

ASSOCIATION OF CAMBRIDGE NEIGHBOODS (ACN)

c/o John R. Moot, 44 Coolidge Hill Road
Cambridge, MA 02138

April 22, 2002

Subject: Somerville-Cambridge boundary in North Point

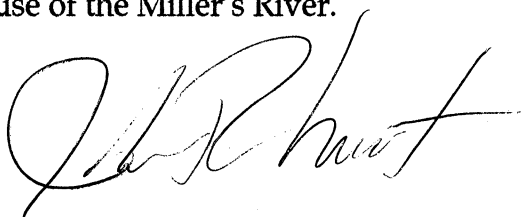
The border between the two cities in this area where it follows the Miller's River is not clear. It needs to be clearly established and agreed upon by the two cities. The proposal before the Council today is one step.

I should like to suggest that the Council use this opportunity to clear up the boundary and any possible complications in one act. Because there are several different lines on different maps, one new line must be established and accepted by state legislation. Anything less would not be likely to be accepted in establishing clear title.

Since a new line must be drawn, should we not take advantage of the opportunity to straighten the border lines and make the new border as logical and practical as possible for the benefit of both cities. As I understand it about 5 acres of this area now are in Somerville. Could not this area be cut out of the property with straight lines in a simple shape adjacent to Somerville. The area selected could be wherever most practical.

Then to establish this boundary as the official line between the two cities, it could be submitted to the Legislature for approval.

At the same time, the legislation could deal with any Chapter 91 waterways issues that exist because of the Miller's River.



(MCA) SOMERVILLE
CITY OF SOMERVILLE
CITY CLERK

City of Somerville
City Clerk

City of Somerville
City Clerk

Consent Communication #15
A communication was received from John R. Moot, regarding Council Order #4 on the Somerville/Cambridge boundary in North Point.

In City Council April 22, 2002

REFERRED TO ORDER #4.

City of Somerville
City Clerk

City of Somerville
City Clerk

Stephen H. Kaiser
191 Hamilton Street
Cambridge, Mass. 02139

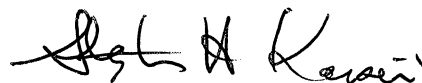
2002 APR 22 A 11: 22
DEPT. OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Russell B. Higley, City Solicitor

SUBJECT: Council Order #4 on Cambridge/Somerville Boundary

While I would urge that all mapping issues be referred first to the City Engineer, there are several legal questions which do need clarification at this time.

1. Does the City of Cambridge officially recognize the boundary at North Point as being defined by the historical channel of the Millers River, as established in March 1632?
2. Because the changes in the City boundary by Somerville extend from North Point to the Twin City Plaza, does the City of Cambridge agree that the area of the boundary dispute extends from the Boston Line to the middle of the Twin Cities site?
3. In each of the following instances, state law provides for determinations and appeal of town boundaries in a section entitled "Boundaries of Cities and Towns." The question in each instance is the same : Does the City believe that this law applies to cities as well - namely Cambridge and Somerville?
 - a. MGL Chapter 42 § 2 states that "*The boundary markers of every town shall be located, the marks thereon renewed ... once every five years...*"
 - b. MGL Chapter 42 § 4 states that "*The selectmen of contiguous towns shall ... erect permanent stone monuments at every angle of their respective boundary lines and wherever a highway crosses such lines*"
 - c. MGL Chapter 42 § 7 states that "*Proposed changes in the boundary lines between adjoining towns shall be submitted to each of the towns affected by the change for their concurrent at town meetings.*" § 7 describes a detailed process of mapping involving a registered land surveyor and approval action by the state legislature.
 - d. MGL Chapter 42 § 8 refers directly to boundary lines between towns that are formed "*wholly or partly by a stream or by a highway ...*" Legal cases in 1832 and 1891 have established that the dividing line is the center of the stream.
4. MGL Chapter 42 § 12 deals with the location of disputed boundaries and clearly refers to conditions where "*the true boundary between two or more adjacent counties, cities, towns or districts is doubtful or in dispute.*" In such a case, the land court may "*make such order as to the setting or durable bounds as to perpetuate the lines*" Because there is clearly a boundary dispute between Cambridge and Somerville, as indicated by their different mapping, is Cambridge prepared to seek resolution of this matter by taking it to land court? Or would the City prefer to follow the precedent of Chapter 312 of 1910 which used state legislation to establish the boundary between Cambridge and Boston in the Millers and Charles River areas?

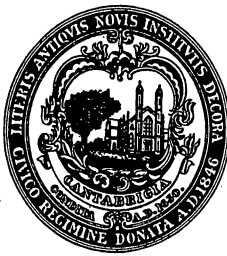


Stephen H. Kaiser
Citizen Engineer

Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Nancy E. Glowa
First Assistant
City Solicitor



Arthur J. Goldberg
Supervising Legal Counsel

Legal Counsel
Birge Albright
Vali Buland
Cheryl Anne Watson
Nancy B. Schlacter
Christine E. McGinn

CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

October 5, 2001

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

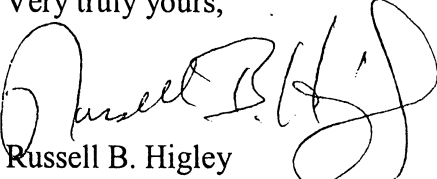
Re: ***City Council Order #O-35, dated September 24, 2001—Zoning District
Boundaries***

Dear Mr. Healy:

By Order #O-35 dated September 24, 2001, the City Council asked for advice regarding questions raised as to the accuracy of City mapping for the North Point area. In particular, several comments have been made during the public hearing process relative to the Eastern Cambridge Rezoning Petition suggesting that apparent discrepancies on several City maps regarding the precise boundary between Cambridge and Somerville in the North Point area might call into question the validity of the proposed rezoning. The location of the line on the zoning map will not in any way affect the validity of the rezoning petition.

Cambridge's zoning authority does not extend beyond the territorial boundaries of the City, and nothing in the rezoning petition suggests any intent to do so. Proposals in the rezoning petition for the North Point area define the area in part by reference to the "Cambridge/Somerville municipal boundary line". The current Zoning Map (and its predecessors) contains a prominently displayed legend which states "[t]he zoning lines are approximate. Please refer to the documents on file in the City Clerk's office for exact location of boundaries." Examination of the City Clerk's documents will provide that the North Point area is bounded in part by the "Cambridge/Somerville municipal boundary line". The precise location of that line is depicted in records maintained by the City Engineer.

Very truly yours,


Russell B. Higley

April 22, 2002

14

2002 APR 22 AM 11:22
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Stephen H. Kaiser
191 Hamilton Street
Cambridge, Mass. 02139

My concern for asking the Law Department to comment on mapping is based on the previous letter from the Law Department responding to Council Order #O-35 dated September 24, 2001. In the attached October 5, 2001 letter Mr. Higley makes numerous references to the "Cambridge/Somerville municipal boundary line" which in historical truth is the wavy line of the old Millers River -- which is quite different from all current Cambridge mapping. Mr. Higley further claims that "The Precise location of that line is depicted in records maintained by the City Engineer."

SUBJECT: Council Order #4 on Cambridge/Somerville Boundary

I would like to be recorded as generally in favor of Order #O-4 on the April 22 agenda. The suggested amendments are that :

(a). the maps should be transmitted to the City Manager, not to the Law Department

(b). the Manager should report back to the City Council within a set time period. I would recommend 3 weeks, or the Council meeting of May 13, 2002 for a report to the Council.

My concern for asking the Law Department to comment on mapping is based on the previous letter from the Law Department responding to Council Order #O-35 dated September 24, 2001. In the attached October 5, 2001 letter Mr. Higley makes numerous references to the "Cambridge/Somerville municipal boundary line" which in historical truth is the wavy line of the old Millers River -- which is quite different from all current Cambridge mapping. Mr. Higley further claims that "The Precise location of that line is depicted in records maintained by the City Engineer."

Mr. Higley needs to understand that neither the City Clerk nor the City Engineer has any mapping indicating the precise location of the boundary line. This line has never been surveyed, and the legal definition (the middle of the old Millers River channel) has been completely filled in and any physical reference to it totally obliterated.

Because the City Clerk is simply the keeper of the maps for the purpose of public records, the proper source for any mapping accuracy should be the City Engineer.

Sincerely,



Stephen H. Kaiser
Citizen Engineer

Consent Communication #14

A communication was received from Stephen H. Kaiser, regarding Council Order #4 on the Cambridge/Somerville boundary.

In City Council April 22, 2002

REFERRED TO ORDER #4.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260

FAX (617) 349-4269


tty/TDD (617) 492-0235

D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

APRIL 25, 2002

TO: DONALD DRISDELL
DEPUTY CITY SOLICITOR

FROM: DONNA P. LOPEZ 
DEPUTY CITY CLERK

SUBJECT: ORDER NUMBER FOUR OF APRIL 22, 2002

Pursuant to Order Number Four adopted by the City Council on April 22, 2002, attached you will find two maps relating to the boundary between Cambridge and Somerville.

Please be advised that this office is transmitting the original copy of these two maps to the Law Department. Therefore it is essential that special attention be taken with these maps because there is no other copies.

Thank you for your attention in this matter.

cc: Robert W. Healy
City Manager



City of Cambridge

O-4.

IN CITY COUNCIL

April 22, 2002

COUNCILLOR MAHER
COUNCILLOR MURPHY
VICE MAYOR DAVIS
COUNCILLOR DECKER
COUNCILLOR GALLUCCIO
COUNCILLOR REEVES
COUNCILLOR SIMMONS
MAYOR SULLIVAN
COUNCILLOR TOOMEY

WHEREAS: The City Clerk has been supplied with two maps of the city of Somerville; one for 1999 and one for 2002; and

WHEREAS: The boundaries in the 1999 and 2002 maps are different; now therefore be it

ORDERED: That the City Manager be and hereby is requested to instruct the City Clerk to transmit these maps to the Law Department to review the boundaries between Cambridge and Somerville and report back to the City Council on the boundary line.

In City Council April 22, 2002.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- *D. Margaret Drury*

D. Margaret Drury
City Clerk

CM-81

ORDER #4

City Manager is requested to instruct the City Clerk to transmit two maps to the Law Department to review the boundaries between Cambridge and Somerville.

Councillors Maher and Murphy

In City Council April 22, 2002

ORDER ADOPTED.