



1/10/89 - Received call from Frank Burt of
Boston Properties providing the following
information:

- Easement documents recorded
at Registry of Deeds on 1/10/89
at 12:54 P.M.
- City Council authorization vote recorded
as instrument # 397
- Deed of Easement recorded as
instrument # 398

A completed written copy of both actions will
be forwarded to this office from the Registry of
Deeds once a Book and Page number has been
assigned.

[PROPOSED DEED OF EASEMENT]

DEED OF EASEMENT

WHEREAS, on DECEMBER 19, 1988, the City Manager of the City of Cambridge (the "City Manager") submitted to the City Council of the City of Cambridge (the "City Council") the joint request of Marriott Hotels, Inc. and the Trustees of Two Cambridge Center Trust for the granting of a permanent easement required for the construction and maintenance of a canopy on the building known as Two Cambridge Center; and

WHEREAS, said request has been approved by ~~the Planning Board of~~ the City of Cambridge and the City Council; and

WHEREAS, on DECEMBER 19, 1988, the City Council ordered that the City Manager grant said request; and

WHEREAS, the City Council and the City Clerk have complied in all respects with the requirements of Massachusetts General Laws, Chapter 40, Section 15, and Ordinance No. 733 of the City of Cambridge.

NOW, THEREFORE, the City of Cambridge, for nominal consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant to David Barrett, Edward H. Linde, and Mortimer B. Zuckerman, as Trustees of Two Cambridge Center Trust under Declaration of Trust dated March 15, 1985 recorded with the Middlesex South District Registry of Deeds in Book 16221, Page 423, and their successors and assigns forever, for the purpose of locating portions of a canopy, the support systems thereof, or other structures, the following perpetual easement:

An easement over and across that portion of land which lies below (but not above) that horizontal plane in the City of Cambridge vertical datum which has an elevation of Sixty and Sixty-Eight Hundredths feet (60.68') and lies above (but not below) that horizontal plane which has an elevation of Thirty-Three and No Hundredths feet (33.00'), bounded and described as follows:

Beginning at the southwesterly corner of the herein granted easement at a point which is located S 60°-30'-18" E a distance of Three Hundred Sixty-Five and Twenty Hundredths feet (365.20'), from the easterly line of Sixth Street and the southerly line of Broadway; thence

N 29°-28'-51" E A distance of Thirteen and Thirty-Eight Hundredths feet (13.38') to a point; thence

S 60°-31'-01" E A distance of One Hundred Twenty-Nine and Five Hundredths feet (129.05') to a point; thence

S 29°-29'-00" W A distance of Thirteen and Forty-One Hundredths feet (13.41') to a point; thence

N 60°-30'-18" W A distance of One Hundred Twenty-Nine and Five Hundredths feet (129.05') to the point of beginning.

The above mentioned area contains 1,729 square feet, more or less, and is shown as "Canopy Easement" on a plan entitled "Easement Plan of Land, Cambridge, Massachusetts"; dated May 31, 1988; Scale 1"=40'; prepared by Allen, Demurjian, Major & Nitsch, Inc., to be recorded herewith.

This deed of easement is given in full compliance with Massachusetts General Laws, Chapter 44, Section 63A.

IN WITNESS WHEREOF, the City of Cambridge has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by ROBERT W. HEALY, the City Manager, this ____ day of JANUARY, 1988.

CITY OF CAMBRIDGE

By: _____
ROBERT W. HEALY
City Manager

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss.

_____, 1988

Then personally appeared _____, 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:

[PROPOSED ORDER OF CITY COUNCIL GRANTING EASEMENT]

CITY OF CAMBRIDGE

IN CITY COUNCIL

DECEMBER 19, 1988

WHEREAS: This City Council is in receipt of a communication from the City Manager transmitting the request of David Barrett, Trustee of Two Cambridge Center Trust, on behalf of Marriott Hotels, Inc. and the Trustees of Two Cambridge Center Trust for a permanent easement for the construction and maintenance of a canopy on the building known as Two Cambridge Center located on Broadway in the Kendall Square Urban Renewal Area in accordance with the Cambridge Center Associates agreement with the Cambridge Redevelopment Authority; and

WHEREAS: Marriott Hotels, Inc., is the Manager of the Cambridge Center Marriott Hotel currently being operated in the building located on the Two Cambridge Center parcel of land; and

WHEREAS: Two Cambridge Center Trust is a development entity of Boston Properties which has been formed specifically for the Cambridge Center Project in accordance with the agreement with the Cambridge Redevelopment Authority; and

WHEREAS: The request for this permanent easement has been reviewed by the Public Works Department, Traffic and Parking Department and the Planning Board of the City of Cambridge and all agencies have recommended approval without reservations in communications received by this City Council at its meeting of DECEMBER 19, 1988; and

WHEREAS: Due notice has been given of the intention of this City Council to consider the granting of such permanent easement; therefore be it

ORDERED: That the City Manager be and hereby is authorized under the provisions of the General Laws, Chapter 40 Section 15 to grant the requested permanent easement as outlined in a communication of David Barrett, Trustee of Two Cambridge Center Trust, by letter dated OCTOBER 25, 1988 which request is supported by the membership of the Cambridge Redevelopment Authority; said easement is described and bounded as follows:

An easement over and across that portion of land which lies below (but not above) that horizontal

plane in the City of Cambridge vertical datum which has an elevation of Sixty and Sixty-Eight Hundredths feet (60.68') and lies above (but not below) that horizontal plane which has an elevation of Thirty-Three and No Hundredths feet (33.00'), bounded and described as follows:

Beginning at the southwesterly corner of the herein granted easement at a point which is located S 60°-30'-18" E a distance of Three Hundred Sixty-Five and Twenty Hundredths feet (365.20'), from the easterly line of Sixth Street and the southerly line of Broadway; thence

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N 60°-30'-18" W A distance of One Hundred Twenty-Nine and Five Hundredths feet (129.05') to the point of beginning.

The above mentioned area contains 1,729 square feet, more or less, and is shown as "Canopy Easement" on a plan entitled "Easement Plan of Land, Cambridge, Massachusetts"; dated May 31, 1988; Scale 1"=40'; prepared by Allen, Demurjian, Major & Nitsch, Inc.

In City Council _____, 1988
 Adopted by a yeas and nays vote:
 Yeas ____; Nays ____
 Attest: _____, City Clerk

A true copy:

ATTEST:

 City Clerk

October 25, 1988

To The Honorable, The City Council of the City of Cambridge:

Marriott Hotels, Inc. and the Trustees of Two Cambridge Center Trust respectfully request:

The granting of the following permanent easement for the construction and maintenance of a canopy on the building known as Two Cambridge Center (also known as the Cambridge Center Marriott Hotel) located on Broadway, in Cambridge, Massachusetts as shown on a plan entitled "Easement Plan of Land Cambridge, Mass." dated May 31, 1988, prepared by Allen, Demurjian, Major & Nitsch, Inc.:

An easement over and across that portion of land which lies below (but not above) that horizontal plane in the City of Cambridge vertical datum which has an elevation of Sixty and Sixty-Eight Hundredths feet (60.68') and lies above (but not below) that horizontal plane which has an elevation of Thirty-Three and No Hundredths feet (33.00'), bounded and described as follows:

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The above mentioned area contains 1,729 square feet, more or less, and is shown as "Canopy Easement" on a plan entitled

"Easement Plan of Land, Cambridge, Massachusetts"; dated May 31, 1988; Scale 1"=40'; prepared by Allen, Demurjian, Major & Nitsch, Inc.

Respectfully submitted by

Marriott Hotels, Inc.

By: Bir Munk

Two Cambridge Center Trust

By: David Barrett
David Barrett, Trustee of
Two Cambridge Center Trust
but not individually

The Cambridge Redevelopment Authority has reviewed this Petition and supports the granting of the herein described easement.

Cambridge Redevelopment Authority

By: Thomas J. Murphy
Chairman

[PROPOSED NOTICE OF PUBLIC HEARING]

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Cambridge City Council in its chambers, Cambridge City Hall, 795 Massachusetts Avenue, Cambridge, Massachusetts, at _____ P.M. (DST) on _____ for the purpose of granting a permanent easement for the construction and maintenance of a canopy on the building known as Two Cambridge Center (also known as the Cambridge Center Marriott Hotel) located on Broadway in Cambridge, Massachusetts.

A plan showing the proposed easement, dated May 31, 1988, and prepared by Allen, Demurjian, Major & Nitsch, Inc., will be available for examination prior to the hearing at the office of the City Clerk, Cambridge City Hall, Cambridge, Massachusetts.

Per order of the City Council

City Clerk
City of Cambridge

[PROPOSED ORDER OF CITY COUNCIL AS TO
PUBLIC HEARING ON GRANT OF EASEMENT]

C I T Y O F C A M B R I D G E

IT IS HEREBY ORDERED:

That a public hearing be held by the City Council in its chambers, Cambridge City Hall, 795 Massachusetts Avenue, Cambridge, at _____ P.M. on _____ for the purpose of considering and acting upon a request by the Marriott Hotels, Inc. and the Trustees of Two Cambridge Center Trust for the granting of a permanent easement for the construction and maintenance of a canopy on the building known as Two Cambridge Center (also known as the Cambridge Center Marriott Hotel) located on Broadway in Cambridge, Massachusetts; and that the City Clerk of the City of Cambridge is hereby direct to cause a notice of such hearing to be published in at least one newspaper of general circulation in the City, the first such notice to be not later than _____.

RECEIVED BY
OFFICE OF CITY CLERK
1988 OCT 25 PM 3:06
CAMBRIDGE MA.

C. 83
C. 121B

DAVID BARRETT
SENIOR VICE PRESIDENT

October 25, 1988

Mr. Joseph Connarton
Cambridge City Clerk
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Proposed Easement for Installation of
Protective Canopy at Broadway Entrance
to the Cambridge Center Marriott Hotel

Dear Mr. Connarton:

By this letter, acting on behalf of the Cambridge Center Marriott Hotel and Two Cambridge Center Trust, our affiliate that is the property owner, I am submitting this Petition (original and nine copies as requested) for an easement from the City of Cambridge to permit the installation of a glass canopy at the entrance to this hotel. For your convenience, I am also enclosing an original and nine copies of proposed forms for the City Council Order as to the public hearing, the Notice of Public Hearing, the City Council Order granting the easement and the Grant of Easement (with plan attached); all of these forms are based directly on forms previously used by the City in reviewing and granting similar easements.

The canopy is proposed to be erected on the face of the building over the entrance and constructed of sloped glass supported by aluminum framing. The bottom of the canopy would be approximately fourteen feet above the street level, with the top sloping up to meet the building approximately eighteen feet higher. The canopy would extend off of the face of the building approximately ten feet, and would be one hundred twenty feet in length.

This letter will briefly summarize the following main points related to this request: that the canopy is needed; that the easement is needed to install the canopy; and that we do not believe that there will be any detriment to the public good in permitting this installation.

1. The canopy is needed.

Location at vehicular entrance to hotel. The area in question is the main entrance to the hotel facing on Broadway, and is also the only vehicular access to the hotel. The hotel opened in September of 1986, built to a design that had been reviewed and approved by the Cambridge Redevelopment Authority (CRA) and, in respect to traffic issues, the Cambridge Traffic Department as well. This design included a drive up entrance off of Broadway, so that cars and taxi cabs coming to the hotel could drop off and pick up passengers without impeding traffic on Broadway, and it included an overhang of the hotel up to the property line on Broadway so that pedestrians could be protected by being underneath this overhang while waiting for or getting out of vehicles.

Canopy is needed to protect people from rain and snow. Because of the limited extent of overhang that could be built within the property line and the effect of frequent high winds in the area, people are now exposed to rain and snow. This is a particular problem when the driver or other passengers need to get out of the left (street) side of cars, or taxis drop off passengers adjacent to other vehicles standing at the front of the hotel. Mr. William Munck, General Manager of the Cambridge Center Marriott Hotel since its opening, has requested that a canopy be constructed for the protection of guest and visitors and other pedestrians, and has told us that this is the single most important exterior modification needed to the hotel.

Canopy will improve appearance of street front. A second reason for the addition of a canopy is the need to enliven the facade of this building as it faces on Broadway. Marriott and Boston Properties believe that the addition of a handsome, well lighted canopy of substantial size on this long brick facade on Broadway will make this a much more lively and friendly presence on the street. This conclusion is endorsed by the Cambridge Redevelopment Authority which is supporting this petition.

Canopy will provide clear identity for hotel on Broadway. This is an important additional reason for building the proposed canopy. Marriott believes that the lack of such a clear expression of the hotel's identity on Broadway has led and continues to lead to difficulty for first time guests in finding the vehicle entrance for the hotel, particularly when they are arriving at night and are unfamiliar with the Kendall Square Area.

2. The need for the easement.

The face of the hotel building to which the canopy is proposed to be affixed is set back just behind the property line on Broadway. Accordingly, an easement from the City of Cambridge will be required for the hotel to have the right to build the canopy into the air space over the adjacent public street on Broadway.

Please note that the easement requested is only for the area in which the canopy will extend above the street; the canopy will be cantlevered and supported off of the face of the building, and there will be no supporting poles or posts from the canopy down to the street.

3. No detriment to the public good is anticipated from the construction of the canopy.

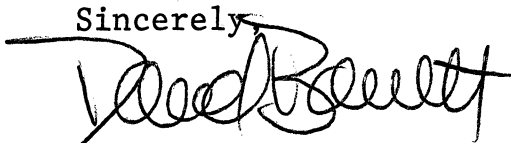
The area in which the easement is requested is an area above the vehicular entrance to the hotel. As the canopy will be cantlevered off the face of the building, no intrusion into any area where the public would walk or drive will result. If anything, we believe the addition of the canopy will provide some related public benefit, providing additional protection to anyone who wishes to pass under it and, perhaps more importantly by improving the visual quality of Broadway.

It may also be appropriate to note that, through both its payment of property taxes and its payment of hotel room occupancy taxes to the City of Cambridge, this hotel is a major financial asset to the City, having paid a total of \$1,253,825 on these accounts in Fiscal Year 1987-88.

Mr. Joseph Connarton
October 25, 1988
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For all of the reasons as described above, we respectfully ask that you grant the easement requested by the enclosed Petition.

Sincerely,



David Barrett

DB/pgs

Enclosure

cc: Mr. William Munck
Mr. Joseph F. Tulumieri

2. H-140 *Calendar #15*

Petition from David Barrett, Senior Vice-Pres.,
Boston Properties on behalf of the Cambridge
Center Marriott Hotel & Two Cambridge Center
Trust requesting permission for an easement
to permit the installation of a glass canopy
at the entrance to the Hotel.

12/19/88
resubmitted to City
Council
Order adopted

In City Council,

October 31, 1988

10-31-88

Charter Right exercised
by C. Graham.

11-2-88

No Action Taken. Placed
on file under Rule 19.