridge Deed"), to the City of Cambridge certain land adjacent to the Property which encompasses the Easement Area, as hereinafter defined;

WHEREAS, the CRA intended to reserve in the Cambridge Deed as a right appurtenant to the Property a perpetual right and easement for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding projections from any building or other structure located on the Property across portions of the Easement Area, as hereinafter defined;

WHEREAS, the Whitehead Institute for Biomedical Research, a Delaware corporation ("Whitehead"), owns the property known as and numbered Nine Cambridge Center, Cambridge, Massachusetts and more particularly described in Exhibit B attached hereto (the "Whitehead Property") and the building and ancillary improvements located thereon;

WHEREAS, pursuant to a Ground Lease dated as of July 14, 1994, notice of which is recorded with the Registry in Book 24710, Page 170 and filed with the Land Court as Document No. 953028, NCCT has leased a portion of the NCCT Property to Whitehead;

WHEREAS, Whitehead is undertaking to expand the building currently located on the Whitehead Property (the "Whitehead

Facility") onto land including both the Whitehead Property and a portion of the NCCT Property;

WHEREAS, as part of the expansion of the Whitehead Facility, Whitehead desires to construct an oriel above certain property owned by the City of Cambridge and more particularly described in Exhibit C attached hereto (the "Easement Area");

WHEREAS, the City Council of the City of Cambridge (the "City Council") has determined that the proposed oriel is a desirable design feature of the contemplated expansion of the Whitehead Facility; and

WHEREAS, the City Council has made all findings and determinations necessary and voted unanimously to approve and authorize the City Manager to grant, on behalf of the City of Cambridge, an easement to the CRA for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding the oriel and any other projections from any building or other structure located on the Property across and above portions of the Easement Area, all as more particularly described in Exhibit D attached hereto.

NOW THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City of Cambridge hereby grants to the CRA and its successors and assigns the perpetual right and easement to locate, construct, maintain, repair, replace and rebuild the oriel and any other projections from and/or extensions and expansions of any buildings or other structures now or hereafter from time to time located on any portion of the Property in that portion of the Easement Area which lies above that horizontal plane which has an elevation of thirty-two (32) feet Cambridge City Base.

IN WITNESS WHEREOF, the City of Cambridge has caused this Easement to be duly executed, under seal, as of this ___ day of November, 1994.

THE CITY OF CAMBRIDGE

(City of Cambridge Seal)

By: _____
Name: Robert W. Healy
Title: City Manager

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

_____, 1994

Then personally appeared the above named Robert W. Healy, City Manager of the City of Cambridge, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the City of Cambridge, before me

Notary Public
My Commission Expires:

EXHIBIT A

TRACT IIA

A certain parcel of land situated on the Easterly side of Binney Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a concrete bound at the Northwest corner of the lot to be described herein in the Easterly side line of Binney Street, N 10° 46' 14" E a distance Four hundred thirty and eighty-five hundredths feet (430.85') from the intersection of the Northerly side line of Main Street and the Easterly side line of Binney Street, thence

- S 88° 39' 22" E a distance of Twenty-five and seventy-six hundredths feet (25.76') to a concrete bound; thence
- S 63° 20' 20" E a distance of Seventy-seven and eighty hundredths feet (77.80') feet to a concrete bound; thence
- S 05° 34' 46" W a distance of Two hundred ninety and seventy-two hundredths feet (290.72') to a concrete bound; thence
- S 16° 21' 22" E a distance of Thirty-four and eighty hundredths feet (34.80') to a point; thence
- N 84° 25' 14" W a distance of Twenty-one and no hundredths feet (21.00') by Tract I as shown on the hereinafter described plan to a point; thence
- N 05° 34' 46" E a distance of Three hundred sixteen and seventy-eight hundredths feet (316.78') by said Tract I and Tract IIB as shown on said plan to a point; thence
- N 74° 57' 54" W a distance of Ninety-three and nine hundredths feet (93.09') by said Tract IIB to a point in the Easterly side line of Binney Street; thence
- N 10° 46' 14" E by Binney Street a distance of Seventeen and eight hundredths feet (17.08') to a concrete bound at the point of beginning.

The above described parcel of land contains 4,400.33 square feet, more or less, in Cambridge and is more particularly shown as Tract IIA on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94. Said plan is recorded with the Middlesex South District Registry of Deeds as Plan 687 of 1994, Instrument No. 817 of July 18, 1994 and subsequently recorded in Book 24710, Page 130. A print of said plan is attached as an Exhibit to a Deed dated July 14, 1994 by the Cambridge Redevelopment Authority in favor of David Barrett, Edward H. Linde and Mortimer Zuckerman, as Trustees of Nine Cambridge Center Trust and filed with the Middlesex South Registry District of the Land Court as Document No. 953027.

Included within the above described parcel of land are registered Lots 29 and 30 as shown on Land Court Plan 30711-G.

TRACT IIB

A certain parcel of land situated on the Easterly side of Binney Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the Easterly side of Binney Street which is located N 10° 46' 14"E a distance of Three hundred eighty-two and ninety hundredths (382.90') from the point of intersection of the Northerly side of Main Street and the Easterly side of Binney Street, thence

S 84° 25' 14"E a distance of Ninety-four and sixty-two hundredths feet (94.62') to a point; thence

N 05° 34' 46"E a distance of Fifteen and forty-five hundredths feet (15.45') to point; thence

N 74° 57' 54"W a distance of Ninety-three and nine hundredths feet (93.09') to a point; thence

S 10° 46' 14" W a distance of Thirty and eighty-seven hundredths feet (30.87') to the point of beginning

The above described parcel of land contains an area of 2,163.83 square feet, more or less, in Cambridge and is more particularly shown as Tract IIB on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94. Said plan is recorded with the Middlesex South District Registry of Deeds as Plan 687 of 1994, Instrument No. 817 of July 18, 1994 and subsequently recorded in Book 24710, Page 130. A print of said plan is attached as an Exhibit to a Deed dated July 14, 1994 by the Cambridge Redevelopment Authority in favor of David Barrett, Edward H. Linde and Mortimer Zuckerman, as Trustees of Nine Cambridge Center Trust and filed with the Middlesex South Registry District of the Land Court as Document No. 953027.

The above described parcel, consisting entirely of registered land, is shown as Lot 31 on Land Court Plan 30711-G.

EXHIBIT B

TRACT I

A certain parcel of land situated at the corner of the Easterly side of Binney Street and the Northerly side of Main Street in the City of Cambridge in the County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the Northwesterly corner of the herein described parcel in the Easterly side of Binney Street which is located N10° 46' 14"E a distance of Three hundred eighty-two fifteen hundredths feet (382.90) from the intersection of Binney Street and Main Street, thence

S 84° 25' 14"E a distance of Ninety-four and sixty-two hundredths feet (94.62') to a point; thence

S 05° 34' 46"W a distance of Three hundred one and thirty-three hundredths feet (301.33') to a point; thence

S 84° 25' 14"E a distance of Twenty-one and no hundredths feet (21.00') to a point; thence

S 05° 34' 46"W a distance of Eighty and no hundredths feet (80.00') to a point in the northerly side line of Main Street; thence

N 84° 25' 14"W a distance of Ninety-five and fifty-two hundredths feet (95.52') to a point of curvature in the northerly side of Main Street; thence

Northwesterly running along a curve to the right having a radius of Fifty and no hundredths feet (50.00') for a distance of Eighty-three and Seven Hundredths feet (83.07') to a point of tangency; thence

N 10° 46' 14"E a distance of Three hundred twenty-eight and fifteen hundredths feet (328.15') to the point of beginning.

The above described parcel of land contains an area of 43,707.02 square feet, more or less, in Cambridge and is more particularly shown as Tract I on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94. Said plan is recorded with the Middlesex South District Registry of Deeds as Plan 687 of 1994, Instrument No. 817 of July 18, 1994 and subsequently recorded in Book 24710, Page 130. A print of said plan is attached as an Exhibit to a Deed dated July 14, 1994 by the Cambridge Redevelopment Authority in favor of David Barrett, Edward H. Linde and Mortimer Zuckerman, as Trustees of Nine Cambridge Center Trust and filed with the Middlesex South Registry District of the Land Court as Document No. 953027.

Included within the above described parcel of land are registered Lots 27 and 28 as shown on Land Court Plan 30711-F.

EXHIBIT B (Continued)

Together with the right and easement to pass and repass over, and, in a manner and at locations approved by the City of Cambridge (the "City"), to install, use and maintain underground utilities and other services in, such portion of the land outside the premises between the boundary line of the premises and the line of the adjacent public right-of-way as the Cambridge Redevelopment Authority (the "CRA") may own from time to time, such right and easement to continue until such time as the City acquires such portion, or part thereof, for purposes of public rights-of-way and, in any event, to be subject to the installation, use and maintenance in such portion of underground utilities and other services and appurtenant surface facilities; provided, however, that the Tract I Owner shall maintain such portion of the land, except for public improvements, in reasonably attractive appearance. If any part of such portion shall not be made part of the public right-of-way within ten (10) years after the date hereof, the CRA may convey such part of such portion to the Tract I Owner without the payment by the Tract I Owner of any further consideration, the Tract I Owner shall accept such conveyance, and such part of such portion shall from and after such conveyance be considered a part of the granted premises and subject to the agreements and covenants applicable to the premises.

Together further with a Subsurface Foundation Easement across that portion of the below-described land which lies below that horizontal plane which has an elevation of Eighteen (18) feet Cambridge base, the location of which is more particularly bounded and described as follows:

Beginning at a point on the westerly line of Tract I, which point is N.10°-46'-14"E. Twenty and 28/100 (20.28) feet from a second point, which second point is N.52°-34'-18"E. Two Hundred Eight and 95/100 (208.95) feet from the intersection of the westerly line of Vassar Street and the southerly line of Main Street; thence running

N.79°-13'-46"W.

by land now or formerly of Cambridge Redevelopment Authority, Three and 00/100 (3.00) feet to a point; thence turning and running

EXHIBIT B (Continued)

- N.10°-46'-14"E. by land now or formerly of Cambridge Redevelopment Authority, Two Hundred Five and 00/100 (205.00) feet to a point; thence turning and running
- S.79°-13'-46"E. by land now or formerly of Cambridge Redevelopment Authority, Three and 00/100 (3.00) feet to a point, thence turning and running
- S.10°-46'-14"W. by Tract I, Two Hundred Five and 00/100 (205.00) feet to the point of beginning.

Included within the area of said Subsurface Easement are parts of Lot 25 and Lot 26 as shown on Land Court Plan 30711F.

Containing according to said plan 615 square feet of land. Said Subsurface Easement is granted for the sole and exclusive purpose of constructing, maintaining, repairing and replacing a foundation slab, footings, pilings or supporting columns in connection with the construction and maintenance of any building or structure on Tract I.

Together further with an easement over the above-described area from that horizontal plane which has an elevation of Eighteen (18) feet Cambridge base to the upper plane of the surface of said area (the "Surface Easement") for the purpose of exercising the aforesaid Subsurface Easement provided, however, that the Tract I Owner, and such successors and assigns, restore the condition of the area subject to the Surface Easement to a condition substantially similar to its condition immediately prior to any disturbance.

Both the Surface Easement and the Subsurface Easement are subject to all easements, licenses and rights within said areas now existing and subject further to such laws, ordinances, bylaws, rules and regulations as may be established by the City of Cambridge for the construction and maintenance of streets and ways in said City.

EXHIBIT C

A certain parcel of land situated on the Easterly side of Binney Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point in the Easterly side line of Binney Street S 10° 46' 14"W a distance One hundred thirty-four and thirty-one hundredths feet (134.31') from a stone bound at the Northwest corner of Tract IIA as shown on the hereinafter described plan; thence

- N 79° 13' 46" W a distance of Three and no hundredths feet (3.00') to a point in Binney Street; thence
- S 10° 46' 14" W a distance of Twenty-six and no hundredths feet (26.00') to a point; thence
- S 79° 13' 46" E a distance of Three and no hundredths feet (3.00') to a point in the Easterly line of Binney Street; thence
- N 10° 46' 14" E a distance of Twenty-six and no hundredths (26.00') feet along the Easterly side line of Binney Street to the point of beginning.

The above described easement area contains an area of 78 square feet, more or less, in Cambridge and is more particularly shown as ORIEL EASEMENT on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94 (revised 8/09/94). Said plan is to be recorded herewith in the Middlesex South District Registry of Deeds. A print of said plan is attached as an Exhibit to an original counterpart of this instrument filed with the Middlesex South Registry District of the Land Court.

The above described easement area affects a portion of registered Lot 26 shown on Land Court Plan No. 30711-F.

Cambridge Redevelopment Authority

Four Cambridge Center/Second Floor
Cambridge, Massachusetts 02142
617 492 6800
617 492 6804 (FAX)



F A C S I M I L E T R A N S M I T T A L

Date: 11/9/94

To: Name: Donna Lopez

Company: Cambridge City Clerk's Office

From: Joe Tulinier

Number of Pages (including this one):
thirteen (13)

SPECIAL INSTRUCTIONS:

PLEASE CALL US AT (617) 492-6800 IF YOU DO NOT RECEIVE THE CORRECT NUMBER OF TRANSMITTED PAGES. THANK YOU.

Cambridge Redevelopment Authority

Four Cambridge Center/Second Floor
Cambridge, Massachusetts 02142
617 492 6800
617 492 6804 (FAX)



To : Nancy Glowa, Esquire
From: Joe Tulimieri
Date: November 9, 1994
Re : Request for Review Session

Would you please arrange a review session involving Jim Maloney, Margaret Drury, Les Barber, Lisa Peterson, you and me to address the attached documents. These documents include:

- (1) A proposed letter from the Cambridge City Manager to the Authority; and
- (2) A draft form of Easement from the City to the Authority.

It would be helpful if the Office of the City Clerk prepared and distributed a draft copy of the two (2) votes taken by the City Council in advance of the review meeting.

Thank you for your continued cooperation.

Attachments (2)

cc: Donna Lopez (City Clerk's Office)
Jim Maloney
D. Margaret Drury, Esquire
Les Barber
Lisa Peterson

Mr. Joseph F. Tulumieri
Executive Director
Cambridge Redevelopment Authority
Four Cambridge Center/Second Floor
Cambridge, Massachusetts 02142

Re: Transmittal of Approved Air Rights Easement

Dear Mr. Tulumieri:

As you know on Monday, October 3, 1994, the Cambridge City Council, by unanimous vote, acted favorably on the two (2) requests which I recommended in connection with the granting of an air-rights easement to the Authority. In response to the first request, the City Council approved a diminution of the disposition process as provided for in Section 2.110.010(G) of Chapter 2.110 of the Cambridge Municipal Code. In response to the second request, the City Council voted to grant the easement to the Cambridge Redevelopment Authority and to authorize the City Manager to execute and deliver such easement.

Certified copies of the votes taken by the City Council, prepared and executed by the City Clerk, are enclosed.

A fully-executed Easement and four counterparts are enclosed.

On behalf of the City Council, it is our pleasure to cooperate with the Authority and with The Whitehead Institute for Biomedical Research in this matter. We are sure that the resultant design feature will enhance the emerging architectural character of the Kendall Square Urban Renewal Area.

Mr. Joseph F. Tulumieri
November 9, 1994
Page Two

Please advise this office when the Cambridge Redevelopment Authority acts to grant an easement to Nine Cambridge Center Trust and please arrange payment, in the amount of \$7,500.00, previously agreed to by the Whitehead Institute.

Sincerely,

Robert W. Healy
City Manager

cc: D. Margaret Drury, Esquire (e)
Nancy Glowa, Esquire (e)
Lester Barber (e)
James Maloney (e)
Lisa Peterson (e)
John Pratt (e)

EASEMENT

WHEREAS, the Cambridge Redevelopment Authority, a public body politic and corporate (which, together with any successor public body or officer hereinafter designated by or pursuant to law, is hereinafter referred to as the "CRA") organized and existing pursuant to Massachusetts law and having a place of business at Four Cambridge Center, Cambridge, Massachusetts, has conveyed, by quitclaim deed dated July 14, 1994, recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 24710, Page 131 and filed with the Middlesex South Registry District of the Land Court (the "Land Court") as Document No. 953027, to David Barrett, Edward H. Linde and Mortimer B. Zuckerman, as Trustees of Nine Cambridge Center Trust u/d/t dated October 15, 1982 recorded with the Registry in Book 14771, Page 52 ("NCCT"), certain property adjacent to the Whitehead Property and more particularly described in Exhibit A attached hereto (the "NCCT Property", and together with the Whitehead Property, as hereinafter defined, the "Property");

WHEREAS, the CRA has conveyed, by quitclaim deed dated August 8, 1985 recorded with the Registry in Book 16757, Page 198 and filed with the Land Court as Document No. 699759 (the "Cambridge Deed"), to the City of Cambridge certain land adjacent to the Property which encompasses the Easement Area, as hereinafter defined;

WHEREAS, the CRA intended to reserve in the Cambridge Deed as a right appurtenant to the Property a perpetual right and easement for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding projections from any building or other structure located on the Property across portions of the Easement Area, as hereinafter defined;

WHEREAS, the Whitehead Institute for Biomedical Research, a Delaware corporation ("Whitehead"), owns the property known as and numbered Nine Cambridge Center, Cambridge, Massachusetts and more particularly described in Exhibit B attached hereto (the "Whitehead Property") and the building and ancillary improvements located thereon;

WHEREAS, pursuant to a Ground Lease dated as of July 14, 1994, notice of which is recorded with the Registry in Book 24710, Page 170 and filed with the Land Court as Document No. 953028, NCCT has leased a portion of the NCCT Property to Whitehead;

WHEREAS, Whitehead is undertaking to expand the building currently located on the Whitehead Property (the "Whitehead

Facility") onto land including both the Whitehead Property and a portion of the NCCT Property;

WHEREAS, as part of the expansion of the Whitehead Facility, Whitehead desires to construct an oriel above certain property owned by the City of Cambridge and more particularly described in Exhibit C attached hereto (the "Easement Area");

WHEREAS, the City Council of the City of Cambridge (the "City Council") has determined that the proposed oriel is a desirable design feature of the contemplated expansion of the Whitehead Facility; and

WHEREAS, the City Council has made all findings and determinations necessary and voted unanimously to approve and authorize the City Manager to grant, on behalf of the City of Cambridge, an easement to the CRA for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding the oriel and any other projections from any building or other structure located on the Property across and above portions of the Easement Area, all as more particularly described in Exhibit D attached hereto.

NOW THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City of Cambridge hereby grants to the CRA and its successors and assigns the perpetual right and easement to locate, construct, maintain, repair, replace and rebuild the oriel and any other projections from and/or extensions and expansions of any buildings or other structures now or hereafter from time to time located on any portion of the Property in that portion of the Easement Area which lies above that horizontal plane which has an elevation of thirty-two (32) feet Cambridge City Base.

IN WITNESS WHEREOF, the City of Cambridge has caused this Easement to be duly executed, under seal, as of this ___ day of November, 1994.

THE CITY OF CAMBRIDGE

(City of Cambridge Seal)

By: _____

Name: Robert W. Healy
Title: City Manager

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

_____, 1994

Then personally appeared the above named Robert W. Healy, City Manager of the City of Cambridge, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the City of Cambridge, before me

Notary Public
My Commission Expires:

TRACT IIA

A certain parcel of land situated on the Easterly side of Binney Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a concrete bound at the Northwest corner of the lot to be described herein in the Easterly side line of Binney Street, N 10° 46' 14" E a distance Four hundred thirty and eighty-five hundredths feet (430.85') from the intersection of the Northerly side line of Main Street and the Easterly side line of Binney Street, thence

- S 88° 39' 22" E a distance of Twenty-five and seventy-six hundredths feet (25.76') to a concrete bound; thence
- S 63° 20' 20" E a distance of Seventy-seven and eighty hundredths feet (77.80') feet to a concrete bound; thence
- S 05° 34' 46" W a distance of Two hundred ninety and seventy-two hundredths feet (290.72') to a concrete bound; thence
- S 16° 21' 22" E a distance of Thirty-four and eighty hundredths feet (34.80') to a point; thence
- N 84° 25' 14" W a distance of Twenty-one and no hundredths feet (21.00') by Tract I as shown on the hereinafter described plan to a point; thence
- N 05° 34' 46" E a distance of Three hundred sixteen and seventy-eight hundredths feet (316.78') by said Tract I and Tract IIB as shown on said plan to a point; thence
- N 74° 57' 54" W a distance of Ninety-three and nine hundredths feet (93.09') by said Tract IIB to a point in the Easterly side line of Binney Street; thence
- N 10° 46' 14" E by Binney Street a distance of Seventeen and eight hundredths feet (17.08') to a concrete bound at the point of beginning.

The above described parcel of land contains 4,400.33 square feet, more or less, in Cambridge and is more particularly shown as Tract IIA on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94. Said plan is recorded with the Middlesex South District Registry of Deeds as Plan 687 of 1994, Instrument No. 817 of July 18, 1994 and subsequently recorded in Book 24710, Page 130. A print of said plan is attached as an Exhibit to a Deed dated July 14, 1994 by the Cambridge Redevelopment Authority in favor of David Barrett, Edward H. Linde and Mortimer Zuckerman, as Trustees of Nine Cambridge Center Trust and filed with the Middlesex South Registry District of the Land Court as Document No. 953027.

Included within the above described parcel of land are registered Lots 29 and 30 as shown on Land Court Plan 30711-G.

TRACT IIB

A certain parcel of land situated on the Easterly side of Binney Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the Easterly side of Binney Street which is located N 10° 46' 14"E a distance of Three hundred eighty-two and ninety hundredths (382.90') from the point of intersection of the Northerly side of Main Street and the Easterly side of Binney Street, thence

- S 84° 25' 14"E a distance of Ninety-four and sixty-two hundredths feet (94.62') to a point; thence
- N 05° 34' 46"E a distance of Fifteen and forty-five hundredths feet (15.45') to point; thence
- N 74° 57' 34"W a distance of Ninety-three and nine hundredths feet (93.09') to a point; thence
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The above described parcel, consisting entirely of registered land, is shown as Lot 31 on Land Court Plan 30711-G.

A certain parcel of land situated at the corner of the Easterly side of Binney Street and the Northerly side of Main Street in the City of Cambridge in the County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the Northwesterly corner of the herein described parcel in the Easterly side of Binney Street which is located N10° 46' 14"E a distance of Three hundred eighty-two fifteen hundredths feet (382.90) from the intersection of Binney Street and Main Street, thence

- S 84° 25' 14"E a distance of Ninety-four and sixty-two hundredths feet (94.62') to a point; thence
- S 05° 34' 46"W a distance of Three hundred one and thirty-three hundredths feet (301.33') to a point; thence
- S 84° 25' 14"E a distance of Twenty-one and no hundredths feet (21.00') to a point; thence
- S 05° 34' 46"W a distance of Eighty and no hundredths feet (80.00') to a point in the northerly side line of Main Street, thence
- N 84° 25' 14"W a distance of Ninety-five and fifty-two hundredths feet (95.52') to a point of curvature in the northerly side of Main Street, thence

Northwesterly running along a curve to the right having a radius of Fifty and no hundredths feet (50.00') for a distance of Eighty-three and Seven Hundredths feet (83.07') to a point of tangency, thence

- N 10° 46' 14"E a distance of Three hundred twenty-eight and fifteen hundredths feet (328.15') to the point of beginning.

The above described parcel of land contains an area of 43,707.02 square feet, more or less, in Cambridge and is more particularly shown as Tract I on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94. Said plan is recorded with the Middlesex South District Registry of Deeds as Plan 687 of 1994, Instrument No. 817 of July 18, 1994 and subsequently recorded in Book 24710, Page 130. A print of said plan is attached as an Exhibit to a Deed dated July 14, 1994 by the Cambridge Redevelopment Authority in favor of David Barrett, Edward H. Linde and Mortimer Zuckerman, as Trustees of Nine Cambridge Center Trust and filed with the Middlesex South Registry District of the Land Court as Document No. 953027.

Included within the above described parcel of land are registered Lots 27 and 28 as shown on Land Court Plan 30711-F.

Together with the right and easement to pass and repass over, and, in a manner and at locations approved by the City of Cambridge (the "City"), to install, use and maintain underground utilities and other services in, such portion of the land outside the premises between the boundary line of the premises and the line of the adjacent public right-of-way as the Cambridge Redevelopment Authority (the "CRA") may own from time to time, such right and easement to continue until such time as the City acquires such portion, or part thereof, for purposes of public rights-of-way and, in any event, to be subject to the installation, use and maintenance in such portion of underground utilities and other services and appurtenant surface facilities; provided, however, that the Tract I Owner shall maintain such portion of the land, except for public improvements, in reasonably attractive appearance. If any part of such portion shall not be made part of the public right-of-way within ten (10) years after the date hereof, the CRA may convey such part of such portion to the Tract I Owner without the payment by the Tract I Owner of any further consideration, the Tract I Owner shall accept such conveyance, and such part of such portion shall from and after such conveyance be considered a part of the granted premises and subject to the agreements and covenants applicable to the premises.

Together further with a Subsurface Foundation Easement across that portion of the below-described land which lies below that horizontal plane which has an elevation of Eighteen (18) feet Cambridge base, the location of which is more particularly bounded and described as follows:

Beginning at a point on the westerly line of Tract I, which point is N.10°-46'-14"E. Twenty and 28/100 (20.28) feet from a second point, which second point is N.52°-34'-18"E. Two Hundred Eight and 95/100 (208.95) feet from the intersection of the westerly line of Vassar Street and the southerly line of Main Street; thence running

N.79°-13'-46"W.

by land now or formerly of Cambridge Redevelopment Authority, Three and 00/100 (3.00) feet to a point; thence turning and running

N. 10°-46'-14"W.

Redevelopment Authority, Two Hundred Five and 00/100 (205.00) feet to a point; thence turning and running

S. 79°-13'-46"E.

by land now or formerly of Cambridge Redevelopment Authority, Three and 00/100 (3.00) feet to a point, thence turning and running

S. 10°-46'-14"W.

by Tract I, Two Hundred Five and 00/100 (205.00) feet to the point of beginning.

Included within the area of said Subsurface Easement are parts of Lot 25 and Lot 26 as shown on Land Court Plan 30711F.

Containing according to said plan 615 square feet of land. Said Subsurface Easement is granted for the sole and exclusive purpose of constructing, maintaining, repairing and replacing a foundation slab, footings, pilings or supporting columns in connection with the construction and maintenance of any building or structure on Tract I.

Together further with an easement over the above-described area from that horizontal plane which has an elevation of Eighteen (18) feet Cambridge base to the upper plane of the surface of said area (the "Surface Easement") for the purpose of exercising the aforesaid Subsurface Easement provided, however, that the Tract I Owner, and such successors and assigns, restore the condition of the area subject to the Surface Easement to a condition substantially similar to its condition immediately prior to any disturbance.

Both the Surface Easement and the Subsurface Easement are subject to all easements, licenses and rights within said areas now existing and subject further to such laws, ordinances, bylaws, rules and regulations as may be established by the City of Cambridge for the construction and maintenance of streets and ways in said City.

EXHIBIT C

A certain parcel of land situated on the Easterly side of Binney Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point in the Easterly side line of Binney Street S 10° 46' 14"W a distance One hundred thirty-four and thirty-one hundredths feet (134.31') from a stone bound at the Northwest corner of Tract IIA as shown on the hereinafter described plan; thence

N 79° 13' 46" W a distance of Three and no hundredths feet (3.00') to a point in Binney Street; thence

S 10° 46' 14" W a distance of Twenty-six and no hundredths feet (26.00') to a point; thence

S 79° 13' 46" E a distance of Three and no hundredths feet (3.00') to a point in the Easterly line of Binney Street; thence

N 10° 46' 14" E a distance of Twenty-six and no hundredths (26.00') feet along the Easterly side line of Binney Street to the point of beginning.

The above described easement area contains an area of 78 square feet, more or less, in Cambridge and is more particularly shown as ORIEL EASEMENT on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94 (revised 8/09/94). Said plan is to be recorded herewith in the Middlesex South District Registry of Deeds. A print of said plan is attached as an Exhibit to an original counterpart of this instrument filed with the Middlesex South Registry District of the Land Court.

The above described easement area affects a portion of registered Lot 26 shown on Land Court Plan No. 30711-F.

Mr. Joseph F. Tulumieri
Executive Director
Cambridge Redevelopment Authority
Four Cambridge Center/Second Floor
Cambridge, Massachusetts 02142

Re: Transmittal of Approved Air Rights Easement

Dear Mr. Tulumieri:

As you know on Monday, October 3, 1994, the Cambridge City Council, by unanimous vote, acted favorably on the two (2) requests which I recommended in connection with the granting of an air-rights easement to the Authority. In response to the first request, the City Council approved a diminution of the disposition process as provided for in Section 2.110.010(G) of Chapter 2.110 of the Cambridge Municipal Code. In response to the second request, the City Council voted to grant the easement to the Cambridge Redevelopment Authority and to authorize the City Manager to execute and deliver such easement.

Certified copies of the votes taken by the City Council, prepared and executed by the City Clerk, are enclosed.

A fully-executed Easement and four counterparts are enclosed.

On behalf of the City Council, it is our pleasure to cooperate with the Authority and with The Whitehead Institute for Biomedical Research in this matter. We are sure that the resultant design feature will enhance the emerging architectural character of the Kendall Square Urban Renewal Area.

Mr. Joseph F. Tulumieri
November 9, 1994
Page Two

Please advise this office when the Cambridge Redevelopment Authority acts to grant an easement to Nine Cambridge Center Trust and please arrange payment, in the amount of \$7,500.00, previously agreed to by the Whitehead Institute.

Sincerely,

Robert W. Healy
City Manager

cc: D. Margaret Drury, Esquire (e)
Nancy Glowa, Esquire (e)
Lester Barber (e)
James Maloney (e)
Lisa Peterson (e)
John Pratt (e)

EASEMENT

WHEREAS, the Cambridge Redevelopment Authority, a public body politic and corporate (which, together with any successor public body or officer hereinafter designated by or pursuant to law, is hereinafter referred to as the "CRA") organized and existing pursuant to Massachusetts law and having a place of business at Four Cambridge Center, Cambridge, Massachusetts, has conveyed, by quitclaim deed dated July 14, 1994, recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 24710, Page 131 and filed with the Middlesex South Registry District of the Land Court (the "Land Court") as Document No. 953027, to David Barrett, Edward H. Linde and Mortimer B. Zuckerman, as Trustees of Nine Cambridge Center Trust u/d/t dated October 15, 1982 recorded with the Registry in Book 14771, Page 52 ("NCCT"), certain property adjacent to the Whitehead Property and more particularly described in Exhibit A attached hereto (the "NCCT Property", and together with the Whitehead Property, as hereinafter defined, the "Property");

WHEREAS, the CRA has conveyed, by quitclaim deed dated August 8, 1985 recorded with the Registry in Book 16757, Page 198 and filed with the Land Court as Document No. 699759 (the "Cambridge Deed"), to the City of Cambridge certain land adjacent to the Property which encompasses the Easement Area, as hereinafter defined;

WHEREAS, the CRA intended to reserve in the Cambridge Deed as a right appurtenant to the Property a perpetual right and easement for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding projections from any building or other structure located on the Property across portions of the Easement Area, as hereinafter defined;

WHEREAS, the Whitehead Institute for Biomedical Research, a Delaware corporation ("Whitehead"), owns the property known as and numbered Nine Cambridge Center, Cambridge, Massachusetts and more particularly described in Exhibit B attached hereto (the "Whitehead Property") and the building and ancillary improvements located thereon;

WHEREAS, pursuant to a Ground Lease dated as of July 14, 1994, notice of which is recorded with the Registry in Book 24710, Page 170 and filed with the Land Court as Document No. 953028, NCCT has leased a portion of the NCCT Property to Whitehead;

WHEREAS, Whitehead is undertaking to expand the building currently located on the Whitehead Property (the "Whitehead

Facility") onto land including both the Whitehead Property and a portion of the NCCT Property;

WHEREAS, as part of the expansion of the Whitehead Facility, Whitehead desires to construct an oriel above certain property owned by the City of Cambridge and more particularly described in Exhibit C attached hereto (the "Easement Area");

WHEREAS, the City Council of the City of Cambridge (the "City Council") has determined that the proposed oriel is a desirable design feature of the contemplated expansion of the Whitehead Facility; and

WHEREAS, the City Council has made all findings and determinations necessary and voted unanimously to approve and authorize the City Manager to grant, on behalf of the City of Cambridge, an easement to the CRA for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding the oriel and any other projections from any building or other structure located on the Property across and above portions of the Easement Area, all as more particularly described in Exhibit D attached hereto.

NOW THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City of Cambridge hereby grants to the CRA and its successors and assigns the perpetual right and easement to locate, construct, maintain, repair, replace and rebuild the oriel and any other projections from and/or extensions and expansions of any buildings or other structures now or hereafter from time to time located on any portion of the Property in that portion of the Easement Area which lies above that horizontal plane which has an elevation of thirty-two (32) feet Cambridge City Base.

IN WITNESS WHEREOF, the City of Cambridge has caused this Easement to be duly executed, under seal, as of this ___ day of November, 1994.

THE CITY OF CAMBRIDGE

(City of Cambridge Seal)

By: _____

Name: Robert W. Healy
Title: City Manager

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

_____, 1994

Then personally appeared the above named Robert W. Healy, City Manager of the City of Cambridge, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the City of Cambridge, before me

Notary Public
My Commission Expires:

TRACT IIA

A certain parcel of land situated on the Easterly side of Binney Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a concrete bound at the Northwest corner of the lot to be described herein in the Easterly side line of Binney Street, N 10° 46' 14" E a distance Four hundred thirty and eighty-five hundredths feet (430.85') from the intersection of the Northerly side line of Main Street and the Easterly side line of Binney Street, thence

- S 88° 39' 22" E a distance of Twenty-five and seventy-six hundredths feet (25.76') to a concrete bound; thence
- S 65° 20' 20" E a distance of Seventy-seven and eighty hundredths feet (77.80') feet to a concrete bound; thence
- S 05° 34' 46" W a distance of Two hundred ninety and seventy-two hundredths feet (290.72') to a concrete bound; thence
- S 16° 21' 22" E a distance of Thirty-four and eighty hundredths feet (34.80') to a point; thence
- N 84° 23' 14" W a distance of Twenty-one and no hundredths feet (21.00') by Tract I as shown on the hereinafter described plan to a point; thence
- N 05° 34' 46" E a distance of Three hundred sixteen and seventy-eight hundredths feet (316.78') by said Tract I and Tract IIB as shown on said plan to a point; thence
- N 74° 57' 54" W a distance of Ninety-three and nine hundredths feet (93.09') by said Tract IIB to a point in the Easterly side line of Binney Street; thence
- N10° 46' 14" E by Binney Street a distance of Seventeen and eight hundredths feet (17.08') to a concrete bound at the point of beginning.

The above described parcel of land contains 4,400.33 square feet, more or less, in Cambridge and is more particularly shown as Tract IIA on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94. Said plan is recorded with the Middlesex South District Registry of Deeds as Plan 687 of 1994, Instrument No. 817 of July 18, 1994 and subsequently recorded in Book 24710, Page 130. A print of said plan is attached as an Exhibit to a Deed dated July 14, 1994 by the Cambridge Redevelopment Authority in favor of David Barrett, Edward H. Linde and Mortimer Zuckerman, as Trustees of Nine Cambridge Center Trust and filed with the Middlesex South Registry District of the Land Court as Document No. 953027.

Included within the above described parcel of land are registered Lots 29 and 30 as shown on Land Court Plan 30711-G.

TRACT IIB

A certain parcel of land situated on the Easterly side of Binney Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the Easterly side of Binney Street which is located N 10° 46' 14"E a distance of Three hundred eighty-two and ninety hundredths (382.90') from the point of intersection of the Northerly side of Main Street and the Easterly side of Binney Street, thence

S 84° 25' 14"E a distance of Ninety-four and sixty-two hundredths feet (94.62') to a point; thence

N 05° 34' 46"E a distance of Fifteen and forty-five hundredths feet (15.45') to point; thence

N 74° 57' 54"W a distance of Ninety-three and nine hundredths feet (93.09') to a point; thence

S 10° 46' 14" W a distance of Thirty and eighty-seven hundredths feet (30.87') to the point of beginning

The above described parcel of land contains an area of 2,163.83 square feet, more or less, in Cambridge and is more particularly shown as Tract IIB on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94. Said plan is recorded with the Middlesex South District Registry of Deeds as Plan 687 of 1994, Instrument No. 817 of July 18, 1994 and subsequently recorded in Book 24710, Page 130. A print of said plan is attached as an Exhibit to a Deed dated July 14, 1994 by the Cambridge Redevelopment Authority in favor of David Barrett, Edward H. Linde and Mortimer Zuckerman, as Trustees of Nine Cambridge Center Trust and filed with the Middlesex South Registry District of the Land Court as Document No. 953027.

The above described parcel, consisting entirely of registered land, is shown as Lot 31 on Land Court Plan 30711-G.

A certain parcel of land situated at the corner of the Easterly side of Binney Street and the Northerly side of Main Street in the City of Cambridge in the County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the Northwesterly corner of the herein described parcel in the Easterly side of Binney Street which is located N10° 46' 14"E a distance of Three hundred eighty-two fifteen hundredths feet (382.90) from the intersection of Binney Street and Main Street, thence

S 84° 25' 14"E a distance of Ninety-four and sixty-two hundredths feet (94.62') to a point; thence

S 05° 34' 46"W a distance of Three hundred one and thirty-three hundredths feet (301.33') to a point; thence

S 84° 25' 14"E a distance of Twenty-one and no hundredths feet (21.00') to a point; thence

S 05° 34' 46"W a distance of Eighty and no hundredths feet (80.00') to a point in the northerly side line of Main Street; thence

N 84° 25' 14"W a distance of Ninety-five and fifty-two hundredths feet (95.52') to a point of curvature in the northerly side of Main Street; thence

Northwesterly running along a curve to the right having a radius of Fifty and no hundredths feet (50.00') for a distance of Eighty-three and Seven Hundredths feet (83.07') to a point of tangency; thence

N 10° 46' 14"E a distance of Three hundred twenty-eight and fifteen hundredths feet (328.15') to the point of beginning.

The above described parcel of land contains an area of 43,707.02 square feet, more or less, in Cambridge and is more particularly shown as Tract I on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94. Said plan is recorded with the Middlesex South District Registry of Deeds as Plan 687 of 1994, Instrument No. 817 of July 18, 1994 and subsequently recorded in Book 24710, Page 130. A print of said plan is attached as an Exhibit to a Deed dated July 14, 1994 by the Cambridge Redevelopment Authority in favor of David Barrett, Edward H. Linde and Mortimer Zuckerman, as Trustees of Nine Cambridge Center Trust and filed with the Middlesex South Registry District of the Land Court as Document No. 953027.

Included within the above described parcel of land are registered Lots 27 and 28 as shown on Land Court Plan 30711-F.

EXHIBIT B (continued)

Together with the right and easement to pass and repass over, and, in a manner and at locations approved by the City of Cambridge (the "City"), to install, use and maintain underground utilities and other services in, such portion of the land outside the premises between the boundary line of the premises and the line of the adjacent public right-of-way as the Cambridge Redevelopment Authority (the "CRA") may own from time to time, such right and easement to continue until such time as the City acquires such portion, or part thereof, for purposes of public rights-of-way and, in any event, to be subject to the installation, use and maintenance in such portion of underground utilities and other services and appurtenant surface facilities; provided, however, that the Tract I Owner shall maintain such portion of the land, except for public improvements, in reasonably attractive appearance. If any part of such portion shall not be made part of the public right-of-way within ten (10) years after the date hereof, the CRA may convey such part of such portion to the Tract I Owner without the payment by the Tract I Owner of any further consideration, the Tract I Owner shall accept such conveyance, and such part of such portion shall from and after such conveyance be considered a part of the granted premises and subject to the agreements and covenants applicable to the premises.

Together further with a Subsurface Foundation Easement across that portion of the below-described land which lies below that horizontal plane which has an elevation of Eighteen (18) feet Cambridge base, the location of which is more particularly bounded and described as follows:

Beginning at a point on the westerly line of Tract I, which point is N.10°-46'-14"E. Twenty and 28/100 (20.28) feet from a second point, which second point is N.52°-34'-18"E. Two Hundred Eight and 95/100 (208.95) feet from the intersection of the westerly line of Vassar Street and the southerly line of Main Street; thence running

N.79°-13'-46"W.

by land now or formerly of Cambridge Redevelopment Authority, Three and 00/100 (3.00) feet to a point; thence turning and running

by land now or formerly of Cambridge Redevelopment Authority, Two Hundred Five and 00/100 (205.00) feet to a point; thence turning and running

S.79°-13'-46"E.

by land now or formerly of Cambridge Redevelopment Authority, Three and 00/100 (3.00) feet to a point, thence turning and running

S.10°-46'-14"W.

by Tract I, Two Hundred Five and 00/100 (205.00) feet to the point of beginning.

Included within the area of said Subsurface Easement are parts of Lot 25 and Lot 26 as shown on Land Court Plan 30711F.

Containing according to said plan 615 square feet of land. Said Subsurface Easement is granted for the sole and exclusive purpose of constructing, maintaining, repairing and replacing a foundation slab, footings, pilings or supporting columns in connection with the construction and maintenance of any building or structure on Tract I.

Together further with an easement over the above-described area from that horizontal plane which has an elevation of Eighteen (18) feet Cambridge base to the upper plane of the surface of said area (the "Surface Easement") for the purpose of exercising the aforesaid Subsurface Easement provided, however, that the Tract I Owner, and such successors and assigns, restore the condition of the area subject to the Surface Easement to a condition substantially similar to its condition immediately prior to any disturbance.

Both the Surface Easement and the Subsurface Easement are subject to all easements, licenses and rights within said areas now existing and subject further to such laws, ordinances, bylaws, rules and regulations as may be established by the City of Cambridge for the construction and maintenance of streets and ways in said City.

EXHIBIT C

A certain parcel of land situated on the Easterly side of Binney Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point in the Easterly side line of Binney Street S 10° 46' 14"W a distance One hundred thirty-four and thirty-one hundredths feet (134.31') from a stone bound at the Northwest corner of Tract IIA as shown on the hereinafter described plan; thence

N 79° 13' 46" W a distance of Three and no hundredths feet (3.00') to a point in Binney Street; thence

S 10° 46' 14" W a distance of Twenty-six and no hundredths feet (26.00') to a point; thence

S 79° 13' 46" E a distance of Three and no hundredths feet (3.00') to a point in the Easterly line of Binney Street; thence

N 10° 46' 14" E a distance of Twenty-six and no hundredths (26.00') feet along the Easterly side line of Binney Street to the point of beginning.

The above described easement area contains an area of 78 square feet, more or less, in Cambridge and is more particularly shown as ORIEL EASEMENT on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94 (revised 8/09/94). Said plan is to be recorded herewith in the Middlesex South District Registry of Deeds. A print of said plan is attached as an Exhibit to an original counterpart of this instrument filed with the Middlesex South Registry District of the Land Court.

The above described easement area affects a portion of registered Lot 26 shown on Land Court Plan No. 30711-F.

S-1994-416A



CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139
Tel. (617) 349-4121
Fax. (617) 349-4134

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Michael C. Costello
Assistant City Solicitor

Legal Counsel

Birge Albright
Gail S. Gabriel
Arthur J. Goldberg
Linda A. Stamper
Deborah R. Cautela
Nancy E. Glowa

February 9, 1995

To: D. Margaret Drury
City Clerk

From: Nancy E. Glowa *NEG*

Subject: Whitehead Institute Oriel Easement

Enclosed are copies of the recorded documents as outlined in the enclosed letter of David P. Lucey relative to the above easement.

RBH/jml
Enclosures

RECEIVED
FEB 10 1995
CITY OF CAMBRIDGE

10.9119

ROPES & GRAY
ONE INTERNATIONAL PLACE
BOSTON, MASSACHUSETTS 02110-2624

30 KENNEDY PLAZA
PROVIDENCE, R. I. 02903
(401) 455-4400
TELECOPIER: (401) 455-4401

(617) 951-7000
TELECOPIER: (617) 951-7050

WRITER'S DIRECT DIAL NUMBER: (617) 951-7308

1001 PENNSYLVANIA AVENUE, N. W.
SUITE 1200 SOUTH
WASHINGTON, D. C. 20004
(202) 626-3900
TELECOPIER: (202) 626-3961

January 30, 1995

Nancy E. Glowa, Esq.
City of Cambridge
Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Whitehead Institute Oriel Easement

Dear Nancy:

Enclosed for your records is a copy of each of the recorded documents in connection with the above-referenced matter. The recording information is as follows:

	<u>Middlesex South District Registry of Deeds</u>	<u>Middlesex South Registry District of the Land Court</u>
1. City of Cambridge vote and easement to Cambridge Redevelopment Authority	Instrument No. 546 of January 25, 1995	Document No. 967084
2. Cambridge Redevelopment Authority vote and easement to Whitehead Institute	Instrument No. 547 of January 25, 1995	Document No. 967085

The Plan of Land was recorded as Plan 85 of 1995 as Instrument No. 545 and was attached as an exhibit to the Land Court documents.

Nancy E. Glow, Esq.

-2-

January 30, 1995

Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "David P. Lucey".

David P. Lucey

DPL/kmm:1022971.01 (WIBL-024)
Enclosure

cc: Mr. John Pratt
Stephen P. Lindsay, Esq.



City of Cambridge

Agenda Item 7(A)

IN CITY COUNCIL

October 3, 1994

ORDERED:

Pursuant to Sec. 2.110.010 G of the Cambridge Municipal Code, the City Council hereby orders that the City Council shall utilize a diminished process for the disposition of an easement for the construction of an oriel by the Whitehead Institute as set forth in Robert W. Healy's October 3, 1994 letter to the City Council.

In City Council October 3, 1994.
 Adopted by a yeas and nays vote:-
 Yeas 9; Nays 0; Absent 0.
 Attest:- D. Margaret Drury, City Clerk.

A true copy:

ATTEST:-

D. Margaret Drury
 City Clerk



City of Cambridge

Non-Consent Agenda No. 7

IN CITY COUNCIL

October 3, 1994

- WHEREAS: The Cambridge Redevelopment Authority, a public body politic and corporate (which, together with any successor public body of officer hereinafter designated by or pursuant to law, is hereinafter referred to as the "CHA") organized and existing pursuant to Massachusetts law and having a place of business at Four Cambridge Center, Cambridge, Massachusetts, have conveyed, by quitclaim deed dated July 14, 1994, recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 24710, Page 131 and filed with the Middlesex South Registry District of the Land Court (the "Land Court") as Document No. 953027, to David Barrett, Edward H. Linde and Mortimer B. Zuckerman, as Trustees of Nine Cambridge Center Trust u/d/t dated October 15, 1982 recorded with the Registry in Book 14771, Page 52 ("NCCT"), certain property adjacent to the Whitehead Property and more particularly described in Exhibit A attached hereto (the "NCCT Property", and together with the Whitehead Property, as hereinafter defined, the "Property"); and
- WHEREAS: The CRA has conveyed, by quitclaim deed dated August 8, 1985 recorded with the Registry in Book 16757, Page 198 and filed with the Land Court as Document No. 699759 (the "Cambridge Deed"), to the City of Cambridge certain land adjacent to the Property which encompasses the Easement Area, as hereinafter defined; and
- WHEREAS: The CRA intended to reserve in the Cambridge Deed as a right appurtenant to the Property a perpetual right and easement for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding projections from any building or other structure located on the Property across portions of the Easement Area, as hereinafter defined; and
- WHEREAS: The Whitehead Institute for Biomedical Research, a Delaware Corporation ("Whitehead"), owns the property known as and numbered Nine Cambridge Center, Cambridge, Massachusetts and more particularly described in Exhibit B attached hereto (the "Whitehead Property") and the building and ancillary improvements located thereon; and

- 2 -

- WHEREAS: Pursuant to a Ground Lease dated as of July 14, 1994, notice of which is recorded with the Registry in Book 24710, Page 170 and filed with the Land Court as Document No. 953028, NCCT has leased a portion of the NCCT Property to Whitehead; and
- WHEREAS: Whitehead is undertaking to expand the building currently located on the Whitehead Property (the "Whitehead Facility") onto land including both the Whitehead Property and a portion of the NCCT Property; and
- WHEREAS: As part of the expansion of the Whitehead Facility, Whitehead desires to construct an oriel above certain property owned by the City of Cambridge and more particularly described in Exhibit C attached hereto (the "Easement Area"); and
- WHEREAS: The City Council of the City of Cambridge (the "City Council") has accepted the recommendation that the proposed oriel is a desirable design feature of the contemplated expansion of the Whitehead Facility; now therefore be it
- ORDERED: That the City Council hereby approves and authorizes the City Manager to grant an easement to the CRA for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding the oriel and any other projections from any building or other structure located on the Property across and above portions of the Easement Area, all as more particularly described in Exhibit D attached hereto.

In City Council October 3, 1994.

Adopted by a yea 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

EASEMENT

*Sup
Rec*

WHEREAS, the Cambridge Redevelopment Authority, a public body politic and corporate (which, together with any successor public body or officer hereinafter designated by or pursuant to law, is hereinafter referred to as the "CRA") organized and existing pursuant to Massachusetts law and having a place of business at Four Cambridge Center, Cambridge, Massachusetts, has conveyed, by quitclaim deed dated July 14, 1994, recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 24710, Page 131 and filed with the Middlesex South Registry District of the Land Court (the "Land Court") as Document No. 953027, to David Barrett, Edward H. Linde and Mortimer B. Zuckerman, as Trustees of Nine Cambridge Center Trust u/d/t dated October 15, 1982 recorded with the Registry in Book 14771, Page 52 ("NCCT"), certain property adjacent to the Whitehead Property, as hereinafter defined, and more particularly described in Exhibit A attached hereto (the "NCCT Property", and together with the Whitehead Property, the "Property");

WHEREAS, the CRA has conveyed, by quitclaim deed dated August 8, 1985 recorded with the Registry in Book 16757, Page 198 and filed with the Land Court as Document No. 699759 (the "Cambridge Deed"), to the City of Cambridge certain land adjacent to the Property which encompasses the Easement Area, as hereinafter defined; *175822-1009-12*

?

WHEREAS, the CRA intended to reserve in the Cambridge Deed as a right appurtenant to the Property a perpetual right and easement for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding projections from any building or other structure located on the Property across portions of the Easement Area, as hereinafter defined;

207509129

WHEREAS, the Whitehead Institute for Biomedical Research, a Delaware corporation ("Whitehead"), owns the property known as and numbered Nine Cambridge Center, Cambridge, Massachusetts and more particularly described in Exhibit B attached hereto (the "Whitehead Property") and the building and ancillary improvements located thereon;

4731

WHEREAS, pursuant to a Ground Lease dated as of July 14, 1994, notice of which is recorded with the Registry in Book 24710, Page 170 and filed with the Land Court as Document No. 953028, NCCT has leased a portion of the NCCT Property to Whitehead;

WHEREAS, Whitehead is undertaking to expand the building currently located on the Whitehead Property (the "Whitehead Facility") onto land including both the Whitehead Property and a portion of the NCCT Property;

WHEREAS, as part of the expansion of the Whitehead Facility, Whitehead desires to construct an oriel above certain property owned by the City of Cambridge and more particularly described in Exhibit C attached hereto (the "Easement Area");

WHEREAS, the City Council of the City of Cambridge (the "City Council") has accepted the recommendation of the CRA and its Design Advisory Group that the proposed oriel is a desirable design feature of the contemplated expansion of the Whitehead Facility; and

WHEREAS, the City Council has made all findings and determinations necessary and voted unanimously to approve and authorize the City Manager to grant, on behalf of the City of Cambridge, an easement to the CRA for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding the oriel and any other projections from any building or other structure located on the Property across and above portions of the Easement Area, all as more particularly described in Exhibit D attached hereto.

NOW THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City of Cambridge hereby grants to the CRA and its successors and assigns the perpetual right and easement to locate, construct, maintain, repair, replace and rebuild the oriel and any other projections from and/or extensions and expansions of any buildings or other structures now or hereafter from time to time located on any portion of the Property in that portion of the Easement Area which lies above that horizontal plane which has an elevation of thirty-two (32) feet Cambridge City Base.

IN WITNESS WHEREOF, the City of Cambridge has caused this Easement to be duly executed, under seal, as of this 30 day of November, 1994.

CITY OF CAMBRIDGE

(City of Cambridge Seal)

By: *Robert W. Healy*
Name: Robert W. Healy
Title: City Manager

Approved as to form:

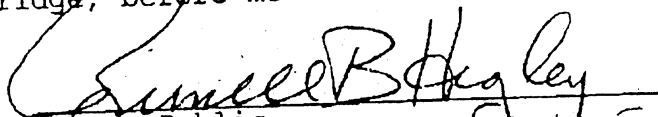
BY: *Russell B. Higley*
Name: Russell B. Higley
Title: City Solicitor

THE COMMONWEALTH OF MASSACHUSETTS

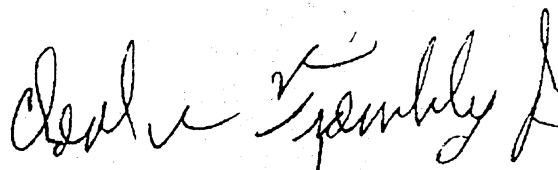
Middlesex, ss.

11/30, 1994

Then personally appeared the above named Robert W. Healy, City Manager of the City of Cambridge, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the City of Cambridge, before me


Notary Public
My Commission Expires: 12/14/95

JAN 23, 1995
MAY be Registered and noted
on Cert of Title No. 175822


Recorder

TRACT IIA

A certain parcel of land situated on the Easterly side of Binney Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a concrete bound at the Northwest corner of the lot to be described herein in the Easterly side line of Binney Street, N 10° 46' 14" E a distance Four hundred thirty and eighty-five hundredths feet (430.85') from the intersection of the Northerly side line of Main Street and the Easterly side line of Binney Street, thence

- S 88° 39' 22" E a distance of Twenty-five and seventy-six hundredths feet (25.76') to a concrete bound; thence
- S 63° 20' 20" E a distance of Seventy-seven and eighty hundredths feet (77.80') feet to a concrete bound; thence
- S 05° 34' 46" W a distance of Two hundred ninety and seventy-two hundredths feet (290.72') to a concrete bound; thence
- S 16° 21' 22" E a distance of Thirty-four and eighty hundredths feet (34.80') to a point; thence
- N 84° 25' 14" W a distance of Twenty-one and no hundredths feet (21.00') by Tract I as shown on the hereinafter described plan to a point; thence
- N 05° 34' 46" E a distance of Three hundred sixteen and seventy-eight hundredths feet (316.78') by said Tract I and Tract IIB as shown on said plan; thence
- N 74° 57' 54" W a distance of Ninety-three and nine hundredths feet (93.09') by said Tract IIB to a point in the Easterly side line of Binney Street; thence
- N 10° 46' 14" E by Binney Street a distance of Seventeen and eight hundredths feet (17.08') to a concrete bound at the point of beginning.

The above described parcel of land contains 4,400.33 square feet, more or less, in Cambridge and is more particularly shown as Tract IIA on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94. Said plan is recorded with the Middlesex South District Registry of Deeds as Plan 687 of 1994, Instrument No. 817 of July 18, 1994 and subsequently recorded in Book 24710, Page 130. A print of said plan is attached as an Exhibit to a Deed dated July 14, 1994 by the Cambridge Redevelopment Authority in favor of David Barrett, Edward H. Linde and Mortimer Zuckerman, as Trustees of Nine Cambridge Center Trust and filed with the Middlesex South Registry District of the Land Court as Document No. 953027. *CT# 199901*

Included within the above described parcel of land are registered Lots 29 and 30 as shown on Land Court Plan 30711-G.

TRACT IIB

A certain parcel of land situated on the Easterly side of Binney Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the Easterly side of Binney Street which is located N 10° 46' 14"E a distance of Three hundred eighty-two and ninety hundredths (382.90') from the point of intersection of the Northerly side of Main Street and the Easterly side of Binney Street, thence

S 84° 25' 14"E a distance of Ninety-four and sixty-two hundredths feet (94.62') to a point; thence

N 05° 34' 46"E a distance of Fifteen and forty-five hundredths feet (15.45') to point; thence

N 74° 57' 54"W a distance of Ninety-three and nine hundredths feet (93.09') to a point; thence

S 10° 46' 14" W a distance of Thirty and eighty-seven hundredths feet (30.87') to the point of beginning

The above described parcel of land contains an area of 2,163.83 square feet, more or less, in Cambridge and is more particularly shown as Tract IIB on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94. Said plan is recorded with the Middlesex South District Registry of Deeds as Plan 687 of 1994, Instrument No. 817 of July 18, 1994 and subsequently recorded in Book 24710, Page 130. A print of said plan is attached as an Exhibit to a Deed dated July 14, 1994 by the Cambridge Redevelopment Authority in favor of David Barrett, Edward H. Linde and Mortimer Zuckerman, as Trustees of Nine Cambridge Center Trust and filed with the Middlesex South Registry District of the Land Court as Document No. 953027.

1129761

The above described parcel, consisting entirely of registered land, is shown as Lot 31 on Land Court Plan 30711-G.

TRACT I

A certain parcel of land situated at the corner of the Easterly side of Binney Street and the Northerly side of Main Street in the City of Cambridge in the County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the Northwesterly corner of the herein described parcel in the Easterly side of Binney Street which is located N10° 46' 14"E a distance of Three hundred eighty-two fifteen hundredths feet (382.90) from the intersection of Binney Street and Main Street, thence

S 84° 25' 14"E a distance of Ninety-four and sixty-two hundredths feet (94.62') to a point; thence

S 05° 34' 46"W a distance of Three hundred one and thirty-three hundredths feet (301.33') to a point, thence

S 84° 25' 14"E a distance of Twenty-one and no hundredths feet (21.00') to a point, thence

S 05° 34' 46"W a distance of Eighty and no hundredths feet (80.00') to a point in the northerly side line of Main Street, thence

N 84° 25' 14"W a distance of Ninety-five and fifty-two hundredths feet (95.52') to a point of curvance in the northerly side of Main Street, thence

Northwesterly running along a curve to the right having a radius of Fifty and no hundredths feet (50.00') for a distance of Eighty-three and Seven Hundredths feet (83.07) to a point of tangency, thence

N 10° 46' 14"E a distance of Three hundred twenty-eight and fifteen hundredths feet (328.15') to the point of beginning.

The above described parcel of land contains an area of 43,707.02 square feet, more or less, in Cambridge and is more particularly shown as Tract I on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94. Said plan is recorded with the Middlesex South District Registry of Deeds as Plan 687 of 1994, Instrument No. 817 of July 18, 1994 and subsequently recorded in Book 24710, Page 130. A print of said plan is attached as an Exhibit to a Deed dated July 14, 1994 by the Cambridge Redevelopment Authority in favor of David Barrett, Edward H. Linde and Mortimer Zuckerman, as Trustees of Nine Cambridge Center Trust and filed with the Middlesex South Registry District of the Land Court as Document No. 953027.

Included within the above described parcel of land are registered Lots 27 and 28 as shown on Land Court Plan 30711-F.

9 6 7 0 3 A
EXHIBIT B (Continued)

Together with the right and easement to pass and repossess over, and, in a manner and at locations approved by the City of Cambridge (the "City"), to install, use and maintain underground utilities and other services in, such portion of the land outside the premises between the boundary line of the premises and the line of the adjacent public right-of-way as the Cambridge Redevelopment Authority (the "CRA") may own from time to time, such right and easement to continue until such time as the City acquires such portion, or part thereof, for purposes of public rights-of-way and, in any event, to be subject to the installation, use and maintenance in such portion of underground utilities and other services and appurtenant surface facilities; provided, however, that the Tract I Owner shall maintain such portion of the land, except for public improvements, in reasonably attractive appearance. If any part of such portion shall not be made part of the public right-of-way within ten (10) years after the date hereof, the CRA may convey such part of such portion to the Tract I Owner without the payment by the Tract I Owner of any further consideration, the Tract I Owner shall accept such conveyance, and such part of such portion shall from and after such conveyance be considered a part of the granted premises and subject to the agreements and covenants applicable to the premises.

Together further with a Subsurface Foundation Easement across that portion of the below-described land which lies below that horizontal plane which has an elevation of Eighteen (18) feet Cambridge base, the location of which is more particularly bounded and described as follows:

Beginning at a point on the westerly line of Tract I, which point is N.10°-46'-14"E. Twenty and 28/100 (20.28) feet from a second point, which second point is N.52°-34'-18"E. Two Hundred Eight and 95/100 (208.95) feet from the intersection of the westerly line of Vassar Street and the southerly line of Main Street; thence running

N.79°-13'-46"W.

by land now or formerly of Cambridge Redevelopment Authority, Three and 00/100 (3.00) feet to a point; thence turning and running

N.10°-46'-14" E.

9 6 7 0 3 4
by land now or formerly of Cambridge Redevelopment Authority, Two Hundred Five and 00/100 (205.00) feet to a point; thence turning and running

S.79°-13'-46"E.

by land now or formerly of Cambridge Redevelopment Authority, Three and 00/100 (3.00) feet to a point, thence turning and running

S.10°-46'-14"W.

by Tract I, Two Hundred Five and 00/100 (205.00) feet to the point of beginning.

Included within the area of said Subsurface Easement are parts of Lot 25 and Lot 26 as shown on Land Court Plan 30711F.

Containing according to said plan 615 square feet of land. Said Subsurface Easement is granted for the sole and exclusive purpose of constructing, maintaining, repairing and replacing a foundation slab, footings, pilings or supporting columns in connection with the construction and maintenance of any building or structure on Tract I.

Together further with an easement over the above-described area from that horizontal plane which has an elevation of Eighteen (18) feet Cambridge base to the upper plane of the surface of said area (the "Surface Easement") for the purpose of exercising the aforesaid Subsurface Easement provided, however, that the Tract I Owner, and such successors and assigns, restore the condition of the area subject to the Surface Easement to a condition substantially similar to its condition immediately prior to any disturbance.

Both the Surface Easement and the Subsurface Easement are subject to all easements, licenses and rights within said areas now existing and subject further to such laws, ordinances, bylaws, rules and regulations as may be established by the City of Cambridge for the construction and maintenance of streets and ways in said City.

EXHIBIT C

A certain parcel of land situated on the Easterly side of Binney Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point in the Easterly side line of Binney Street S 10° 46' 14"W a distance One hundred thirty-four and thirty-one hundredths feet (134.31') from a stone bound at the Northwest corner of Tract IIA as shown on the hereinafter described plan; thence

N 79° 13' 46" W a distance of Three and no hundredths feet (3.00') to a point in Binney Street; thence

S 10° 46' 14" W a distance of Twenty-six and no hundredths feet (26.00') to a point; thence

S 79° 13' 46" E a distance of Three and no hundredths feet (3.00') to a point in the Easterly line of Binney Street; thence

N 10° 46' 14" E a distance of Twenty-six and no hundredths (26.00') feet along the Easterly side line of Binney Street to the point of beginning.

The above described easement area contains an area of 78 square feet, more or less, in Cambridge and is more particularly shown as **Oriel Easement** on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94 (revised 8/09/94). Said plan is to be recorded herewith in the Middlesex South District Registry of Deeds. A print of said plan is attached as an Exhibit to an original counterpart of this instrument filed with the Middlesex South Registry District of the Land Court.

The above described easement area affects a portion of registered Lot 26 shown on Land Court Plan No. 30711-F.

title CHS 175822-1009-72



City of Cambridge

Agenda Item 7(A)

IN CITY COUNCIL

October 3, 1994

ORDERED:

Pursuant to Sec. 2.110.010 G of the Cambridge Municipal Code, the City Council hereby orders that the City Council shall utilize a diminished process for the disposition of an easement for the construction of an oriel by the Whitehead Institute as set forth in Robert W. Healy's October 3, 1994 letter to the City Council.

In City Council October 3, 1994.

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



City of Cambridge

Non-Consent Agenda No. 7

IN CITY COUNCIL

October 3, 1994

- WHEREAS: The Cambridge Redevelopment Authority, a public body politic and corporate (which, together with any successor public body of officer hereinafter designated by or pursuant to law, is hereinafter referred to as the "CHA") organized and existing pursuant to Massachusetts law and having a place of business at Four Cambridge Center, Cambridge, Massachusetts, have conveyed, by quitclaim deed dated July 14, 1994, recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 24710, Page 131 and filed with the Middlesex South Registry District of the Land Court (the "Land Court") as Document No. 953027, to David Barrett, Edward H. Linde and Mortimer B. Zuckerman, as Trustees of Nine Cambridge Center Trust u/d/t dated October 15, 1982 recorded with the Registry in Book 14771, Page 52 ("NCCT"), certain property adjacent to the Whitehead Property and more particularly described in Exhibit A attached hereto (the "NCCT Property", and together with the Whitehead Property, as hereinafter defined, the "Property"); and
- WHEREAS: The CRA has conveyed, by quitclaim deed dated August 8, 1985 recorded with the Registry in Book 16757, Page 198 and filed with the Land Court as Document No. 699759 (the "Cambridge Deed"), to the City of Cambridge certain land adjacent to the Property which encompasses the Easement Area, as hereinafter defined; and
- WHEREAS: The CRA intended to reserve in the Cambridge Deed as a right appurtenant to the Property a perpetual right and easement for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding projections from any building or other structure located on the Property across portions of the Easement Area, as hereinafter defined; and
- WHEREAS: The Whitehead Institute for Biomedical Research, a Delaware Corporation ("Whitehead"), owns the property known as and numbered Nine Cambridge Center, Cambridge, Massachusetts and more particularly described in Exhibit B attached hereto (the "Whitehead Property") and the building and ancillary improvements located thereon; and

- 2 -

- WHEREAS: Pursuant to a Ground Lease dated as of July 14, 1994, notice of which is recorded with the Registry in Book 24710, Page 170 and filed with the Land Court as Document No. 953028, NCCT has leased a portion of the NCCT Property to Whitehead; and
- WHEREAS: Whitehead is undertaking to expand the building currently located on the Whitehead Property (the "Whitehead Facility") onto land including both the Whitehead Property and a portion of the NCCT Property; and
- WHEREAS: As part of the expansion of the Whitehead Facility, Whitehead desires to construct an oriel above certain property owned by the City of Cambridge and more particularly described in Exhibit C attached hereto (the "Easement Area"); and
- WHEREAS: The City Council of the City of Cambridge (the "City Council") has accepted the recommendation that the proposed oriel is a desirable design feature of the contemplated expansion of the Whitehead Facility; now therefore be it
- ORDERED: That the City Council hereby approves and authorizes the City Manager to grant an easement to the CRA for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding the oriel and any other projections from any building or other structure located on the Property across and above portions of the Easement Area, all as more particularly described in Exhibit D attached hereto.

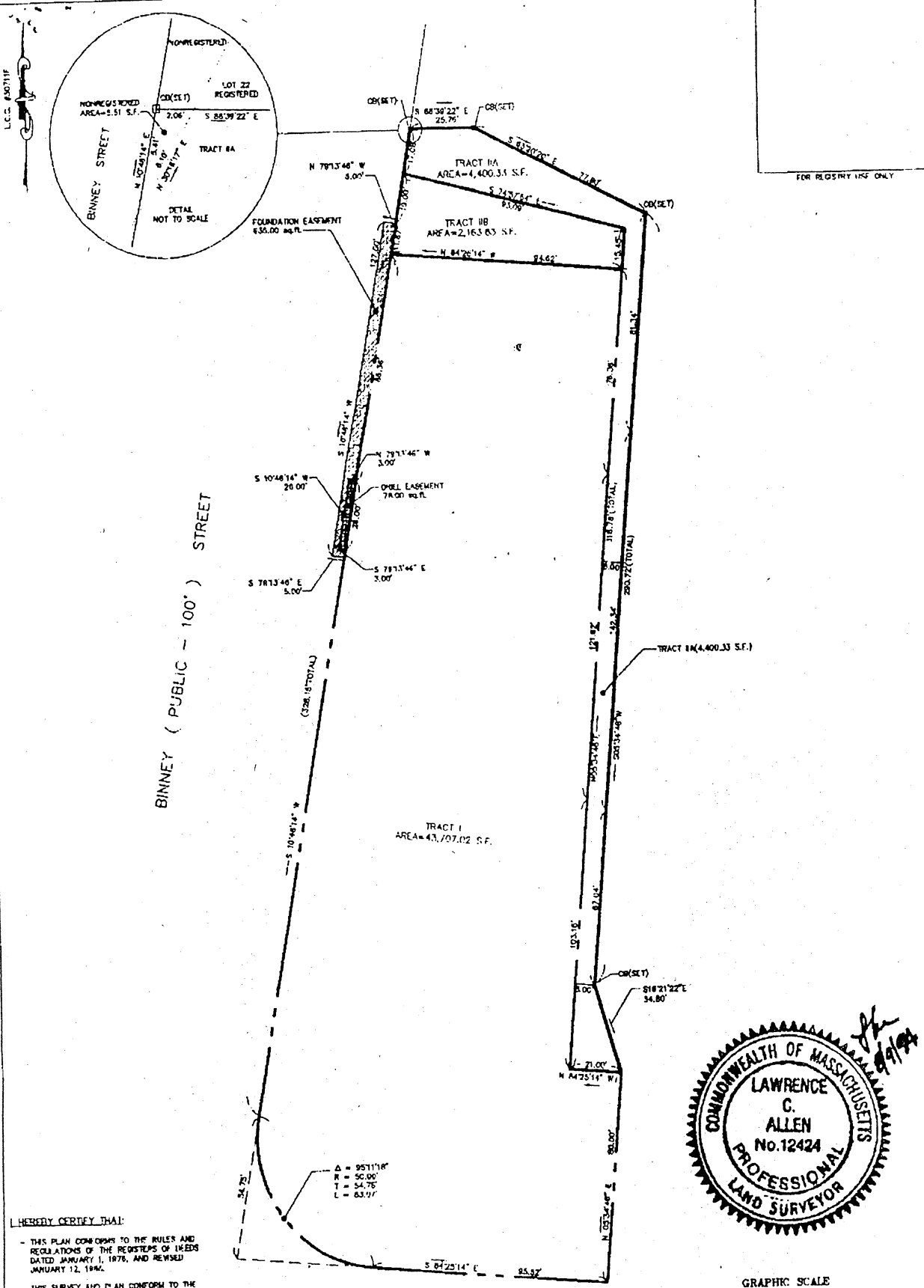
In City Council October 3, 1994.
 Adopted by a yea and nay vote:-
 Yeas 9; Nays 0; Absent 0.
 Attest:- D. Margaret Drury, City Clerk.

A true copy;

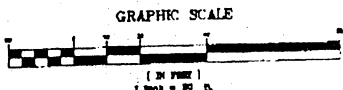
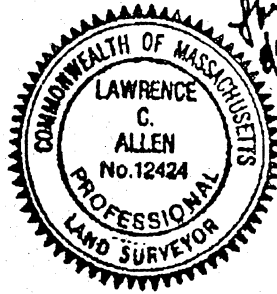
ATTEST:-

D. Margaret Drury
 D. Margaret Drury
 City Clerk

967034



FOR REGISTRY USE ONLY



HEREBY CERTIFY THAT:

- THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS DATED JANUARY 1, 1876, AND REVISED JANUARY 12, 1942.
- THIS SURVEY AND PLAN CONFORM TO THE ETHICAL, PROCEDURAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

Lawrence G. Allen
LAWRENCE G. ALLEN P.L.S. #12424

MAIN (PUBLIC - 70') STREET

PLAN REFERENCES

- L.C.C. #29711F
- PLAN OF LAND IN CAMBRIDGE, MASS DATED JANUARY 11, 1983, SCALE 1"=20', PREPARED BY CHARLES F. JUNGOLD.

PROJECT NO.	1020-01	DATE:	6/2/94
DATE	8/9/94	DESCRIPTION	EASEMENT REVISION
DRAWN BY	KJK/BMR	CHECKED BY	LCA
PREPARED BY:	Allen & Major Associates, Inc.		
ONE ENGINEER	LAND SURVEYOR		
400 WEST CAMBRIDGE PARK DRIVE, NEWTON, MA 02459	FAX: (617) 552-2998		
(617) 552-9600	ALBANY, NY 02212		
247 LARGEBERRY BLVD	FAX: (603) 881-2392		
(603) 881-2392			

PLAN OF LAND
IN
CAMBRIDGE, MA

PREPARED FOR: WHITHEAD INSTITUTE
9 CAMBRIDGE CENTER
CAMBRIDGE, MA. 02138

REDUCED COPY

17-18

DOCUMENT 967084

18-18

With 6482...

Sharon Clarynugh

SO. MIDDLESEX LAND COURT
REGISTRY DISTRICT
RECEIVED FOR REGISTRATION

ON 01/25/95 AT 02:08:20 60.00 CAD

NOTED ON:

CERT 0175822 BK 1009 PG 72

A true copy of Document No. 967084
registered in Middlesex South Registry
District of the Land Court on 11as 1995
at 2:08 P.M. noted on Certificate
No. 175822 BK 1009 Pg. 72

Attest:

[Signature]
Asst. Recorder REGISTER

967084



July 6, 1994 / 2:00 P.M. / Two Cambridge Center

Special Meeting
Cambridge Redevelopment Authority

E X C E R P T S F R O M T H E M I N U T E S

A Special Meeting of the Cambridge Redevelopment Authority was held at 2:00 P.M., on July 6, 1994, at the Marketing Suite, Two Cambridge Center, Cambridge, Massachusetts, the time and place duly established for such a meeting.

ROLL CALL

The meeting was called to order by the Chairman, Jacqueline S. Sullivan, at 2:10 P.M.

The following members were present:

Jacqueline S. Sullivan, Chairman,
Alan D. Bell, Vice-Chairman,
B. Karen K. Swaim, Treasurer, and
Manuel Rogers, Jr., Member.

The Chairman declared a quorum present.

The other person at the meeting was:

Authority staff member,

Joseph F. Tulimieri, Secretary & Executive Director.

Kendall Square Urban Renewal Area / Parcel 3

On a motion by Ms. Swaim, as seconded by Mr. Rogers, it was, unanimously, by those members present:

Voted: That the Chairman and Vice Chairman of the Authority be, and each of them hereby is, acting singly, authorized to take such further action or actions and to execute and deliver such further instruments, documents and agreements as the officer so acting shall determine to be in the interests of the Authority in order to dispose of land within Parcel 3 of the Kendall Square Urban Renewal Area for development in accordance with the approved Kendall Square Urban Renewal Plan, as amended.

CERTIFICATE OF RECORDING OFFICER

I, Joseph F. Tulimieri, Secretary and Executive Director, do hereby certify that the above vote is true and correct and shows in the

official minutes of the Cambridge Redevelopment Authority.

(SEAL)

Joseph F. Tulumieri
Joseph F. Tulumieri
Secretary and Executive Director

12/23/64

EASEMENT

WHEREAS, the Cambridge Redevelopment Authority, a public body politic and corporate (which, together with any successor public body or officer hereinafter designated by or pursuant to law, is hereinafter referred to as the "CRA") organized and existing pursuant to Massachusetts law and having a place of business at Four Cambridge Center, Cambridge, Massachusetts, has conveyed, by quitclaim deed dated July 14, 1994, recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 24710, Page 131 and filed with the Middlesex South Registry District of the Land Court (the "Land Court") as Document No. 953027, to David Barrett, Edward H. Linde and Mortimer B. Zuckerman, as Trustees of Nine Cambridge Center Trust u/d/t dated October 15, 1982 recorded with the Registry in Book 14771, Page 52 ("NCCT"), certain property adjacent to the Whitehead Property and more particularly described in Exhibit A attached hereto (the "NCCT Property", and together with the Whitehead Property, as hereinafter defined, the "Property");

WHEREAS, the CRA has conveyed, by quitclaim deed dated August 8, 1985 recorded with the Registry in Book 16757, Page 198 and filed with the Land Court as Document No. 699759 (the "Cambridge Deed"), to the City of Cambridge certain land adjacent to the Property which encompasses the Easement Area, as hereinafter defined;

WHEREAS, the CRA intended to reserve in the Cambridge Deed as a right appurtenant to the Property a perpetual right and easement for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding projections from any building or other structure located on the Property across portions of the Easement Area, as hereinafter defined;

WHEREAS, the Whitehead Institute for Biomedical Research, a Delaware corporation ("Whitehead"), owns the property known as and numbered Nine Cambridge Center, Cambridge, Massachusetts and more particularly described in Exhibit B attached hereto (the "Whitehead Property") and the building and ancillary improvements located thereon;

WHEREAS, pursuant to a Ground Lease dated as of July 14, 1994, notice of which is recorded with the Registry in Book 24710, Page 170 and filed with the Land Court as Document No. 953028, NCCT has leased a portion of the NCCT Property to Whitehead;

WHEREAS, Whitehead is undertaking to expand the building currently located on the Whitehead Property (the "Whitehead Facility") onto land including both the Whitehead Property and a portion of the NCCT Property;

WHEREAS, as part of the expansion of the Whitehead Facility, Whitehead desires to construct an oriel above certain property owned by the City of Cambridge and more particularly described in Exhibit C attached hereto (the "Easement Area");

WHEREAS, the City Council of the City of Cambridge (the "City Council") has accepted the recommendation of the CRA and its Design Advisory Group that the proposed oriel is a desirable design feature of the contemplated expansion of the Whitehead Facility;

WHEREAS, pursuant to authority granted by the City Council, the City Manager has granted, on behalf of the City of Cambridge, an easement to the CRA for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding the oriel and any other projections from any building or other structure located on the Property across and above portions of the Easement Area; and

WHEREAS, to facilitate construction of the oriel by Whitehead, the CRA has agreed to grant an easement to Whitehead for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding the oriel and any other projections from any building or other structure located on the Property across and above portions of the Easement Area.

NOW THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the CRA hereby grants to Whitehead and its successors and assigns the perpetual right and easement to locate, construct, maintain, repair, replace and rebuild the oriel and any other projections from and/or extensions and expansions of any buildings or other structures now or hereafter from time to time located on any portion of the Property in that portion of the Easement Area which lies above that horizontal plane which has an elevation of thirty-two (32) feet Cambridge City Base.

IN WITNESS WHEREOF, the CRA has caused this Easement to be duly executed, under seal, as of this 22nd day of December, 1994.

Attest: CAMBRIDGE REDEVELOPMENT AUTHORITY

Joseph F. Tulumieri
Name: Joseph F. Tulumieri
Title: Executive Director
and Secretary

By: *Alan D. Bell*
Name: Alan D. Bell
Title: Vice-Chairman

JAN 23, 1995
MAY be registered and noted
on Cert. of Title No 175822

Charles Tumbly
Recorder

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

December 22, 1994

Then personally appeared the above named Alan D. Bell, Vice-Chairman of the Cambridge Redevelopment Authority, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Cambridge Redevelopment Authority, before me

Maria C. MacKinnon
Notary Public
My Commission Expires: 3/20/98

TRACT IIA

A certain parcel of land situated on the Easterly side of Binney Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a concrete bound at the Northwest corner of the lot to be described herein in the Easterly side line of Binney Street, N 10° 46' 14" E a distance Four hundred thirty and eighty-five hundredths feet (430.85') from the intersection of the Northerly side line of Main Street and the Easterly side line of Binney Street, thence

- S 88° 39' 22" E a distance of Twenty-five and seventy-six hundredths feet (25.76') to a concrete bound; thence
- S 63° 20' 20" E a distance of Seventy-seven and eighty hundredths feet (77.80') feet to a concrete bound; thence
- S 05° 34' 46" W a distance of Two hundred ninety and seventy-two hundredths feet (290.72') to a concrete bound; thence
- S 16° 21' 22" E a distance of Thirty-four and eighty hundredths feet (34.80') to a point; thence
- N 84° 25' 14" W a distance of Twenty-one and no hundredths feet (21.00') by Tract I as shown on the hereinafter described plan to a point; thence
- N 05° 34' 46" E a distance of Three hundred sixteen and seventy-eight hundredths feet (316.78') by said Tract I and Tract IIB as shown on said plan to a point; thence
- N 74° 57' 54" W a distance of Ninety-three and nine hundredths feet (93.09') by said Tract IIB to a point in the Easterly side line of Binney Street; thence
- N 10° 46' 14" E by Binney Street a distance of Seventeen and eight hundredths feet (17.08') to a concrete bound at the point of beginning.

The above described parcel of land contains 4,400.55 square feet, more or less, in Cambridge and is more particularly shown as Tract IIA on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94. Said plan is recorded with the Middlesex South District Registry of Deeds as Plan 687 of 1994, Instrument No. 817 of July 18, 1994 and subsequently recorded in Book 24710, Page 130. A print of said plan is attached as an Exhibit to a Deed dated July 14, 1994 by the Cambridge Redevelopment Authority in favor of David Barrett, Edward H. Linde and Mortimer Zuckerman, as Trustees of Nine Cambridge Center Trust and filed with the Middlesex South Registry District of the Land Court as Document No. 953027.

Included within the above described parcel of land are registered Lots 29 and 30 as shown on Land Court Plan 30711-G.

9 6 7 0 8 5

TRACT IIB

A certain parcel of land situated on the Easterly side of Binney Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the Easterly side of Binney Street which is located N 10° 46' 14"E a distance of Three hundred eighty-two and ninety hundredths (382.90') from the point of intersection of the Northerly side of Main Street and the Easterly side of Binney Street, thence

S 84° 25' 14"E a distance of Ninety-four and sixty-two hundredths feet (94.62') to a point; thence

N 05° 34' 46"E a distance of Fifteen and forty-five hundredths feet (15.45') to point; thence

N 74° 57' 54"W a distance of Ninety-three and nine hundredths feet (93.09') to a point; thence

S 10° 46' 14" W a distance of Thirty and eighty-seven hundredths feet (30.87') to the point of beginning

The above described parcel of land contains an area of 2,163.83 square feet, more or less, in Cambridge and is more particularly shown as Tract IIB on a plan entitled "Plan of Land in Cambridge, MA." prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94. Said plan is recorded with the Middlesex South District Registry of Deeds as Plan 687 of 1994, Instrument No. 817 of July 18, 1994 and subsequently recorded in Book 24710, Page 130. A print of said plan is attached as an Exhibit to a Deed dated July 14, 1994 by the Cambridge Redevelopment Authority in favor of David Barrett, Edward H. Linde and Mortimer Zuckerman, as Trustees of Nine Cambridge Center Trust and filed with the Middlesex South Registry District of the Land Court as Document No. 953027.

The above described parcel, consisting entirely of registered land, is shown as Lot 31 on Land Court Plan 30711-G.

A certain parcel of land situated at the corner of the Easterly side of Binney Street and the Northerly side of Main Street in the City of Cambridge in the County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at the Northwesterly corner of the herein described parcel in the Easterly side of Binney Street which is located N10° 46' 14"E a distance of Three hundred eighty-two fifteen hundredths feet (382.90) from the intersection of Binney Street and Main Street, thence

S 84° 25' 14"E a distance of Ninety-four and sixty-two hundredths feet (94.62') to a point; thence

S 05° 34' 46"W a distance of Three hundred one and thirty-three hundredths feet (301.33') to a point; thence

S 84° 25' 14"E a distance of Twenty-one and no hundredths feet (21.00') to a point; thence

S 05° 34' 46"W a distance of Eighty and no hundredths feet (80.00') to a point in the northerly side line of Main Street; thence

N 84° 25' 14"W a distance of Ninety-five and fifty-two hundredths feet (95.52') to a point of curvature in the northerly side of Main Street; thence

Northwesterly running along a curve to the right having a radius of Fifty and no hundredths feet (50.00') for a distance of Eighty-three and Seven Hundredths feet (83.07') to a point of tangency; thence

N 10° 46' 14"E a distance of Three hundred twenty-eight and fifteen hundredths feet (328.15') to the point of beginning.

The above described parcel of land contains an area of 43,707.02 square feet, more or less, in Cambridge and is more particularly shown as Tract I on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94. Said plan is recorded with the Middlesex South District Registry of Deeds as Plan 687 of 1994, Instrument No. 817 of July 18, 1994 and subsequently recorded in Book 24710, Page 130. A print of said plan is attached as an Exhibit to a Deed dated July 14, 1994 by the Cambridge Redevelopment Authority in favor of David Barrett, Edward H. Linde and Mortimer Zuckerman, as Trustees of Nine Cambridge Center Trust and filed with the Middlesex South Registry District of the Land Court as Document No. 953027.

Included within the above described parcel of land are registered Lots 27 and 28 as shown on Land Court Plan 30711-F.

Together with the right and easement to pass and repass over, and, in a manner and at locations approved by the City of Cambridge (the "City"), to install, use and maintain underground utilities and other services in, such portion of the land outside the premises between the boundary line of the premises and the line of the adjacent public right-of-way as the Cambridge Redevelopment Authority (the "CRA") may own from time to time, such right and easement to continue until such time as the City acquires such portion, or part thereof, for purposes of public rights-of-way and, in any event, to be subject to the installation, use and maintenance in such portion of underground utilities and other services and appurtenant surface facilities; provided, however, that the Tract I Owner shall maintain such portion of the land, except for public improvements, in reasonably attractive appearance. If any part of such portion shall not be made part of the public right-of-way within ten (10) years after the date hereof, the CRA may convey such part of such portion to the Tract I Owner without the payment by the Tract I Owner of any further consideration, the Tract I Owner shall accept such conveyance, and such part of such portion shall from and after such conveyance be considered a part of the granted premises and subject to the agreements and covenants applicable to the premises.

Together further with a Subsurface Foundation Easement across that portion of the below-described land which lies below that horizontal plane which has an elevation of Eighteen (18) feet Cambridge base, the location of which is more particularly bounded and described as follows:

Beginning at a point on the westerly line of Tract I, which point is N.10°-46'-14"E. Twenty and 28/100 (20.28) feet from a second point, which second point is N.52°-34'-18"E. Two Hundred Eight and 95/100 (208.95) feet from the intersection of the westerly line of Vassar Street and the southerly line of Main Street; thence running

N.79°-13'-46"W.

by land now or formerly of Cambridge Redevelopment Authority, Three and 00/100 (3.00) feet to a point; thence turning and running

N. 10°-46'-14" E.

9 to 17 and 0 to 8 of 5 formerly of Cambridge Redevelopment Authority, Two Hundred Five and 00/100 (205.00) feet to a point; thence turning and running

S. 79°-13'-46"E.

by land now or formerly of Cambridge Redevelopment Authority, Three and 00/100 (3.00) feet to a point, thence turning and running

S. 10°-46'-14"W.

by Tract I, Two Hundred Five and 00/100 (205.00) feet to the point of beginning.

Included within the area of said Subsurface Easement are parts of Lot 25 and Lot 26 as shown on Land Court Plan 30711F.

Containing according to said plan 615 square feet of land. Said Subsurface Easement is granted for the sole and exclusive purpose of constructing, maintaining, repairing and replacing a foundation slab, footings, pilings or supporting columns in connection with the construction and maintenance of any building or structure on Tract I.

Together further with an easement over the above-described area from that horizontal plane which has an elevation of Eighteen (18) feet Cambridge base to the upper plane of the surface of said area (the "Surface Easement") for the purpose of exercising the aforesaid Subsurface Easement provided, however, that the Tract I Owner, and such successors and assigns, restore the condition of the area subject to the Surface Easement to a condition substantially similar to its condition immediately prior to any disturbance.

Both the Surface Easement and the Subsurface Easement are subject to all easements, licenses and rights within said areas now existing and subject further to such laws, ordinances, bylaws, rules and regulations as may be established by the City of Cambridge for the construction and maintenance of streets and ways in said City.

EXHIBIT C

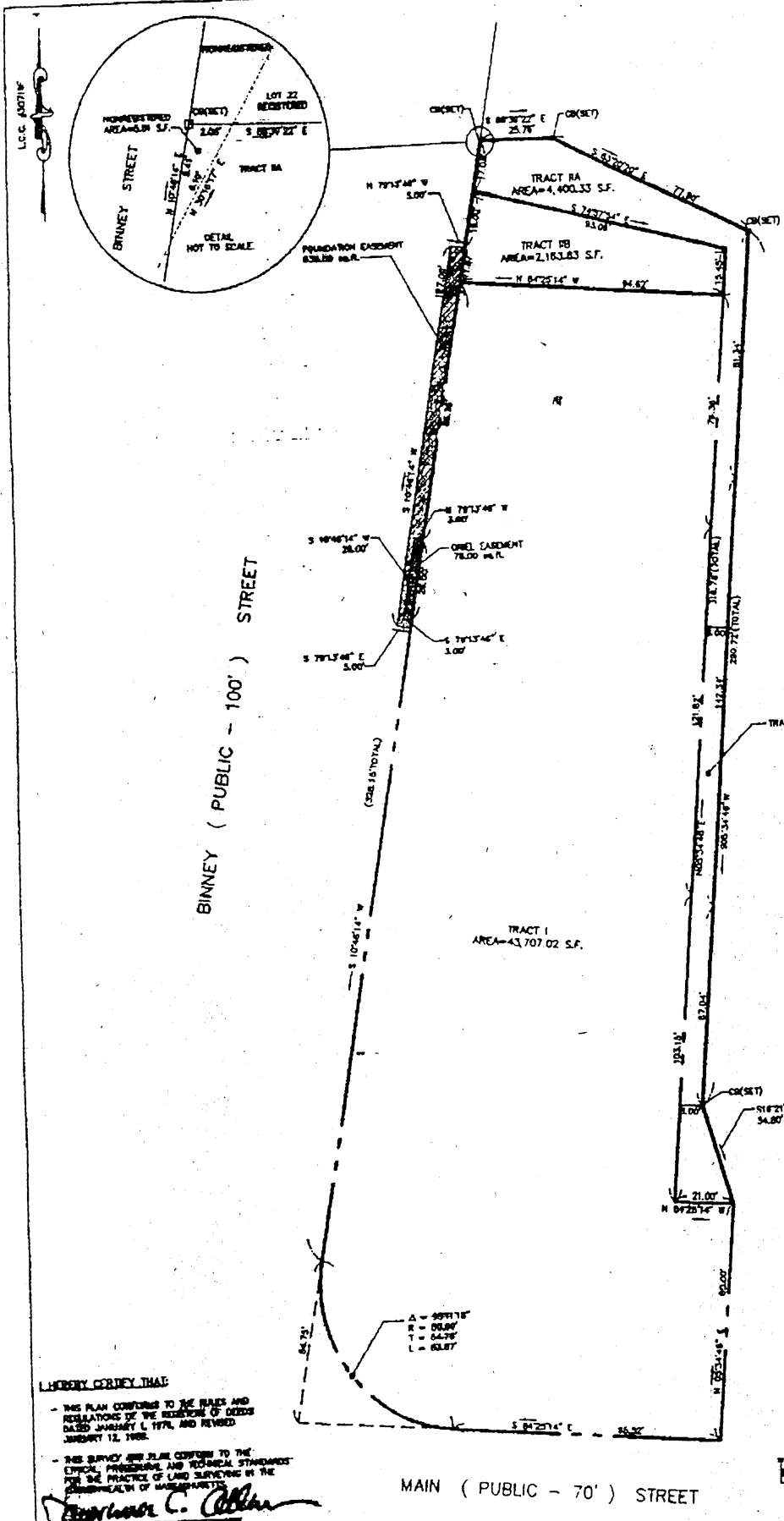
A certain parcel of land situated on the Easterly side of Binney Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point in the Easterly side line of Binney Street S 10° 46' 14"W a distance One hundred thirty-four and thirty-one hundredths feet (134.31') from a stone bound at the Northwest corner of Tract IIA as shown on the hereinafter described plan; thence

- N 79° 13' 46" W a distance of Three and no hundredths feet (3.00') to a point in Binney Street; thence
- S 10° 46' 14" W a distance of Twenty-six and no hundredths feet (26.00') to a point; thence
- S 79° 13' 46" E a distance of Three and no hundredths feet (3.00') to a point in the Easterly line of Binney Street; thence
- N 10° 46' 14" E a distance of Twenty-six and no hundredths (26.00') feet along the Easterly side line of Binney Street to the point of beginning.

The above described easement area contains an area of 78 square feet, more or less, in Cambridge and is more particularly shown as ORIEL EASEMENT on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94 (revised 8/09/94). Said plan is to be recorded herewith in the Middlesex South District Registry of Deeds. A print of said plan is attached as an Exhibit to an original counterpart of this instrument filed with the Middlesex South Registry District of the Land Court.

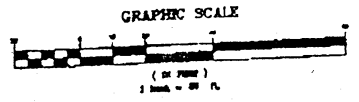
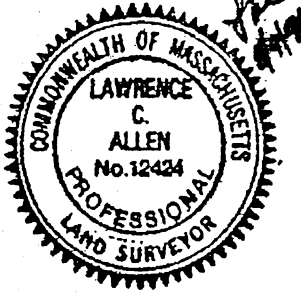
The above described easement area affects a portion of registered Lot 26 shown on Land Court Plan No. 30711-F.



FOR REGENCY USE ONLY

LEGEND
 - THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS DATED JANUARY 1, 1978, AND REVISED JANUARY 12, 1988.
 - THIS SURVEY AND PLAN CONFORM TO THE ETHICAL, PROFESSIONAL AND TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE COMMONWEALTH OF MASSACHUSETTS.

Lawrence C. Allen
 LAWRENCE C. ALLEN P.L.S. JUNIOR



PLAN REFERENCES - L.C.C. 830719 - PLAN OF LAND IN CAMBRIDGE, MASS. DATED JANUARY 17, 1983, SCALE 1"=50', PREPARED BY CHARLES F. ARNOLD.		PREPARED BY: Allen & Major Associates, Inc. LAND SURVEYORS 400 WEST CLAREMONT PARK DRIVE WOBURN, MA 01897 (617) 838-8888 FAX: (617) 838-8888	PLAN OF LAND IN CAMBRIDGE, MA PREPARED FOR: WHITEHEAD INSTITUTE 8 CAMBRIDGE CENTER CAMBRIDGE, MA. 02138
DATE: 8/2/84 DRAWN BY: P.L.S. JUNIOR CHECKED BY: L.C.A.	CASEMENT REVISION NO. DATE DESCRIPTION 1. 8/2/84 CASEMENT REVISION 2. 8/2/84 CASEMENT REVISION	ONE CHECKING AND NEET CLAREMONT PARK DRIVE WOBURN, MA 01897 (617) 838-8888 FAX: (617) 838-8888	ALLEN & MAJOR ASSOCIATES, INC. 400 WEST CLAREMONT PARK DRIVE WOBURN, MA 01897 (617) 838-8888 FAX: (617) 838-8888

REDUCED COPY

DOCUMENT 967085

967085

SO. MIDDLESEX LAND COURT
REGISTRY DISTRICT
RECEIVED FOR REGISTRATION

ON 01/25/95 AT 02:08:24 60.00 CAD

NOTED ON:

CERT 0175822 BK 1009 PG 72

A true copy of Document No. 967085
registered in Middlesex South Registry
District of the Land Court on 125 1995
at 2:08 P.M. noted on Certificate
No. 175822 BK 1009 Pg 72

Attest:

J. L. Bane
Asst. Recorder REGISTER



City of Cambridge

Agenda Item 7(A)

IN CITY COUNCIL

October 3, 1994

ORDERED:

Pursuant to Sec. 2.110.010 G of the Cambridge Municipal Code, the City Council hereby orders that the City Council shall utilize a diminished process for the disposition of an easement for the construction of an oriel by the Whitehead Institute as set forth in Robert W. Healy's October 3, 1994 letter to the City Council.

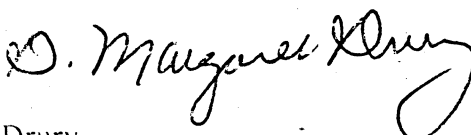
In City Council October 3, 1994.

Adopted by a yea and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- 

D. Margaret Drury
City Clerk



City of Cambridge

Non-Consent Agenda No. 7

IN CITY COUNCIL

October 3, 1994

- WHEREAS: The Cambridge Redevelopment Authority, a public body politic and corporate (which, together with any successor public body of officer hereinafter designated by or pursuant to law, is hereinafter referred to as the "CHA") organized and existing pursuant to Massachusetts law and having a place of business at Four Cambridge Center, Cambridge, Massachusetts, have conveyed, by quitclaim deed dated July 14, 1994, recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 24710, Page 131 and filed with the Middlesex South Registry District of the Land Court (the "Land Court") as Document No. 953027, to David Barrett, Edward H. Linde and Mortimer B. Zuckerman, as Trustees of Nine Cambridge Center Trust u/d/t dated October 15, 1982 recorded with the Registry in Book 14771, Page 52 ("NCCT"), certain property adjacent to the Whitehead Property and more particularly described in Exhibit A attached hereto (the "NCCT Property", and together with the Whitehead Property, as hereinafter defined, the "Property"); and
- WHEREAS: The CRA has conveyed, by quitclaim deed dated August 8, 1985 recorded with the Registry in Book 16757, Page 198 and filed with the Land Court as Document No. 699759 (the "Cambridge Deed"), to the City of Cambridge certain land adjacent to the Property which encompasses the Easement Area, as hereinafter defined; and
- WHEREAS: The CRA intended to reserve in the Cambridge Deed as a right appurtenant to the Property a perpetual right and easement for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding projections from any building or other structure located on the Property across portions of the Easement Area, as hereinafter defined; and
- WHEREAS: The Whitehead Institute for Biomedical Research, a Delaware Corporation ("Whitehead"), owns the property known as and numbered Nine Cambridge Center, Cambridge, Massachusetts and more particularly described in Exhibit B attached hereto (the "Whitehead Property") and the building and ancillary improvements located thereon; and

WHEREAS: Pursuant to a Ground Lease dated as of July 14, 1994, notice of which is recorded with the Registry in Book 24710, Page 170 and filed with the Land Court as Document No. 953028, NCCT has leased a portion of the NCCT Property to Whitehead; and

WHEREAS: Whitehead is undertaking to expand the building currently located on the Whitehead Property (the "Whitehead Facility") onto land including both the Whitehead Property and a portion of the NCCT Property; and

WHEREAS: As part of the expansion of the Whitehead Facility, Whitehead desires to construct an oriel above certain property owned by the City of Cambridge and more particularly described in Exhibit C attached hereto (the "Easement Area"); and

WHEREAS: The City Council of the City of Cambridge (the "City Council") has accepted the recommendation that the proposed oriel is a desirable design feature of the contemplated expansion of the Whitehead Facility; now therefore be it

ORDERED: That the City Council hereby approves and authorizes the City Manager to grant an easement to the CRA for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding the oriel and any other projections from any building or other structure located on the Property across and above portions of the Easement Area, all as more particularly described in Exhibit D attached hereto.

In City Council October 3, 1994.

Adopted by a yea and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-



D. Margaret Drury
City Clerk

City of Cambridge

MASSACHUSETTS

In City Council 10-3 1994

Manager's Agenda # 7a

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
✓				Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mr. William H. Walsh
✓				Mayor Kenneth E. Reeves

9 0 0 0

City of Cambridge

MASSACHUSETTS

In City Council 10-3 1994

Manager's Agenda #7b

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
✓				Mr. Francis H. Duehay
✓				Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mr. William H. Walsh
✓				Mayor Kenneth E. Reeves

9 0 0 0



City of Cambridge

Agenda Item 7(A)

IN CITY COUNCIL

October 3, 1994

ORDERED:

Pursuant to Sec. 2.110.010 G of the Cambridge Municipal Code, the City Council hereby orders that the City Council shall utilize a diminished process for the disposition of an easement for the construction of an oriel by the Whitehead Institute as set forth in Robert W. Healy's October 3, 1994 letter to the City Council.

In City Council October 3, 1994.

Adopted by a yea and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk



City of Cambridge

Non-Consent Agenda No. 7

IN CITY COUNCIL

October 3, 1994

- WHEREAS:** The Cambridge Redevelopment Authority, a public body politic and corporate (which, together with any successor public body of officer hereinafter designated by or pursuant to law, is hereinafter referred to as the "CHA") organized and existing pursuant to Massachusetts law and having a place of business at Four Cambridge Center, Cambridge, Massachusetts, have conveyed, by quitclaim deed dated July 14, 1994, recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 24710, Page 131 and filed with the Middlesex South Registry District of the Land Court (the "Land Court") as Document No. 953027, to David Barrett, Edward H. Linde and Mortimer B. Zuckerman, as Trustees of Nine Cambridge Center Trust u/d/t dated October 15, 1982 recorded with the Registry in Book 14771, Page 52 ("NCCT"), certain property adjacent to the Whitehead Property and more particularly described in Exhibit A attached hereto (the "NCCT Property", and together with the Whitehead Property, as hereinafter defined, the "Property"); and
- WHEREAS:** The CRA has conveyed, by quitclaim deed dated August 8, 1985 recorded with the Registry in Book 16757, Page 198 and filed with the Land Court as Document No. 699759 (the "Cambridge Deed"), to the City of Cambridge certain land adjacent to the Property which encompasses the Easement Area, as hereinafter defined; and
- WHEREAS:** The CRA intended to reserve in the Cambridge Deed as a right appurtenant to the Property a perpetual right and easement for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding projections from any building or other structure located on the Property across portions of the Easement Area, as hereinafter defined; and
- WHEREAS:** The Whitehead Institute for Biomedical Research, a Delaware Corporation ("Whitehead"), owns the property known as and numbered Nine Cambridge Center, Cambridge, Massachusetts and more particularly described in Exhibit B attached hereto (the "Whitehead Property") and the building and ancillary improvements located thereon; and

WHEREAS: Pursuant to a Ground Lease dated as of July 14, 1994, notice of which is recorded with the Registry in Book 24710, Page 170 and filed with the Land Court as Document No. 953028, NCCT has leased a portion of the NCCT Property to Whitehead; and

WHEREAS: Whitehead is undertaking to expand the building currently located on the Whitehead Property (the "Whitehead Facility") onto land including both the Whitehead Property and a portion of the NCCT Property; and

WHEREAS: As part of the expansion of the Whitehead Facility, Whitehead desires to construct an oriel above certain property owned by the City of Cambridge and more particularly described in Exhibit C attached hereto (the "Easement Area"); and

WHEREAS: The City Council of the City of Cambridge (the "City Council") has accepted the recommendation that the proposed oriel is a desirable design feature of the contemplated expansion of the Whitehead Facility; now therefore be it

ORDERED: That the City Council hereby approves and authorizes the City Manager to grant an easement to the CRA for the purpose of locating, constructing, maintaining, repairing, replacing and rebuilding the oriel and any other projections from any building or other structure located on the Property across and above portions of the Easement Area, all as more particularly described in Exhibit D attached hereto.

In City Council October 3, 1994.

Adopted by a yea and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

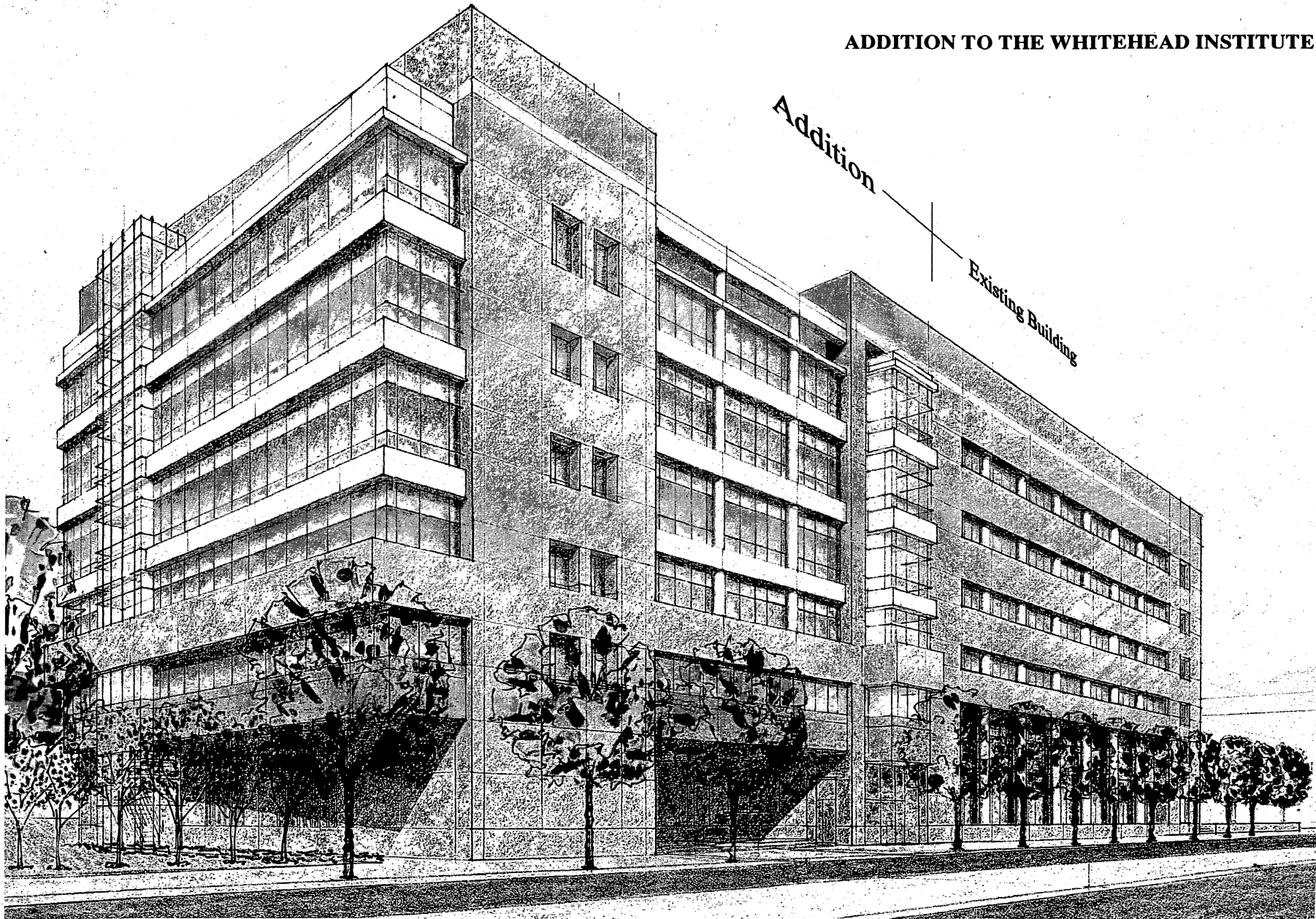
ATTEST:-

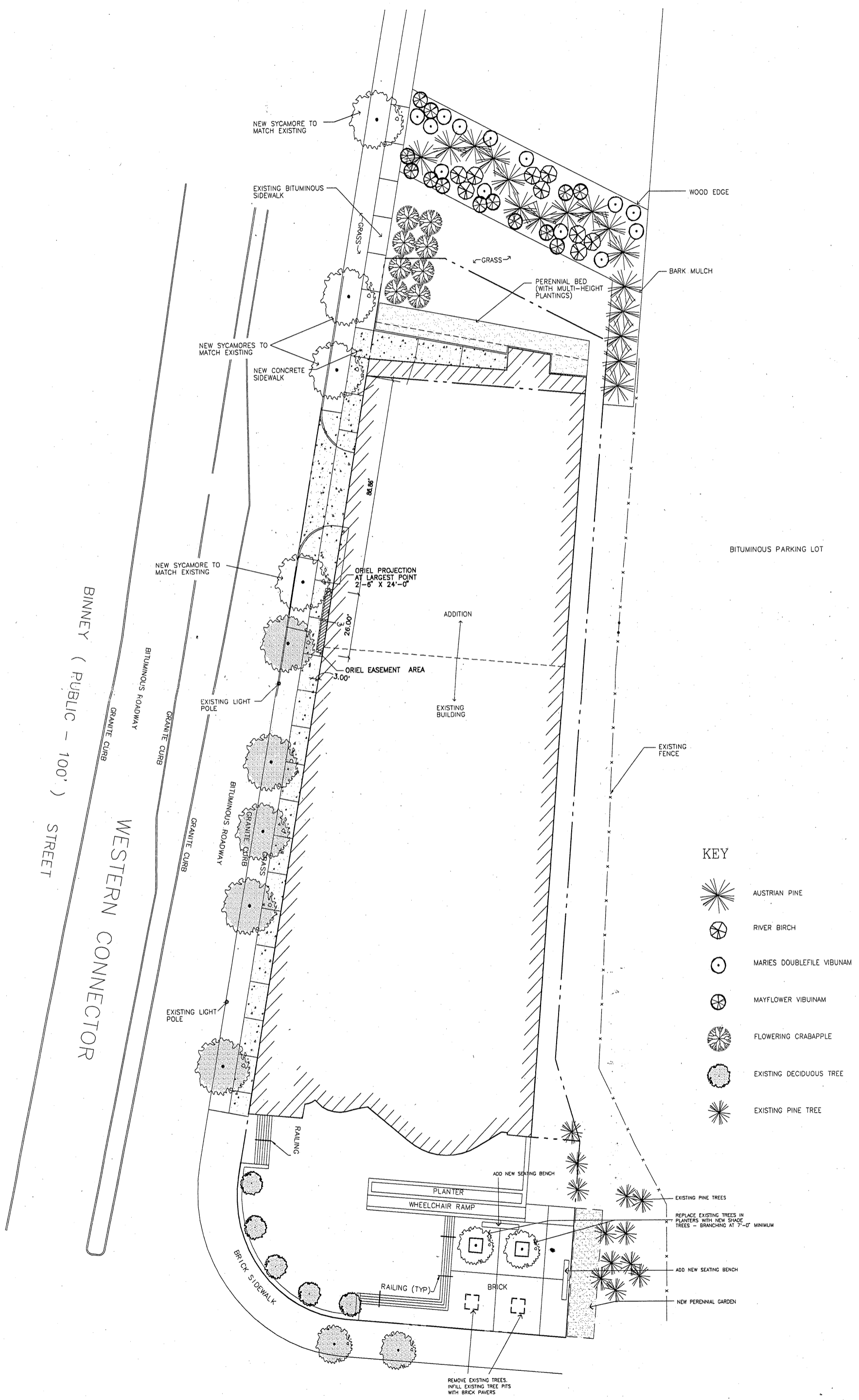
D. Margaret Drury
City Clerk

ADDITION TO THE WHITEHEAD INSTITUTE








Addition

Existing Building

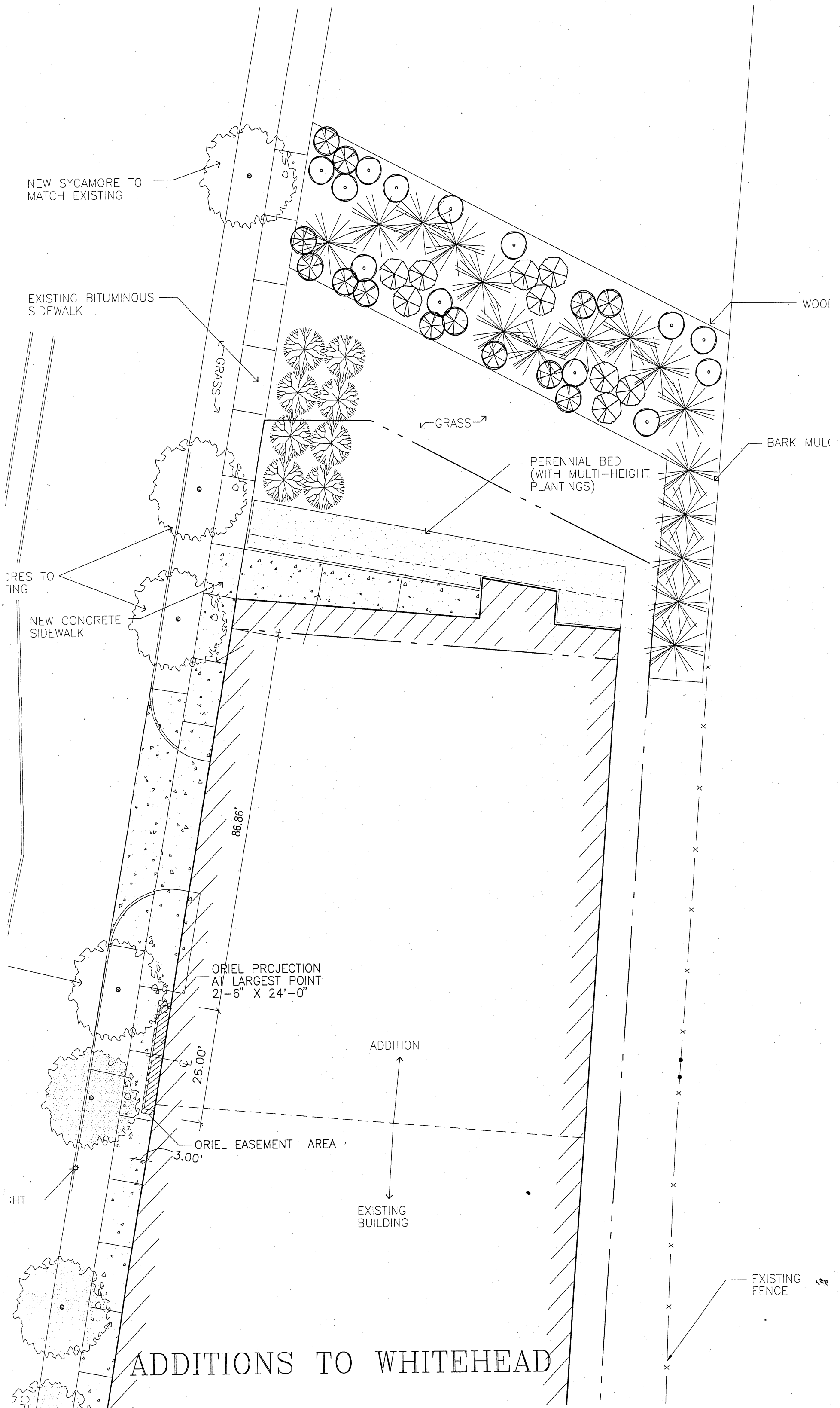




KEY

-  AUSTRIAN PINE
-  RIVER BIRCH
-  MARIE'S DOUBLEFILE VIBURNUM
-  MAYFLOWER VIBURNUM
-  FLOWERING CRABAPPLE
-  EXISTING DECIDUOUS TREE
-  EXISTING PINE TREE

ADDITIONS TO WHITEHEAD



NEW SYCAMORE TO MATCH EXISTING

EXISTING BITUMINOUS SIDEWALK

← GRASS →

← GRASS →

PERENNIAL BED (WITH MULTI-HEIGHT PLANTINGS)

BARK MULCH

WOOL

DORES TO FINISH

NEW CONCRETE SIDEWALK

86.86'

ORIEL PROJECTION AT LARGEST POINT 2'-6" X 24'-0"

26.00'

ORIEL EASEMENT AREA

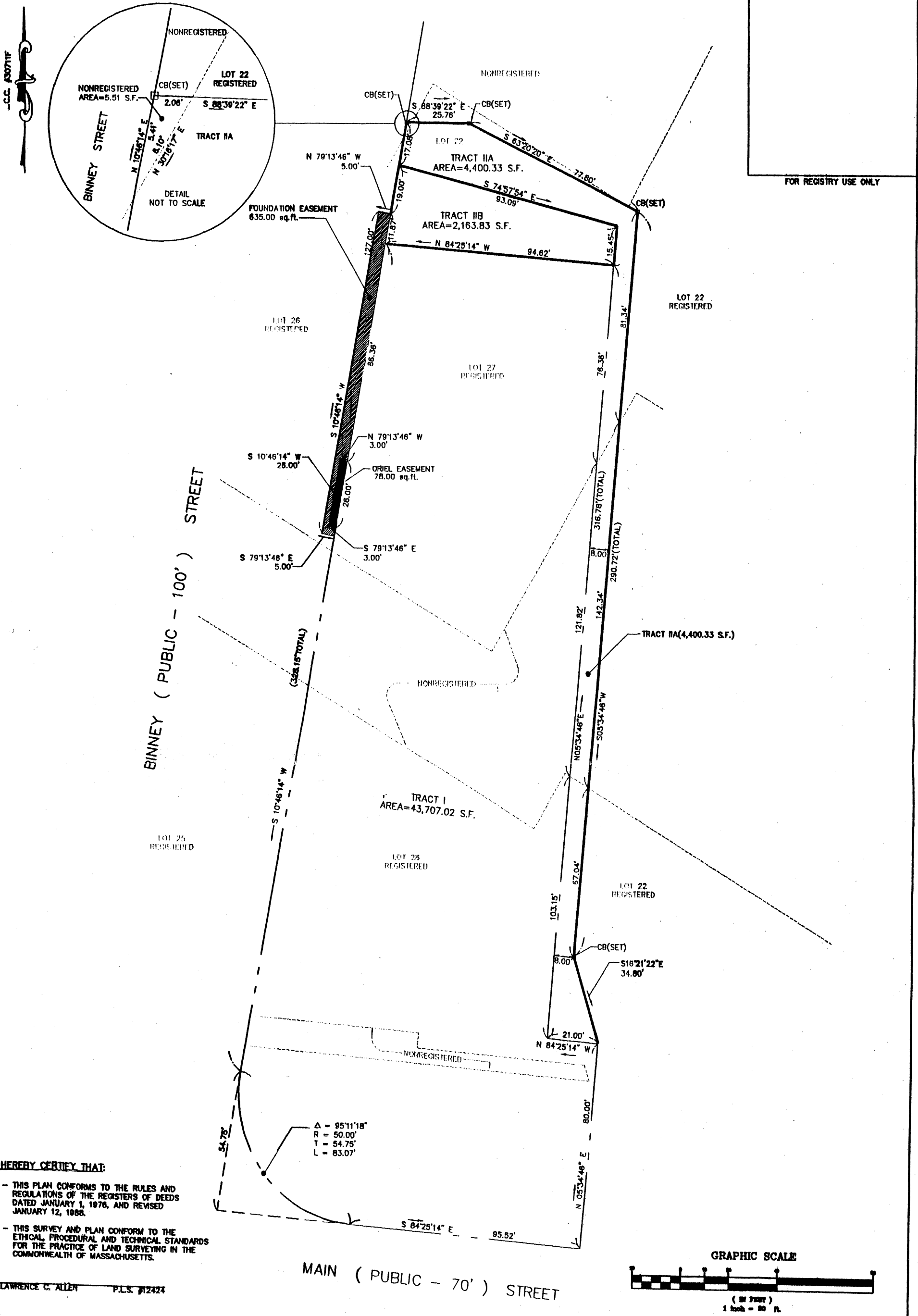
3.00'

ADDITION

EXISTING BUILDING

EXISTING FENCE

ADDITIONS TO WHITEHEAD



FOR REGISTRY USE ONLY

PLAN REFERENCES: - L.C.C. #30711F - PLAN OF LAND IN CAMBRIDGE, MASS. DATED JANUARY 17, 1983, SCALE 1"=20', PREPARED BY CHARLES F. ARNOLD.	1. 8/9/94 EASEMENT REVISION	PREPARED BY: Allen & Major Associates, Inc.	PLAN OF LAND IN CAMBRIDGE, MA					
	<table border="1"> <thead> <tr> <th>REV.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>8/9/94</td> <td>EASEMENT REVISION</td> </tr> </tbody> </table>	REV.		DATE	DESCRIPTION	1.	8/9/94	EASEMENT REVISION
REV.	DATE	DESCRIPTION						
1.	8/9/94	EASEMENT REVISION						

ORIEL EASEMENT

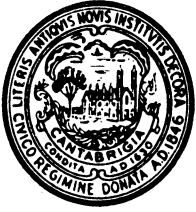
A certain parcel of land situated on the Easterly side of Binney Street in the City of Cambridge, County of Middlesex, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point in the Easterly side line of Binney Street S 10° 46' 14"W a distance One hundred thirty-four and thirty-one hundredths feet (134.31') from a stone bound at the Northwest corner of Tract IIA as shown on the hereinafter described plan; thence

- N 79° 13' 46" W a distance of Three and no hundredths feet (3.00') to a point in Binney Street; thence
- S 10° 46' 14" W a distance of Twenty-six and no hundredths feet (26.00') to a point; thence
- S 79° 13' 46" E a distance of Three and no hundredths feet (3.00') to a point in the Easterly line of Binney Street; thence
- N 10° 46' 14" E a distance of Twenty-six and no hundredths (26.00') feet along the Easterly side line of Binney Street to the point of beginning.

The above described easement area contains an area of 78 square feet, more or less, in Cambridge and is more particularly shown as ORIEL EASEMENT on a plan entitled "Plan of Land in Cambridge, MA," prepared for Whitehead Institute, prepared by Allen & Major Associates, Inc., 400 West Cummings Park, Woburn, MA 01801, Scale 1 inch = 20 feet, dated 6/2/94 (revised 8/09/94). Said plan is to be recorded herewith in the Middlesex South District Registry of Deeds. A print of said plan is attached as an Exhibit to an original counterpart of this instrument filed with the Middlesex South Registry District of the Land Court.

The above described easement area affects a portion of registered Lot 26 shown on Land Court Plan No. 30711-F.



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

October 3, 1994

To the Honorable, the City Council:

The Cambridge Redevelopment Authority ("the CRA") is requesting the grant of an easement from the City to provide for the best possible design for the 64,061 square foot addition to the Whitehead Institute facility in the Kendall Square Urban Renewal Area. The easement involves air-rights over 78 square feet of city-owned land. This proposal requires action by the City Council.

First, the proposal must be considered by the Council pursuant to Chapter 2.110 of the Cambridge Municipal Code which governs the disposition of City-owned property. I believe this proposal is properly subject to Section 2.110.010 (G) of that ordinance. Section G provides for the disposition of city-owned property that is of such little significance that the full process of the ordinance would be unduly burdensome. Under this section, the City Manager may request from the City Council a diminution of the process in the ordinance; approval of this request requires a two-thirds vote of the City Council. I recommend such approval at this time.

Secondly, Section 2.110.010 also requires a two-thirds vote of the City Council to authorize the City Manager to grant the easement to the CRA. I also recommend that the City Council vote to grant the easement to the CRA and to execute and deliver such easement in form and substance as I determine is necessary or advisable.

DESCRIPTION OF THE EASEMENT FOR CRA

The Whitehead Institute is in the process of building a 64,061 square foot addition to its facility, which is located on the so-called Western Connector in the Kendall Square Urban Renewal Area. The air-rights easement will permit the Whitehead Institute to construct an oriel (a bay window type structure) in the air-rights area over City-owned land beginning at the second floor approximately 12' above the level of the sidewalk and extending to the sixth floor. The oriel, in compliance with the provisions of the State building code, will extend a maximum of 2.5 feet

from the building line/back-of-sidewalk over the proposed public right-of-way for a length of 24 feet. The proposed addition has undergone significant technical reviews by the CRA Board, staff and consultants as well as the CRA's Design Advisory Group. (A member of the Planning Board is on the Design Advisory Group.)

The proposed location of the air-rights easement is located within an area abutting the building line five (5) feet in width and 680 feet in length under which the Cambridge Redevelopment Authority has a subsurface easement. The total width of the paved sidewalk (seven feet) abutting the building and the landscaped strip (ten feet) provide a substantial public right-of-way which is minimally impacted by an air-rights area of three feet by twenty-six feet.

The oriel provides the design transition from the existing building to the addition. It was the subject matter of discussions involving the project architect (Goody, Clancy & Associates), the Authority's design consultant (Monacelli Associates), the Authority's Design Advisory Group, the Authority Board and staff. It was unanimously concluded by all of those representing the public sector that the oriel is a crucial design element that will enhance the appearance and urban quality of the building. A perspective sketch, prepared by Goody, Clancy & Associates, illustrating the north (to the left) and west (to the right) elevations, shows the oriel located on the west elevation. While the proposed oriel will provide an additional 233.5 square feet of gross floor area, the space is a design element and incidental to building use.

FINANCIAL ARRANGEMENTS

Two independent summary appraisals have been obtained for this air-rights area. Eric Reenstierna Associates valued the 232.50 FAR (floor area ratio) feet at \$30.00 an FAR foot for a total of \$7,000. The Beal Companies placed a value of \$35.00 an FAR foot on the area for a total of \$8,140.

The Whitehead Institute has agreed to pay a one-time fee of \$7,500 for this buildable area.

REQUEST FOR DIMINUTION OF PROCESS STIPULATED IN CHAPTER 2.110

Chapter 2.110 of the Cambridge Municipal Code on the disposition of city property outlines an extensive process to be applied to the "sale, transfer, lease or rental, or exchange of any city-owned property or property rights or interests such as a public easement on private property." Paragraph G of section 2.110.010 allows for the diminution of the procedural requirements, by 2/3 vote of the City Council, for "property that is of such little significance that the ... described process would be unduly burdensome." I believe that Paragraph G is appropriate for review of the CRA's request for this easement, and I therefore request that a limited review process be approved.

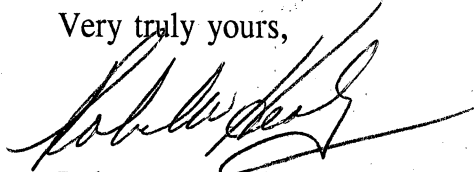
The stated purpose of this Chapter of the Municipal Code is "to protect the citizens of Cambridge and to achieve land uses that best serve the City's public purpose." When that purpose is best served by a disposition of city-owned property for a private purpose, the City's

primary objective is "to receive the fair market value for such property, to protect real estate values, and to dispose of each property without favoritism." The request for an easement is a request for the conveyance of an interest in land and consequently falls within the purview of this Chapter; however, the purposes of the Chapter and references to the property interests therein indicate that the detailed and comprehensive process set forth in the Section pertains to property that is of significant value or use to the City or the public, and not necessarily for an air-rights easement such as this.

Limiting the scope of review for the requested easement would be consistent with the expressed objective of the procedure required by the Chapter: to render "a fair analysis of how the greatest public benefit can be obtained from the City property in question." I believe that the information furnished in this letter is sufficient to enable the City Council to make its determinations on these matters (whether to diminish the process and whether to grant the easement). The detailed review outlined in this Chapter requires information on zoning status and recent attempts to rezone, traffic and parking analyses, and a report of the development potential of the property. This extensive analysis is inappropriate in this situation. Carrying out this detailed review would require a significant amount of money and staff time. Since the procedure set forth in the Chapter would be costly and the fair market value of the property is minimal, I believe this to be the type of disposition anticipated by subsection (G) which allows for a simpler process.

I appreciate your consideration of this matter, and welcome any questions you may have.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert W. Healy', written over a horizontal line.

Robert W. Healy
City Manager

Attachments

Agenda # 7

S-416A

Request from CRA for the City of Cambridge to grant an easement to provide for the best possible design for the 64,061 square feet addition to the Whitehead Institute facility in the Kendall Square Urban Renewal area.

In City Council,

October 3, 1994

7A Diminution of
Process Carried 9-0-0

7B- Easement adopted
9-0-0

Recorded deeds and
documents received 2/19/95