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COLONIAL REALTY COMPANY

JAN 9 10 24 AM '78

P.O. Box 172

19-21 ELMER STREET, CAMBRIDGE, MASS. 02138
CAMBRIDGE, MASS.
864-6034

167 FULLER STREET - BROOKLINE, MASS. 02146
277-0342 - 277-7265

5 January 1978

Mr. Paul Healy, City Clerk
City Hall
Cambridge, Mass. 02139.

Dear Mr. Healy: RE: Owner - The Eta Trust
 Locus - 23/25 Elmer Street, Cambridge
 Subject: Liability for damages

As managing agents for the owner, The Eta Trust, may we respectfully call to your attention the damages being caused to the subject building and/or its tenants by the dereliction, negligence, and/or irresponsibility and/or incompetence of City of Cambridge employees and/or agencies, for which the responsible parties will be held legally liable.

On no less than three instances in 1977 the sewer pipes in Elmer Street have become clogged and/or broken. This has caused water, more particularly health endangering sewer water, to back up and/or seep into the basement of subject building. In doing so it has risen from time to time to a level where it extinguishes hot water and heating equipment in addition to damaging the same by exposure to water...all to great inconvenience of the tenants. There were serious problems last winter and spring which caused the Fire Dept., to pump out the basement a number of times.

Finally, after City attempts to clear the lines failed and in at least two places the equipment being used to clear the lines broke off within them, the City caused the Street to be excavated and repairs made. At the same time, the owners feeling uneasy, installed at their own expense inside their property a gate control valve to insure water might not back up from future clogged City lines. The City having dug up the Street, has not yet after several months, re-finished the same.

In the past ten days, we have experienced water in the basement of subject building, and note that it rises and falls. It is again extinguishing hot water heaters...so far...in this very cold period, and we fear it may yet extinguish the apartment heaters, fortunately set further back from the Street and at a higher elevation. There was observed twelve to fifteen inches of water near the front wall of the building at 3:20 P.M., today, and we have advised Mr. Buckley of the Public Works Department of this condition. The heaters are endangered. Plumbing contractors engaged by the owners have reported to us that the control valve appears to be under heavy pressure and is closed

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shut due to pressure on the same emanating from the Street (City) side of the valve.

Not only is it urgent that the responsible City functionaries remedy this condition and make necessary repairs, but due to the frequency of these exceeding unpleasant experiences to promptly ascertain the cause(s) and remedy these. We have been advised by Public Works employees recently working on these lines that they estimate them to be well beyond their useful life and in a seriously deteriorated condition, in addition to which they are being called upon to perform much beyond their capacities due to discharge from commercial-industrial operations across the street that apparently feed into the same.

As all things wear out in time, and commercial-industrial uses have come after the lines were installed primarily for residential use, it may well be that the City must consider opening the Street and laying new lines of adequate type and capacity.

In addition to the damages being done to the subject property for which the City of Cambridge will be held liable, there is a more important exposure to disease and the health, safety, and well being of the residents and abutters that must be immediately addressed and remedied.

The favor of your immediate attention and co-operation will be appreciated by all parties concerned. On behalf of the owner, The Eta Trust, and concerned residents, we remain,

Sincerely,
COLONIAL REALTY COMPANY

Shepard A. Spunt
Shepard A. Spunt

SAS/c
CC: City Manager
Health Dept.
Public Works Dept.

Comm. from Shepard A. Spunt, Colonial Realty,
Co., requesting reimbursement for damages
sustained to the building owned by The Eta
Trust, located at 23-25 Elmer St.

In City Council,
Jan. 9, 1978

1/9/78

Referred to
Claims
Committee