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

RESPECTFULLY REPRESENTS President and Fellows of Harvard College that heretofore, by order passed on November 25, 1930, the Honorable Council granted to your petitioner permission to extend the sewer in Divinity Avenue from a point indicated in a prior order adopted September 30, 1930 as six hundred thirty-five (635) feet from Kirkland Street Northerly to and to connect with the existing sewer in Everett Street, a distance of about five hundred twenty-five (525) feet; and your petitioner further represents that it has developed that the construction of buildings by it which necessitated building a new sewer in Divinity Avenue may not require an extension of the sewer to connect with the existing sewer in Everett Street, but only the construction of a sewer of a total length of nine hundred fifty (950) feet measuring from the sewer in Kirkland Street, as shown on a plan entitled "Divinity Avenue Sewer Plot", being plan No. 6711A drawn by L. M. Hastings, City Engineer, dated Sept. 22, 1930 and on file in the office of the City Engineer;

WHEREFORE your petitioner prays that the said order of November 25, 1930, be amended in the first paragraph thereof by providing that the sewer shall extend from the point six hundred thirty-five (635) feet distant from Kirkland Street therein mentioned Northerly a distance of about three hundred fifteen (315) feet, all as shown on the plan above referred to, instead of the distance of five hundred twenty-five (525) feet stated in said order; that the condition numbered "second" set forth in said order be amended so as to provide that the sewer shall be not less than fifteen (15) inches in diameter instead of eighteen (18) inches as stated in said order, and that the condition numbered "third" set forth in said order be amended so as to

require that your petitioner shall grant to the City of Cambridge an easement for sewerage purposes in a strip of land twenty (20) feet wide and approximately three hundred fifteen (315) feet long in said Divinity Avenue instead of the distance of five hundred twenty-five (525) feet stated in said order.

Your petitioner also represents that it has paid into the City Treasury the sum of Six thousand three hundred forty-eight (6348) dollars being the full amount of the assessments heretofore laid and referred to in the said orders, and your petitioner has prepared a grant to said City, a copy of which is hereto annexed, which will vest in the City all the rights and privileges required by said orders if and when the said order of November 25,1930 is amended as hereby requested, reserving to your petitioner the right to build over and/or relocate said easement as in said grant set forth, and this grant your petitioner is prepared to execute and deliver to said City.

Dated April 3 1931.

PRESIDENT AND FELLOWS OF HARVARD COLLEGE

By A. Endicott Comptroller

April 28 1931

I recommend that the foregoing petition be granted

L. W. Hastings
City Engineer

WHEREAS President and Fellows of Harvard College, a Massachusetts corporation, has constructed an underground sewer in Divinity Avenue, a private way in Cambridge, in the County of Middlesex and Commonwealth of Massachusetts, the location of which is shown on the plan hereinafter referred to, and

WHEREAS the City of Cambridge by orders heretofore passed by its City Council, has granted to said President and Fellows of Harvard College permission to connect the said sewer with the common sewer in Kirkland Street, provided, however, that said President and Fellows of Harvard College shall grant to said City an easement for sewerage purposes in a strip of land twenty feet wide and approximately nine hundred fifty (950) feet long in said Divinity Avenue, and grant and release to said City all rights and interest in the said sewer in Divinity Avenue so that the same may become an integral part of the sewer system of said City, and also pay into the City Treasury assessments amounting to Six Thousand Three Hundred and Forty-eight (6348) Dollars;

NOW, THEREFORE, said President and Fellows of Harvard College in consideration of the foregoing and for consideration paid hereby grants to said City of Cambridge the right to construct, maintain, alter and repair, as hereinafter stated, a sewer or sewers and also a water pipe or pipes in a certain parcel of land in said Cambridge bounded and described as follows:

Beginning at a point in the northerly line of Kirkland Street, twenty-five (25) feet distant westerly from the easterly line of Divinity Avenue;- thence running westerly along the said northerly line of Kirkland Street twenty (20) feet to a corner;- thence turn-

ing and running northerly parallel to and forty-five (45) feet distant westerly from the said easterly line of Divinity Avenue, nine hundred fifty (950) feet to a corner;- thence easterly by a right angle to the above described line twenty (20) feet;- thence southerly parallel to and twenty (20) feet distant easterly from the line above described as being nine hundred fifty (950) feet long, nine hundred fifty (950) feet to the point of beginning in the northerly line of Kirkland Street. Containing nineteen thousand (19,000) square feet.

The above described parcel of land is shown upon a plan entitled "Divinity Avenue Sewer Plot", being Plan No. 6711A and dated September 22, 1930, drawn by L. M. Hastings, City Engineer, and on file in the office of the City Engineer, Cambridge, Mass.

Hereby conveying the easement in said premises for the construction, maintenance, alteration, and repair by the City of Cambridge, at all times and from time to time whenever it may deem necessary, of a sewer or sewers and also a water pipe or pipes in the whole or any portion or portions of the said premises with free and full access, right, privilege and easement to the said City of Cambridge, its agents and servants at all times to enter into and open said land in its whole width and extent for the purpose of digging up the same, laying, maintaining, altering and repairing any sewer or sewers or water pipes therein, reserving to the grantor, its successors and assigns, the fee and use of said premises not inconsistent with the above granted purposes, and expressly reserving to the grantor, its successors and assigns, the right to erect buildings and structures over and upon the parcel of land above described, and also the right to relocate the said easement by granting to the said City similar rights in another location of similar extent, provided, however, that

all rights so reserved shall be exercised in a manner which shall not destroy or materially affect the effectiveness of the said sewer for the purposes for which it was laid and/or the use of any water pipe or pipes now laid or which may hereafter be laid by the said City in the parcel of land above described, and in a manner which will permit the said City to exercise the right hereinbefore granted to construct, maintain, alter and repair sewers and water pipes; and for the considerations aforesaid said President and Fellows of Harvard College hereby releases and forever discharges the said City of Cambridge of and from any and all actions, damages and claims for damages arising out of and in any way connected with said easement.

It is understood and agreed by and between the parties hereto that said City shall be under no obligation to enlarge the said sewer if it proves to be in any manner inadequate for the purposes for which it was laid, nor liable for any damage which may result because of the inadequacy of the sewer for said purposes.

And for the consideration aforesaid said President and Fellows of Harvard College, without qualifying or impairing the reservations to it, its successors and assigns, above set forth, hereby grants and conveys to said City of Cambridge all rights and interest in the sewer constructed in Divinity Avenue as aforesaid so that the same may become an integral part of the sewer system of said City.

The City of Cambridge by the acceptance of this instrument acknowledges that said President and Fellows of Harvard College has paid into the City Treasury the sum of Six Thousand Three Hundred Forty-eight (6348) Dollars, being the amount of the assessments above referred to.

IN WITNESS WHEREOF said President and Fellows of Harvard College has caused its corporate seal to be hereto affixed and

these presents to be signed in its name and behalf by Henry L. Shattuck, its Treasurer, hereunto duly authorized, this

day of A. D. 1931.

PRESIDENT AND FELLOWS OF HARVARD COLLEGE

By_____
Treasurer.

COMMONWEALTH OF MASSACHUSETTS

Suffolk ss. 1931.

Then personally appeared the above-named Henry L. Shattuck and acknowledged the foregoing instrument to be the free act and deed of President and Fellows of Harvard College, before me

_____
Notary Public.

My commission expires

Petition
of President & Fellow of Harvard
College for amendments to orders
of City Council adopted on NOV. 25 1930.
relative to the
construction of a sewer in Divinity Ave

In City Council APR 28 1931

Referred to the Committee on
City Eng.

Frederick H. Burke
City Clerk.

May 22, 1931

Mr. Gadsby told E.A. there is no litigation pending in this case -

E.A.L.

City of Cambridge

In City Council

May 19, 1931.

ORDERED:-

That the order adopted by vote of the City Council on November 25, 1930 and approved by His Honor, the Mayor, on November 28, 1930 granting permission to the President and Fellows of Harvard College to construct and extend sewer in Divinity Avenue is hereby amended by striking out in the seventh and eight lines of the first paragraph the following:- "to and connect with the present existing sewer in Everett Street, a distance of about five hundred twenty-five (525)" and inserting in place thereof the following :- a distance of about three hundred fifteen (315), - by striking out in the second condition the following:- "eighteen inches (18")" and inserting in place thereof the following:- fifteen inches (15"), - and by striking out in the third condition the following:- "five hundred twenty-five (525)" and inserting in place thereof the following:- three hundred fifteen (315), - said order as amended to read as follows:-

ORDERED:- On the petition of the President and Fellows of Harvard College that permission be and hereby is granted them to extend the sewer in Divinity Avenue, recently constructed under authority granted by an order of the City Council adopted September 30, 1930. Said sewer to extend from the point indicated in the aforesaid order as six hundred thirty-five (635) feet from Kirkland Street northerly a distance of about three hundred fifteen (315) feet, all as shown on plan Numbered 6711A and on file in the office of the City Engineer of Cambridge, Mass., and subject to the following conditions:-

City of Cambridge

In City Council

First:- That the President and Fellows of Harvard College first pay into the City Treasury an assessment of two cents ($0.02) per square foot upon the area of land benefitted by said sewer amounting in this case to Three Thousand Four Hundred Forty-Eight ($3,448.00) Dollars.

Second:- That the President and Fellows of Harvard College will, at its own expense, construct said sewer, not less than fifteen inches (15") in diameter, and upon grades satisfactory to the City Engineer of Cambridge and release to the City of Cambridge all rights and interests in said sewer when constructed so that said sewer may become an integral part of the sewer system of the City of Cambridge.

Third:- That the President and Fellows of Harvard College grant an easement, for sewerage purposes, to the City of Cambridge in a strip of land twenty (20) feet wide and approximately three hundred fifteen (315) feet long in Divinity Avenue.

In City Council MAY 19 1931

Adopted by the affirmative vote

of 14 members.

Executive Department MAY 21 1931

Approved Richardson Russell

Mayor

Frederick H. Burkett City Clerk.

City of Cambridge

In City Council May 19, 1931.

The *Committee* on City Engineering

to which was referred petition of President and Fellows of Harvard College for amendment to an order of the City Council adopted on November 25, 1930 relative to the construction of a sewer in Divinity Avenue

Reports,

Recommending the adoption of the accompanying amended order relative to same.

Thomas J Gibson

For the Committee.

REPORT 9

Committee on City Engineering

recommending amended order for sewer in Divinity Ave.

11

May 19, 1931