



CITY OF CAMBRIDGE
MASSACHUSETTS
LAW DEPARTMENT

TELEPHONE
TR 6-6800

RECEIVED

MAY 25 4 30 PM '50

OFFICE OF THE
CITY MANAGER

JOHN A. DALY
CITY SOLICITOR

J. HENRY SMITH
MOSIER B. GOLDBERG
ASSISTANT CITY SOLICITORS
CITY HALL

May 25, 1950.

Mr. John B. Atkinson
City Manager
City Hall
Cambridge, Massachusetts

Dear Sir:

With reference to the new Botany Building of Harvard College, I have to report the following situation:

In 1931, Harvard College granted to the city a sewer and water easement in Divinity Avenue of a twenty (20) foot strip. For some reason, which cannot now be explained, the document never got on record although it appears to have been delivered and the money required to be paid by the college was actually paid. In this instrument, the college reserved the right to change the location of the easement. As a result of the erection of the Botany Building, it is necessary to change the location of part of the water pipes and so much of the sewer easement as is under the new building which is no longer needed, as the sewer pipes are being taken care of in another way.

To evidence the present situation, it is desirable that the city receive a confirmation of the 1931 easement which was not recorded ~~so~~ ^{and} put this confirmation on record. Also that the city release so much of the sewer easement as is no longer needed and receive from the college a further grant of an easement for the new location of the water pipes outside the Botany Building.

I enclose in triplicate these three

Mr. John B. Atkinson

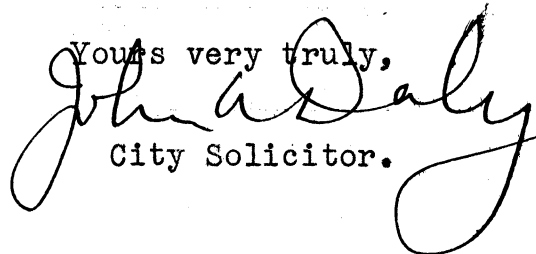
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May 25, 1950

documents. I also enclose two plans, one showing the exact area of the sewer easement to be abandoned and the other showing the area to be included in the new grant for the maintenance of the water pipes. The plans have been prepared by Mr. Davis and the documents and the descriptions have also been checked by him and are satisfactory.

I request that the matter be referred to the City Council for its consideration.

Yours very truly,


City Solicitor.

JAD:F

Encls.

CITY OF CAMBRIDGE

In City Council

JUN 5 1950

WHEREAS:

The City of Cambridge acquired a certain easement for sewer and water purposes in a twenty (20) foot strip of land in Divinity Avenue by an instrument dated June 12, 1931, executed by the President and Fellows of Harvard College, confirmed by another instrument dated April 10, 1950 by said President and Fellows of Harvard College and

WHEREAS:

By reason of construction of a building by the President and Fellows of Harvard College, the maintenance of the sewer easement is no longer necessary in a portion of said strip containing nineteen hundred and fifty-four (1954) square feet of land, more or less, more particularly shown on a plan entitled "Proposed Release of Sewer and Water Easement in Divinity Avenue, Cambridge," dated January 19, 1950 by Edgar W. Davis, City Engineer, and

WHEREAS:

The President and Fellows of Harvard College reserved the right to re-locate said easement, and it is now desirable to re-locate a portion of the water easement and to obtain a further grant of such easement from the President and Fellows of Harvard College, in so far as said easement is changed from its previous location or more particularly as shown on a plan entitled "Proposed Water Easement in Divinity Avenue and Private Land, Cambridge", dated January 26, 1950 by Edgar W. Davis, City Engineer, therefore be it

ORDERED:

That the City of Cambridge does hereby accept from the President and Fellows of Harvard College the grant of said sewer and water easement under date of January 12, 1931 and as confirmed by instrument dated April 10, 1950 and does hereby further accept the additional grant of an easement for water purposes as re-located and as more particularly shown on the said plan of the Water Easement by Edgar W. Davis, dated January 26, 1950 and as set forth in grant of said easement in said additional location by President and Fellows of Harvard College, by instrument dated April 10, 1950; and further that the City of Cambridge shall

CITY OF CAMBRIDGE

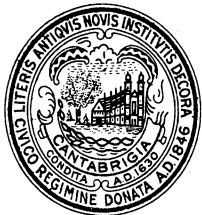
In City Council

release to the said President and Fellows of Harvard College said easement so far as it relates to sewer purposes in the above described parcel of land, containing nineteen hundred and fifty-four (1954) square feet, and the City Manager be and hereby is authorized and directed in the name of and on behalf of the City of Cambridge to sign, seal, acknowledge and deliver a release of that part of the easement and to accept on behalf of the City of Cambridge delivery of instruments confirming said sewer and water easements and granting said water easement in the additional location as shown on said plan of proposed water easement by Edgar W. Davis, City Engineer. The form and legal effect of such instruments shall be approved by the City Solicitor.

JUN 5 1950
In City Council
Adopted by yeas and nays Vote
Yeas 8 Nays 0 Absent 1

Frederick H. Burke City Clerk

In City Council JUN 5 1950 194



CITY OF CAMBRIDGE

MASSACHUSETTS
EXECUTIVE DEPARTMENT

JOHN B. ATKINSON
CITY MANAGER

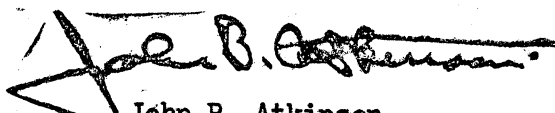
May 29, 1950

To the Honorable, the City Council:

I transmit herewith a communication from the City Solicitor with reference to an easement granted by Harvard College on Divinity Avenue in 1931.

The City Solicitor's communication explains this in detail.

Very truly yours,


John B. Atkinson
City Manager

JBA:M

12
COMMUNICATION
from the City Manager trans-
mitting one from City Solicitor

together with an Order
relative to sewer and water easements
executed by Harvard University
in University Avenue in 1931;
release of sewer easement no longer
required and easement for water
pipes in new location.

MAY 29 1950

In City Council

Referred to the Committee on

Public Service

Frederick H. Burke

City Clerk

City of Cambridge

In City Council June 5, 1950.

The

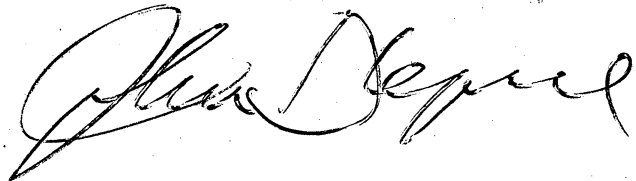
Committee on Public Service

to which referred communication from the City Solicitor and order relative to sewer and water easements executed by Harvard University in Divinity Avenue in 1931, new easement for water connections. ✓

Reports,

Recommending the adoption of the accompanying

order relative to easements.

A handwritten signature in cursive script, appearing to read "John Deane", is written over the text "Recommending the adoption of the accompanying order relative to easements."

For the Committee.

REPORT

15

Committee on Public Service
Rel. to sewerage - storm water
sewer & water

June 5, 1950