

City of Cambridge

MASSACHUSETTS

In City Council

1/12

1981

2

	YEA	NAY	ABSENT	PRESENT
Mr. Kevin P. Crane	✓			
Mr. Thomas W. Danehy			✓	
Ms. Sandra Graham	✓			
Mr. Leonard J. Russell	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan	✓			
Mr. Alfred Vellucci	✓			
Mr. David A. Wylie	✓			
Mayor Francis H. Duehay	✓			

8 0 1

Vote of City Council Adoption the
STIPULATION AND AGREEMENT OUTLINED
IN THE COURT DECREE.

City of Cambridge

MASSACHUSETTS

Agenda # 2 - appropriation of \$270,000 In City Council
to the Law Dept.

December 22

1980

	YEA	NAY	ABSENT	PRESENT
Mr. Kevin P. Crane	✓			
Mr. Thomas W. Danehy			✓	
Ms. Sandra Graham	✓			
Mr. Leonard J. Russell	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan	✓			
Mr. Alfred Vellucci	✓			
Mr. David A. Wylie	✓			
Mayor Francis H. Duehay	✓			

8 0 1

*ESSR
RF
A*

*AMENDMENT BY E. CRANE - THAT ALL BACK
TAXES BE PAID - AS PART OF THE
ORDER*

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS:

SUPERIOR COURT
NO. 78-131

TRI-MID, INC. ET AL)

v.)

CITY OF CAMBRIDGE, ET AL)

STIPULATION OF SETTLEMENT AGREEMENT

The City of Cambridge, by counsel, shall take all necessary action to secure approvals and requests from all necessary municipal agencies, including presentation to the City Council no later than January 5, 1981, necessary to approve the expenditure of the sum of \$250,000.00 for the purchase of the locus (which is the subject matter of this action).


The purchase shall be consummated no later than January 19, 1981, time being of the essence, granting to the City a good and marketable title, free from all encumbrances, except those contained in the deed from Anthony C. Simboli to D & M Realty Trust, taxes to be adjusted. Consideration shall be paid in cash or by a Treasurer's check.

In addition to and simultaneously with the delivery of a deed with tax stamps attached, there shall be delivered to the City of Cambridge a release under seal signed by all plaintiffs exonerating all municipal defendants, dated the day of the passing, together with a stipulation for the dismissal of the present action, with prejudice, each party to pay its own costs, and there shall be delivered to the plaintiffs releases signed by all named municipal defendants.


In the event of the failure of the City to approve the expenditure of such funds and to tender the purchase price and releases within the time stated, the obligation of the plaintiffs to complete the settlement herein on the above terms shall then terminate, and the parties agree that the matter shall be advanced for trial on January 26, 1981.

Upon the approval of the expenditure of such funds by the City Council, this agreement shall become binding on all parties. The plaintiffs agree to hold open this offer to sell the locus and to settle the present action on the above terms until January 20, 1981.

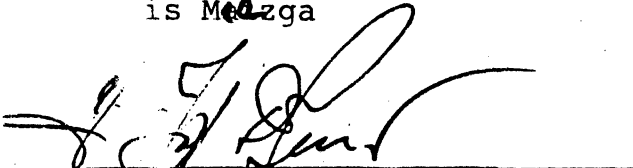
This agreement represents an offer in compromise for the purpose of settling the above-entitled action, and shall not be admissible in any action other than to enforce this agreement, as evidence of value or damages.



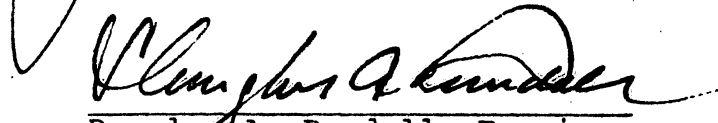
is Meazga



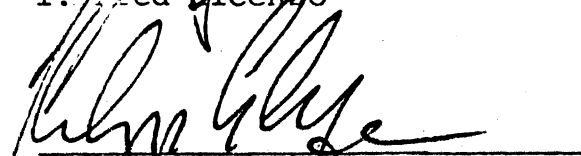
James R. Senior, Esquire,
for Anthony C. Simboli



I. Fred DiCenzo



Douglas A. Randall, Esquire,
for all municipal defendants



Philipp G. Grefe, Esquire,
for all plaintiffs

INTRODUCED BY CITY MANAGER JAMES L. SULLIVAN

~~December 22, 1980~~

January 12, 1981

AN ORDER CONCERNING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 1980

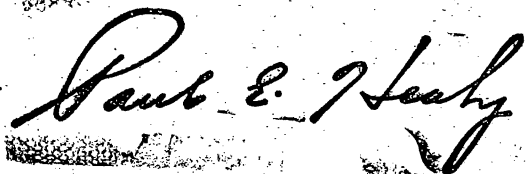
FUNCTION	DEPARTMENT OR PROGRAM	SALARIES & WAGES	TRAINING & TRAVEL	OTHER ORDINARY MAINTENANCE	EXTRAORDINARY EXPENDITURES	APPROPRIATIONS
General Government	LAW			\$ 270,000		\$ 270,000

BE IT FURTHER ORDERED: That the above appropriations in the General Fund are to be financed by estimated revenues drawn from the following sources:

In City Council January 21, 1981.
Adopted by a yeas and nays vote:-
Yeas 8; Nays 0; Absent 1.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-



FINANCING PLAN	REVENUE
Miscellaneous Revenue	
Reserve from Sale of City Land	\$ 270,000



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

December 22, 1980

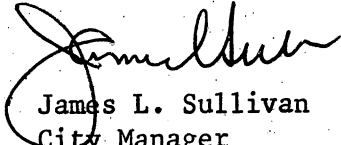
To the Honorable, the City Council:

Attached for your information is a copy of the "Stipulation of Settlement Agreement" in the case of Tri-Mid, Inc. vs. the City of Cambridge. It is my recommendation to settle the case in this manner. To accomplish this agreement I am attaching an appropriation order in the amount of \$270,000 to the Law Department Other Ordinary Maintenance Account. The additional \$20,000 is to cover the cost of legal fees, land survey and title search involved in this case. The source of revenue is the "Sale of City Land" account.

Additionally, if the U.D.A.G. application for this area is successful, the account will be reimbursed with federal funds.

Passage of the enclosed order is recommended.

Very truly yours,


James L. Sullivan
City Manager

JLS/b

Appropriation of \$270,000 to the Law Dept.

11/12/81 - Order adopted
8-0-1

Copy sent to Comm on
Finance 12/23/80 (cl)

12/24/80

Public moved from FINANCE
COMMITTEE AND moved Order on
8-12/80

12/22/1980

Referred to FINANCE
COMMITTEE -

In City Council,

~~1/2/1981~~

December 22, 1980

~~1/14/1981~~

12/22/80

Councilor Volocci

Motion Order to Be

Referred to FINANCE
COMMITTEE FOR HEARING
OF ISSUES RAISED AT MEETING

Motion Carried

4 Requests by E. Chase