

City of Cambridge

Unfinished Business

MASSACHUSETTS

#9

In City Council

11/2

1992

Declaration of avail. of certain streets

YEA	NAY	ABSENT	PRESENT	
	✓			Mr. Ed Cyr
✓				Mr. Francis H. Duehay
			✓	Mr. Jonathan S. Myers
✓				Mrs. Sheila T. Russell
✓				Mr. Walter J. Sullivan
✓				Mr. Timothy J. Toomey, Jr.
✓				Mr. William H. Walsh
✓				Ms. Alice K. Wolf
✓				Mayor Kenneth E. Reeves

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City of Cambridge

~~-Non-Consent-Agenda-Item-No.-31-~~

Calendar Item # 9

IN CITY COUNCIL

~~-October 19, 1992-~~

November 2, 1992

RESOLVED: That the City Council hereby declares, pursuant to the provisions of Chapter 30B, S16 of the Massachusetts General Laws, that title to the following specifically identified areas of streets and sidewalks be available for disposition, subject to the following restrictions:

Streets and sidewalks to be available for disposition:

1. Amherst Street

Location: Between Massachusetts Avenue and the northeastern extension of the southwestern sideline of Endicott Street

Length: 1090'-3"

Width: 60'-0"

Area: 65,414 sf

2. Carleton Street:

Location: Between the MBTA Station and Amherst Street

Length: 578'-6"

Width: 40'-0" to 50'-0"

Area: 27,754 sf

3. Hayward Street:

Location: Between Amherst Street and Main Street

Length: 501'-11"

Width: 40'-0"

Area: 20,078 sf

4. Vassar sidewalks:

Location: Between Massachusetts Avenue and Audrey Street

Sidewalk
Length: 2,947'-0" (average)

Sidewalk
Width: 28'-0" (14'-0" of existing sidewalk, 14'-0" of new sidewalk)

Area: 82,507 sf

Restrictions:

1. Upon disposition, deed restrictions shall be placed upon all of the described properties prohibiting their use for development;
2. Further deed restrictions shall be placed upon all of the properties prohibiting the use of any development potential of the properties, including a specific restriction against the use of any of the disposed properties in calculations for F.A.R. on projects on other sites;
3. Disposition of all of the properties shall be subject to the retention of any and all existing or necessary utility of sub-surface easements;
4. Disposition of the Amherst Street property shall be restricted to use in the future for vehicular and pedestrian circulation;
5. Disposition of the Carleton Street property shall be restricted to future use for the creation and maintenance of a landscaped plaza for public use adjacent to the MBTA station, and shall be improved in a manner that provides for access for service, fire and emergency vehicles satisfactory to the City;
6. Disposition of the Hayward Street property shall be restricted to use in the future for vehicular and pedestrian circulation, with the right to incorporate the right of way in a new greenspace and to provide a pedestrian connection and fire land between Main Street and Amherst Street;
7. Disposition of the Vassar Street sidewalks shall be restricted to future use as sidewalks, planting strip, and parallel parking land on the north side all of which must be accomplished without interfering with the two lanes of vehicular traffic which will remain the property of the City; and

8. Disposition of all of the properties shall be subject to any further such restrictions that may be deemed reasonable by the City Council and which may be identified during the public processes necessary for the disposition of the properties.

In City Council November 2, 1992.
Adopted by a yea and nay vote:-
Yeas 7; Nays 1; Absent 0; Present 1.
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

D. Margaret Drury
City Clerk



CITY OF CAMBRIDGE

Office of the City Solicitor

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City Solicitor

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Legal Counsel

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Legal Counsel

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Laura H. Yager
Legal Counsel

Linda A. Stamper
Legal Counsel

Arthur J. Goldberg
Legal Counsel

October 15, 1992

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

Re: Declaration of Availability for Disposition of Certain City Streets and Sidewalks

Dear Mr. Healy:

I am attaching proposed language for a resolution by the City Council to declare available for disposition certain City streets and sidewalks. I am forwarding this to you so that it may be transmitted to the City Council.

The proposal that you forwarded to the Council regarding the possibility of disposition of the referenced streets in exchange for the acquisition by the City of a new site for the CASPAR shelter implicates c. 30B as well as the City's Ordinance governing disposition of city-owned property. This declaration of availability is a requirement of c. 30B. I have drafted the proposed language to include all restrictions already identified, and I have incorporated a final restriction that expressly reserves the right of the City Council to impose additional restrictions, identified during the remaining public processes, that they may deem reasonable or necessary.

As I have advised the Council in the past, a vote to declare the properties available for disposition does not bind the City in any manner to ultimately approve of disposition. Chapter 30B, insofar as it applies to disposition of real property, essentially requires public disclosure by the City that it is contemplating the possibility of disposing of property. There

must then, in most circumstances, be a competitive process for the solicitation of proposals. The declaration of availability simply starts that process of advertisement and requests for proposals. After receiving proposals the City is free to reject them all and simply decide not to dispose of the property.

Very truly yours,



Russell B. Higley

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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

October 19, 1992

To The Honorable, The City Council:

I am hereby transmitting communication from Russell B. Higley, City Solicitor, relative to proposed language for a resolution by the City Council to declare availability of disposition of certain City streets and sidewalks.

I am recommended declaration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Healy", is written over a horizontal line.

Robert W. Healy
City Manager

RWH/mev

Agenda # 31

S-885

Proposed language for a resolution
by the City Council to declare
availability of disposition of certain
City streets and sidewalks.

In City Council,

Oct. 19, 1992

Tabled by
Councillor Cyr.

11/2/92 Order adopted

7-1-0-1.