

ORDER FOR THE DIMINUTION OF DISPOSTION PROCESS FOR THE
DISPOSITION OF 6,236 SQUARE CAMBRIDGE OWNED LAND LOCATED ON
WINTER STREET IN WALTHAM

ORDERED: That a diminution of the process for the disposition of city property as established in Chapter 2.110 of the Cambridge Municipal Code is hereby approved for the disposition of two parcels of Cambridge -owned land, totaling 6,236 square feet, located on Winter Street in Waltham.

**ORDER FOR THE DISPOSITION OF 6,236 SQUARE FEET OF CAMBRIDGE-
OWNED LAND LOCATED ON WINTER STREET IN WALTHAM**

ORDERED: That two parcels of Cambridge owned land located on Winter Street in Waltham, the location of which are described on Exhibit A to this Order, are hereby disposed pursuant to Chapter 2.110 of the Cambridge Municipal Code.



City of Cambridge

Consent Agenda #31a

IN CITY COUNCIL

June 24, 1996

ORDERED: That a diminution of the process for the disposition of city property as established in Chapter 2.110 of the Cambridge Municipal Code is hereby approved for the disposition of two parcels of Cambridge-owned land, totaling 6,236 square feet, located on Winter Street in Waltham.

In City Council June 24, 1996

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

A handwritten signature in cursive script that reads "D. Margaret Drury".

ATTEST:-

D. Margaret Drury
City Clerk



City of Cambridge

Consent Agenda #31b

IN CITY COUNCIL

June 24, 1996

ORDERED: That two parcels of Cambridge owned land located on Winter Street in Waltham, the locations of which are described on Exhibit A to this order, are hereby disposed pursuant to Chapter 2.110 of the Cambridge Municipal Code.

In City Council June 24, 1996

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script that reads "D. Margaret Drury".

D. Margaret Drury
City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF LOT A

LAND OF THE CITY OF CAMBRIDGE
TO BE CONVEYED TO POLAROID CORPORATION
WALTHAM, MASSACHUSETTS

A portion of the land owned by the City of Cambridge, on the westerly side of Winter Street in the City of Waltham, Middlesex County, Massachusetts, said portion being shown as Lot A on a plan entitled, "Plan of Land in Waltham, Massachusetts Showing Land Owned By The City of Cambridge To Be Conveyed To Polaroid Corporation", Scale 1" = 80', dated July 17, 1995, prepared by Martinage Engineering Associates, Inc., Civil - Environmental Engineers and Land Surveyors, 131 Main Street, Reading, Massachusetts, said Lot A being further bounded and described as follows:

Beginning at the northernmost point of Lot A, on the westerly sideline of Winter Street as shown on said plan;

thence running southerly by the westerly sideline of Winter Street, by a curved line to the left having a radius of two thousand forty and 00/100 feet (2040.00'), a length of one hundred fifty-two and 35/100 feet (152.35') to a point;

thence running southerly by the westerly sideline of Winter Street, S 16°54'34" W, a distance of eighty and 40/100 feet (80.40') to a point at the remaining land of the City of Cambridge;

thence running northwesterly by the remaining land of said City of Cambridge, N 66°34'05" W, a distance of thirty-seven and 82/100 feet (37.82') to a point at the land of Polaroid Corporation as shown on Land Court Plan 30618-B;

thence running northeasterly by the land of said Polaroid Corporation, N 27°38'25" E, a distance of two hundred thirty-two and 38/100 feet (232.38') to a point on the westerly sideline of Winter Street as shown on Land Court Plan 30618-B and the point of beginning.

Said Lot A containing 4,010 square feet, more or less as shown on said plan.

Meaning and intending to convey all of the land of the City of Cambridge between the land of Polaroid Corporation as shown on Land Court Plan 30618-B and the westerly sideline of Winter Street which lies northerly of the easterly extension of the southerly property line of said Polaroid Corporation.

LEGAL DESCRIPTION OF LOT B

LAND OF THE CITY OF CAMBRIDGE
TO BE CONVEYED TO POLAROID CORPORATION
WALTHAM, MASSACHUSETTS

A portion of the land owned by the City of Cambridge, on the westerly side of Winter Street in the City of Waltham, Middlesex County, Massachusetts, said portion being shown as Lot B on a plan entitled, "Plan of Land in Waltham, Massachusetts Showing Land Owned By The City of Cambridge To Be Conveyed To Polaroid Corporation", Scale 1" = 80', dated July 17, 1995, prepared by Martinage Engineering Associates, Inc., Civil - Environmental Engineers and Land Surveyors, 131 Main Street, Reading, Massachusetts, said Lot B being further bounded and described as follows:

Beginning at the northernmost point of Lot B, on the easterly property line of the land of Polaroid Corporation as shown on Land Court Plan 30618-B, at the land of London & Leeds, NDAI Bay Colony I Realty Trust as shown on Land Court Plan 41218-C;

thence running southeasterly by the remaining land of the City of Cambridge, S 58°07'15" E, a distance of eighteen and 35/100 feet (18.35') to a point on the westerly sideline of Winter Street as shown on Land Court Plan 30618-B;

thence running southwesterly by the westerly sideline of said Winter Street, by a curved line to the right having a radius of one thousand five hundred sixty and 00/100 feet (1560.00'), a length of one hundred ninety-seven and 82/100 feet (197.82') to a point at the land of Polaroid Corporation as shown on Land Court Plan 30618-B;

thence running northeasterly by the land of said Polaroid Corporation, N 27°38'25" E, a distance of one hundred ninety-eight and 20/100 feet (198.20') to a point at the land of London & Leeds, NDAI Bay Colony I Realty Trust as shown on Land Court Plan 41218-C and the point of beginning.

Said Lot B containing 2,226 square feet, more or less as shown on said plan.

Meaning and intending to convey all of the land of the City of Cambridge between the land of Polaroid Corporation as shown on Land Court Plan 30618-B and the westerly sideline of Winter Street which lies southerly of the easterly extension of the northerly property line of said Polaroid Corporation.

City of Cambridge

MASSACHUSETTS

In City Council 6-24, 1996

Agenda # 31 A Diminution of Pines

YEA	NAY	ABSENT	PRESENT	
✓				V.M. Kathleen L. Born
✓				Ms. Henrietta Davis
✓				Mr. Francis H. Duehay
✓				Mr. Anthony Galluccio
			✓	Mr. Kenneth E. Reeves
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mayor Sheila T. Russell

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City of Cambridge

MASSACHUSETTS

In City Council 6-24, 1996

Ag # 31 B Dispositi

YEA	NAY	ABSENT	PRESENT	
✓				V.M. Kathleen L. Born
✓				Ms. Henrietta Davis
✓				Mr. Francis H. Duehay
✓				Mr. Anthony Galluccio
✓				Mr. Kenneth E. Reeves
✓				Mr. Michael A. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mayor Sheila T. Russell

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Background:

In December, 1960, Waltham Resources Corporation ("WRC"), a wholly owned subsidiary of Polaroid Corporation, acquired land on Winter Street in Waltham. The land acquired had no direct frontage on Winter Street, being separated from Winter Street by a strip of City of Cambridge land approximately seven feet wide. The narrow strip of land was part of the large area originally acquired by eminent domain for the Cambridge Reservoir (the "Property"). The narrow strip was created when the City of Waltham relocated Winter Street to accommodate the borders of the Reservoir.

WRC requested the City of Cambridge to convey the Property to WRC in order to obtain frontage for its property. The Cambridge Water Board voted to release the Property at its meeting on October 24, 1960. The City Council voted to convey the Property to WRC on June 12, 1961. The vote authorized the City Manager to sell the Property, which comprised 0.54 acres of land (approximately 23,500 square feet), to WRC.

The sale authorized by the vote never took place, due to several complicating factors. First, Winter Street was widened by the Middlesex County Commissioners on December 28, 1962; this involved the taking of most of the Cambridge Property to be conveyed to WRC. As a result, WRC was provided with substantial direct frontage on Winter Street. The only portion of the 23,500 square foot Property not taken by the County were two small slivers of land totaling 6,236 square feet (see plan attached)(the "Property Strips"). The second factor that deferred the sale was that the City of Cambridge was required to offer the Property to the City of Waltham as provided in the then recently enacted Massachusetts General Laws Chapter 40, §15. A court case involving the conveyance by Cambridge of another unrelated parcel of land in Waltham dealt with the interpretation of the new law requiring Cambridge to first offer the property to the City of Waltham. This case was not resolved until 1969, further delaying the consummation of the transaction contemplated by the 1961 City Council vote.

In 1963 WRC was dissolved, and Polaroid Corporation became the owner of its Waltham land. Polaroid developed its property in the mid-1960's.

Polaroid informed us last year that it would now like to conclude acquisition of the two Property Strips to complete the frontage on Winter Street along the entire length of its property. One of the driveways to Polaroid's facility goes over one of the Property Strips, and Polaroid would like to own the Property Strips so that its access is located on its own land.

Description of the Property:

The City property to be disposed of (the Property Strips) consists of two small slivers of land along Winter Street in Waltham, totaling 6,236 square feet. The slivers consist of two triangular parcels of land, The first, "Parcel A," contains approximately 4,010 square feet of land, with the legs of the triangle being approximately 38 feet, 232 feet and 233 feet in length, respectively. The second, "Parcel B," contains approximately 2,226 square feet, with the legs of the triangle being approximately 18 feet, 198 feet and 198 feet respectively.

These parcels are shown as Lots A and B on a plan dated July 17, 1995, prepared by Martinage Engineering Associates, Inc. Civil - Environmental Engineers and Land Surveyors, 131 Main Street, Reading, Massachusetts, said lots being further bounded and described as follows:

LOT A

Beginning at the northernmost point of Lot A, on the westerly sideline of Winter Street as shown on said plan; thence running southerly by the westerly sideline of Winter Street, by a curved line to the left having a radius of two thousand forty and 00/100 feet (2040.00'), a length of one hundred fifty-two and 35/100 feet (152.35') to a point; thence running southerly by the westerly sideline of Winter Street, S 16 degrees 54' 34" W, a distance of eighty and 40/100 feet (80.40') to a point at the remaining land of the City of Cambridge; thence running northwesterly by the remaining land of said City of Cambridge, N 66 degrees 34' 05" W, a distance of thirty seven and 82/100 feet (37.82') to a point at the land of Polaroid Corporation as shown on Land Court Plan 30618B; thence running northeasterly by the land of said Polaroid Corporation, N 27 degrees 38' 25" E, a distance of two hundred thirty-two and 38/100 feet (232.38') to a point on the westerly sideline of Winter Street as shown on Land Court Plan 30618B and the point of beginning.

Said Lot A containing 4,010 square feet, more or less as shown on said plan.

LOT B

Beginning at the northernmost point of Lot B, on the easterly property line of the land of Polaroid Corporation as shown on Land Court Plan 30618B, at the land of London & Leeds, NDAI Bay Colony I Realty Trust as shown on Land Court Plan 41218C; thence running southeasterly by the remaining land of the City of Cambridge, S 58 degrees 07' 15" E, a distance of eighteen and 35/100 feet (18.35) to a point on the westerly sideline of Winter Street as shown on Land Court Plan

30618B; thence running southwesterly by the westerly sideline of said Winter Street, by a curved line to the right having a radius of one thousand five hundred sixty and 00/100 feet (1560.00'), a length of one hundred ninety-seven and 82/100 feet (197.82') to a point at the land of Polaroid Corporation as shown on Land Court Plan 30618B; thence running northeasterly by the land of said Polaroid Corporation, N 27 degrees 38' 25" E, a distance of one hundred ninety-eight and 20/100 feet (198.20) to a point at the land of London & Leeds, NDAI Bay Colony I Realty Trust as shown on Land Court Plan 41218C and the point of beginning.

Said Lot B containing 2,226 square feet, more or less as shown on said plan.

Laws/Regulations that Apply:

- a. M.G.L. Chapter 40 , sections 15 and 15B. Since the Property Strips are located in Waltham, State law requires that the City offer the land to the City of Waltham at the minimum price set by the City Council on July 31, 1995 (\$34,500). A letter was sent to Mayor Stanley on December 5, 1995 offering Waltham the land; the Mayor refused the offer by letter dated January 5, 1996.

Additionally, since the land is within the Cambridge Reservoir, M.G.L. Chapter 40, sections 15 and 15B require Cambridge Water Board and Massachusetts Department of Environmental Protection (DEP) approval. The Water Board, which has jurisdiction over land in the Cambridge Watershed, voted (on April 6, 1995) that the parcels are not required for public purposes of the Cambridge Water Board. A letter was sent to DEP on December 5, 1995. By letter dated March 26, 1996, DEP found the land no longer to be needed for public water supply purposes and approved the disposition of the two parcels.

- b. Article 97 of the Amendments to the Massachusetts Constitution requires a two-thirds vote of each branch of the Legislature to dispose of land taken or acquired for, among other purposes, protection of the people in their right to conserve water. On July 31, 1995 the City Council voted to submit a Home Rule Petition to the State Legislature to approve of the disposition. Both the House and Senate passed the legislation unanimously. Chapter 69 of the Acts of 1996 was signed by the Governor on April 22, 1996.
- c. As required under M.G.L. Chapter 30B, the Uniform Procurement Act, proposals were publicly solicited for these parcels. On July 31, 1995 the City Council declared the Property Strips available for disposition

pursuant to this law. One proposal was received. The City entered into a Purchase and Sale Agreement with Polaroid, the proponent, on December 6, 1995. The sale is conditional on the City Council's two-thirds vote on the disposition.

- d. Chapter 2.110 of the Cambridge Municipal Code requires a two-thirds vote of the City Council to authorize the disposition of city-owned property.

Description and Analysis of Alternative Uses and Financial Impact

The only "alternative use" for these two property strips is for the City to continue to own the property as part of the land supporting the Cambridge Reservoir. The Cambridge Water Board has determined that the proposed disposition of the property to Polaroid does not have any water quality implications and that the property is not required for public purposes of the Cambridge Water Board. The sale of the property to Polaroid would result in one-time revenue of \$34,500 dollars to the City. Retaining the property would change nothing, and would result in loss of this revenue. The actual use of the land under Polaroid ownership would have no discernible impact on the watershed.

Use of Property at Time of Recommended Disposition

The Property Strips are currently used as part of the open space around the Cambridge Reservoir. No annual revenues or costs are associated with the property.

The Existing Zoning Status of the Property

The Property is in a limited commercial zoning district of the City of Waltham. A 150 setback is required under the Waltham Zoning Ordinance in a limited commercial district. For this reason no development of the property is possible. Furthermore, any development of the property would be subject to many federal, state and local laws and ordinances, including Section 301 of the Federal Clean Water Act, which governs any discharges of stormwater.

Attempts to Rezone the Property in the last Five Years

None known.

Development Potential of the Property

The property consists of only 6,236 square feet, in two non-contiguous pieces.

Each parcel is bounded by Winter Street, and as such would fall within any applicable zoning setback. Given its size and location, the property cannot be developed and would be of little or no value to anyone other than the owner of the adjacent land.

The price for the Property Strips was set based on two independent appraisals obtained of the value of the Property Strips to Polaroid, in accordance with the requirements of Section 2.110.010 of the Cambridge Municipal Code.

Request for Diminution of Process Stipulated in Chapter 2.110

Although the disposition of these parcels has been extensively reviewed by numerous parties (see section on "Laws that Apply"), the disposition still requires a diminution of the 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." 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 for which the described process would be unduly burdensome." I believe that Paragraph G is appropriate for review of this disposition, and request that a limited review process be approved.

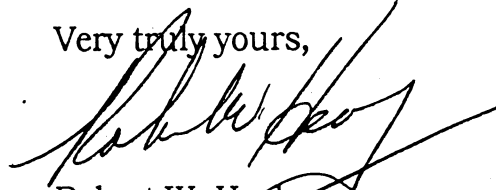
The stated purpose of this Chapter of the Municipal Code is "to protect the citizens of Cambridge and to achieve land uses that best serve the City's public purpose." When that purpose is best served by a disposition of city-owned property for a private purpose, the City's primary objective is "to receive the fair market value for such property, to protect real estate values, and to dispose of each property without favoritism." Based on the process taken as required under M.G.L. Chapter 30B and the two independent appraisals of the value of the Property Strips to Polaroid, I believe we are receiving fair market value for this property and are disposing it without favoritism.

Limiting the scope of review for the requested disposition 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 detailed information furnished in this letter is sufficient to enable the City Council to make a determination on this matter. In addition, the detailed review outlined in this Chapter requires that it be referred to the Planning Board and that the City Manager hold a separate hearing on the matter; since this disposition has been reviewed by a number of agencies at numerous public meetings, I believe this to be unnecessary in this case.

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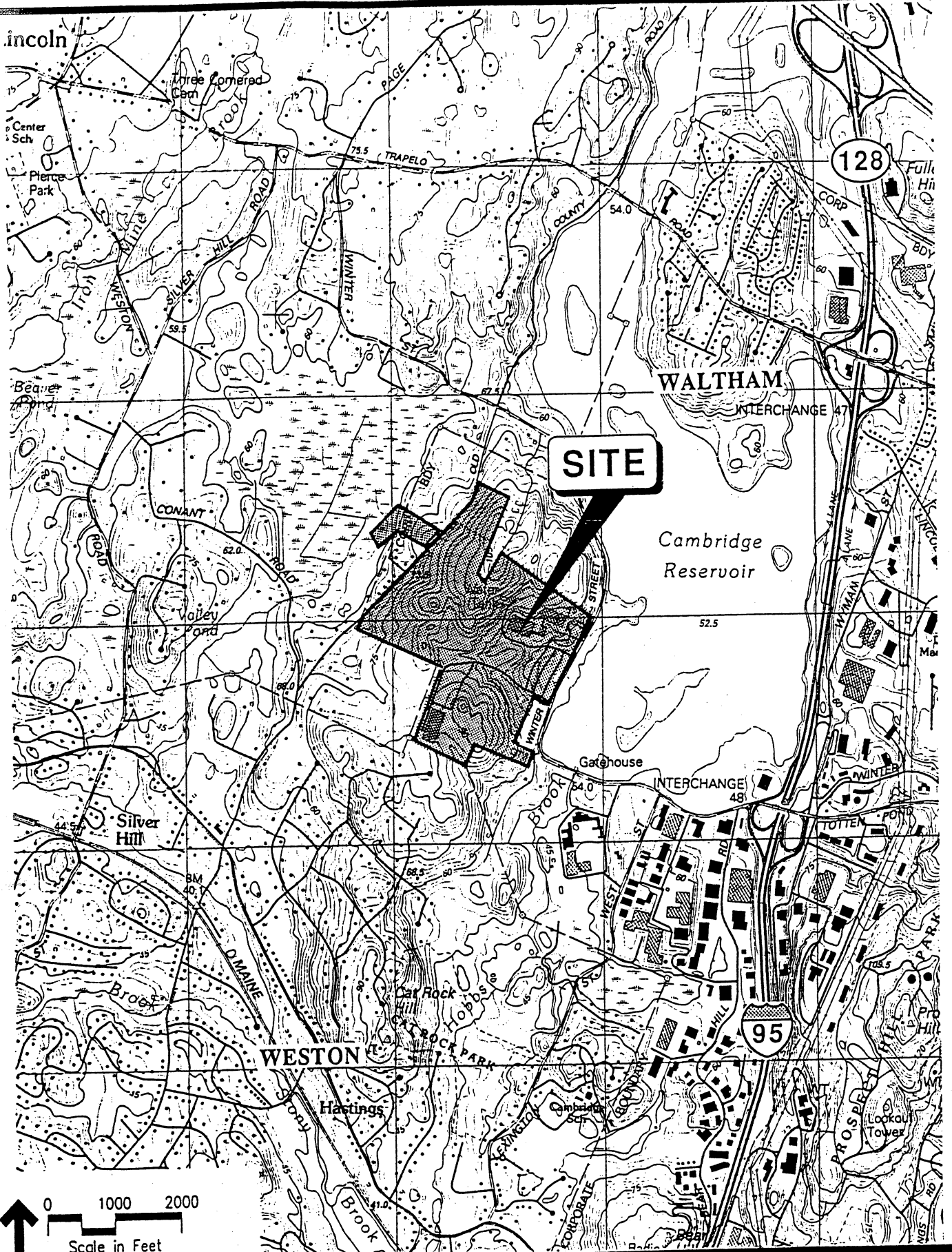
I appreciate your consideration of this matter, and welcome any questions you may have.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Healy", written over the typed name below.

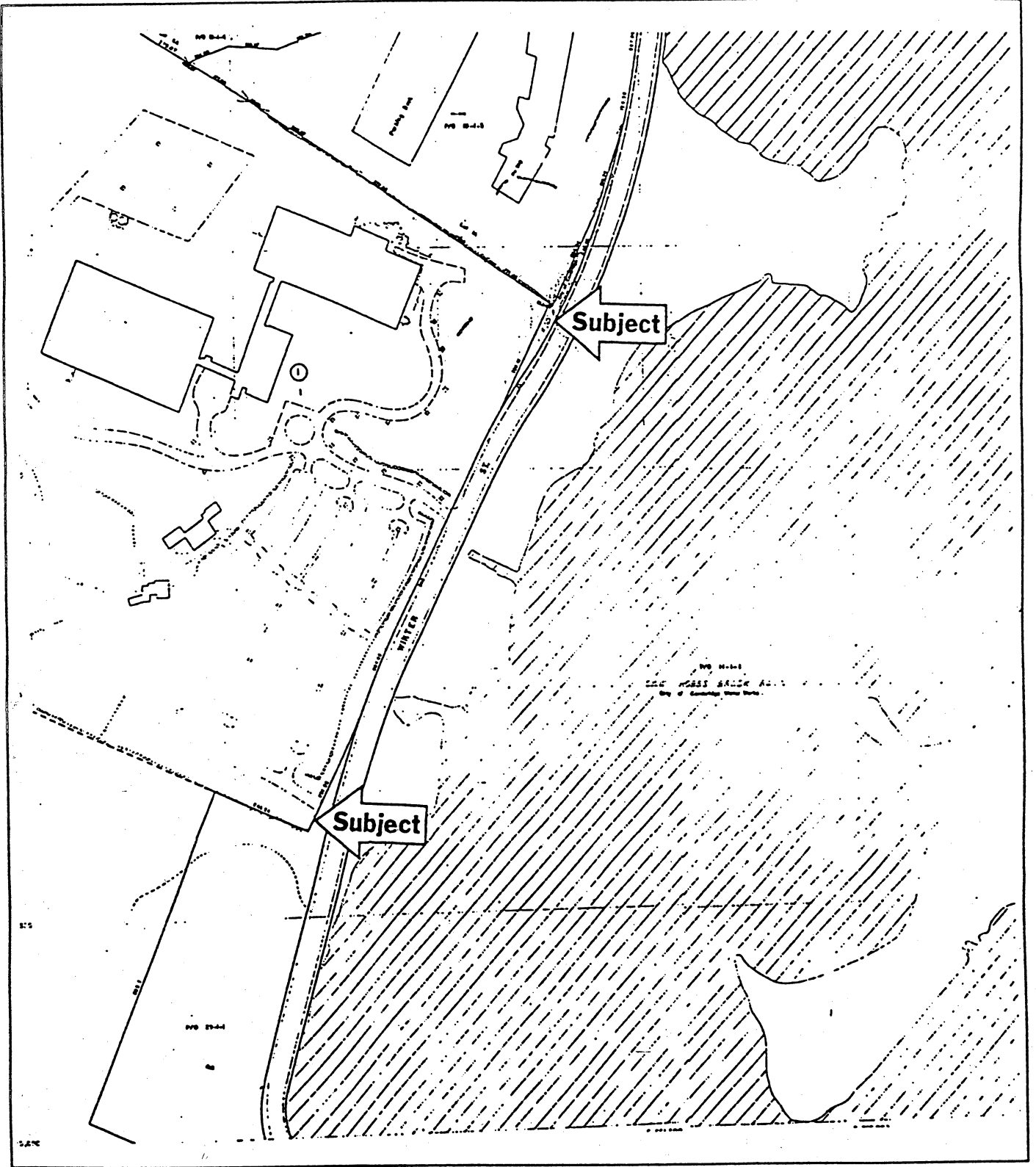
Robert W. Healy
City Manager

Attachment: Area Map



All lands owned by Polaroid to which access is gained from Winter St.: designated "SITE"

Neighborhood Map



30618A

PLAN OF LAND IN WALTHAM

Rowland H. Barnes & Co., Civil Engineers

September 1960
July 27, 1963

Middlesex South Registry District
1963

RECEIVED FOR REGISTRATION

1 O'CLOCK 4:30 P.M.
J. 1 2.03

L.C. No. 30000

John T. Kennedy et al.
1613.81
(Pending)

City of Cambridge

Subject

Subject

Baird Atomic, Inc.

160.15

WALTHAM
Town Line

Baird Atomic, Inc.

LINGCOLN

WALTHAM

WESTON

Nothan S. Fiske et al.

L.C. No. 3691A Cert. No. 3596

Copy of part of plan
filed in
LAND REGISTRATION OFFICE
MARCH 31, 1961
Scale of this plan 300 feet to an inch
C.M. Anderson, Engineer for Court



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

June 24, 1996

To the Honorable, the City Council:

I would like to request that the City Council take the final steps in a series of actions necessary to authorize the disposition of two small parcels of city-owned land located in Waltham to Polaroid Corporation. 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 disposition may properly be 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 of 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 dispose of the parcels to Polaroid. I also recommend that the City Council vote to authorize me to dispose of these parcels by disposition documents in form and substance as I determine is necessary or advisable.

This disposition was initiated at the request of Polaroid Corporation, which has a facility on Winter Street in Waltham near the Cambridge Reservoir. These two property strips abut Polaroid's Winter Street property. Cambridge had previously agreed to sell Polaroid the strips in 1961, but due to several complications, the sale was never consummated. Last summer, Polaroid again approached the City of Cambridge seeking to complete the acquisition. A more detailed background is set forth below.

Consent Agenda #31

S-350

Relative to the disposition of two
small parcels of city-owned land
located in Waltham to Polaroid
Corporation.

In City Council June 24, 1996

Order Adopted on Diminution
8-0-0-1

Order Adopted on Disposition
9-0-0.