



City of Cambridge

Agenda Item No. 8

IN CITY COUNCIL

April 11, 1994

- WHEREAS:** The Massachusetts Institute of Technology (MIT) has submitted a request to the City for a license to construct a pedestrian walkway over Amherst Street; and
- WHEREAS:** The City Manager transmitted that request to the City Council as Item No. 8 on the City Manager's Agenda for the meeting of April 11, 1994; and
- WHEREAS:** Said transmittal contained detailed descriptions and depictions of the proposed passageway along with an Agreement for the grant of a license to authorize the placement of the passageway across Amherst Street, a public way; now therefore be it
- RESOLVED:** That the City Council does hereby vote to grant said license subject to the terms and conditions set forth in the agreement contained in the City Manager's Agenda Item No. 8, which the City Council hereby authorizes the City Manager to execute.

In City Council April 11, 1994
Adopted by a ye and nay vote:-
Yeas 8; Nays 0; Absent 1.
Attest:- D. Margaret Drury, City Clerk

A true copy;

ATTEST:- *D. Margaret Drury*
D. Margaret Drury
City Clerk



Massachusetts Institute of Technology
Planning Office
Cambridge, Massachusetts, 02139

7 April 1994

Mr. Robert Healy, City Manager
City of Cambridge
Cambridge, MA 02139

Re: Request for Grant of License from City for Pedestrian Passageway

Dear Mr. Healy,

The Massachusetts Institute of Technology's Sloan School of Management is working closely with the Schools of Engineering and Science to train the next generation of "technology managers", responding to the national demand for a more competitive and productive work force. To assist in the fulfillment of this important institutional goal, MIT is preparing to construct a new building on its campus at 2 Amherst Street, to be known as the Jack C. Tang Center for Management Education. This new facility will include a new auditorium and four new lecture rooms, as well as additional spaces to meet the Sloan School's current and projected student study and meeting space needs.

As part of the construction of the Tang Center, MIT wishes to build a pedestrian passageway over Amherst Street to connect this new building and the Muckley Building, a Sloan School research facility located across Amherst Street. This pedestrian passageway will be used primarily by the MIT community for safe, all-weather circulation and, in addition to reinforcing our academic philosophy and goals, it will assist MIT in providing improved building services and access for disabled persons.

The increased emphasis on the Sloan School of Management and its interaction with the other Schools at MIT is representative of a pattern of communication and a sharing of ideas upon which the Institute was founded, and which it has tried to promote in the planning and construction of its campus. With the addition of the Tang Center and the passageway, MIT can extend its tried-and-true system of inter-building corridors with pedestrian passageways beginning at the third-floor level. Three of the MIT buildings in which the Sloan School activities are housed are already connected by passageways both over MIT property and over Wadsworth Street. By adding the Muckley Building at 1 Amherst Street, which now stands alone, MIT can complete and intensify communicative linkage among the Sloan School's facilities and faculty offices.

The Tang Project offers additional benefits, particularly public improvements along Amherst and Wadsworth Streets in keeping with the widely held goal of making Kendall Square more hospitable to pedestrians. Those improvements include:

- Street landscaping including new street trees and shrubs, wider sidewalks, shorter crossing distances, new crosswalks and curb ramps (consistent with City engineering and traffic requirements);
- Installation of new street lights and public benches
- Resurfacing and striping of Wadsworth Street and a portion of Amherst Street

The program of public improvements included in the Tang Project are only the latest of MIT's efforts to contribute to enhancing the Kendall Square area. Last fall, MIT funded and constructed the Carleton Street Plaza at the Kendall T Station, and will soon complete the reconstruction of Ames Street with new paving, street lighting and sidewalk landscaping. Other MIT sponsored improvements planned for the future in the Kendall area include the reconstruction and enhancement of Carleton Street, and the creation of a large open space and pedestrian walkway at Hayward Street.

In order to construct the Tang Center passageway, MIT respectfully seeks a License from the City of Cambridge for the construction and use of the passageway over Amherst Street, and proposes that the enclosed draft license agreement be used to implement this arrangement.

Sincerely,

A handwritten signature in black ink, appearing to read "O. R. Simha".

O. R. Simha
Director of Planning

Enclosures

cc: Russell B. Higley, Esq.
James M. Whalen, Esq.

AGREEMENT

This Agreement made this ____ day of April, 1994, by and between the City of Cambridge, a municipal corporation, acting by and through its City Manager (hereinafter to be called the City), and the Massachusetts Institute of Technology, a non-profit educational institution with its mailing address at MIT Office of the Treasurer, 238 Main Street Suite 200, Cambridge, MA 02142 (hereinafter to be called the Licensee).

WHEREAS, the Licensee is the owner of that certain real property abutting Wadsworth Street, Amherst Street and Hayward Street in said Cambridge, known and numbered as 1 Amherst Street (hereinafter called Parcel 1, as shown in Exhibit 1 attached), on which is located an academic building serving the teaching and research functions of the Licensee; and

WHEREAS, the Licensee is the owner of that certain real property abutting Wadsworth Street, Amherst Street and Memorial Drive in said Cambridge, known and numbered as 2 Amherst Street (hereinafter called Parcel 2, as shown in Exhibit 1 attached), on which it intends to construct an additional building to be used as an extension of its existing academic facilities; and

WHEREAS, the Licensee desires that Parcels 1 and 2 be connected by an enclosed pedestrian passageway for the purpose of connecting the two buildings and allowing them to be used as an integrated facility, thus improving pedestrian safety, building service and security, communication, and accessibility for the disabled;

WITNESS THAT:

The City does hereby grant the application of the Licensee made to the Cambridge City Council and approved by vote of the City Council on April ____, 1994 for permission to construct said pedestrian passageway between Parcels 1 and 2 across Amherst Street, as shown in Exhibit 2, subject to the following conditions:

1. The pedestrian passageway shall be constructed in the location shown on Exhibit 2, attached. Construction drawings will be submitted to the City's Building Commissioner and Commissioner of Public Works, from whom the Licensee will obtain all necessary licenses and permits for said construction.

2. The pedestrian passageway shall be for the exclusive use of the Licensee, its employees, students, agents and guests as a pedestrian and service passage between Parcel 1 and Parcel 2.

3. The Licensee shall, in the construction and use of said pedestrian passageway, conform to all applicable laws in effect during the life of this Agreement.

4. The exterior dimensions of the pedestrian passageway, including structure, will be approximately 10.5 feet wide, 67 feet long and 16 feet high. The interior volume will be approximately 8 feet wide, 65 feet long and 9.25 feet high, or 4,810 cubic feet. The distance from the surface of Amherst Street to the bottom of the pedestrian passageway shall be at least 27 feet.

5. The consideration for this license shall be the payment to the City by the Licensee of an annual fee of \$1,833.09 [4,810 cubic feet x \$0.37 per cubic foot x 3% escalation to FY95]. The fee will be payable on completion of the pedestrian passageway, and on July first of each year thereafter. The City may review the fee annually, but any increase in the fee shall not exceed ten percent in any two-year period. Such review shall include all pedestrian passageways licensed by the City.

6. The Licensee covenants with the City to so construct and maintain the pedestrian passageway so as not to constitute a hazard to persons and/or property making use of Amherst Street, and to indemnify and hold harmless the City from any and all damages or injuries caused by the construction, maintenance, destruction, dismantling or collapse of said pedestrian passageway, or which arise by reason of any thing falling or being thrown from said pedestrian passageway.

7. The Licensee covenants with the City forever to indemnify and save harmless the City against all claims and demands of all persons for damages, costs, expenses or compensation in any way arising out of the use and occupancy by the Licensee of the pedestrian passageway, or by reason of any act or neglect of the Licensee, its officers, agents and employees, or by reason of any violation of this Agreement by Licensee or any license or permit necessary for the construction, use, or occupancy of said pedestrian passageway.

8. The Licensee hereby waives all rights to damages from the City which may result from injury to the pedestrian passageway arising out of public use of Amherst Street.

9. It is understood by both parties that the pedestrian passageway, when completed, will constitute real property, which shall be subject to the provisions of G.L. c.59.

10. This Agreement and the license granted by it shall be revocable by the City upon the happening of any of the following events:

- a) The violation of any of the terms or specifications of this Agreement; or
- b) A determination by the City Council that the space occupied by the pedestrian passageway is required for paramount municipal use.

The revocation shall be effective upon ninety (90) days written notice to the Licensee, sent certified mail to Massachusetts Institute of Technology, Office of the Treasurer, 238 Main Street Suite 200, Cambridge, MA 02142 with a copy to James M. Whalen, Esq., Palmer and Dodge, One Beacon Street, Boston, MA 02108. If the City revokes this Agreement and permit, the Licensee's obligation to pay the fee specified in paragraph 5 shall cease.

11. The Licensee may, at any time, terminate this Agreement and license by giving the City ninety (90) days notice in writing, said notice to be effective as of the first day of the month following the termination of such 90-day period.

12. Upon revocation or termination of this permit, the Licensee covenants that it will, at its own cost as soon as practicable, remove the pedestrian passageway. Upon failure to commence removal of the pedestrian passageway after 90 days written notice from the City, the City may, at the sole expense of the Licensee, remove it without liability for inevitable damage resulting to the remaining structures.

13. The Licensee further specifically agrees as follows:

- a) The Licensee shall obtain prior approval of all construction schedules from the City's Traffic Director, so as to ensure the orderly flow of traffic during construction of the pedestrian passageway.

- b) Any light emanating from the interior or exterior of the pedestrian passageway shall not interfere or cause hazard to traffic, pedestrian or vehicular, passing thereunder.

14. The Licensee shall forthwith obtain a Certificate of Insurance at its expense designating the City as an additional insured under its combined single limit for bodily injury and property damage policy in the amount of Five Million Dollars (\$5,000,000), insuring the City and the public against any liability, loss or damage that might result to the City or any person or property as a result of the construction, maintenance, use or dismantling of the bridge; said insurance policy shall be maintained as long as the bridge remains in existence, and failure to maintain said policy shall be grounds for revocation of this permit forthwith.

IN WITNESS WHEREOF, the City of Cambridge has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf of Robert W. Healy, City Manager, hereinbefore duly authorized by vote of the City Council of the City of Cambridge to execute this Agreement which vote is incorporated here and made a part hereof, and the Massachusetts Institute of Technology has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by its duly authorized officer.

APPROVED AS TO FORM

CITY OF CAMBRIDGE

Russell B. Higley
City Solicitor

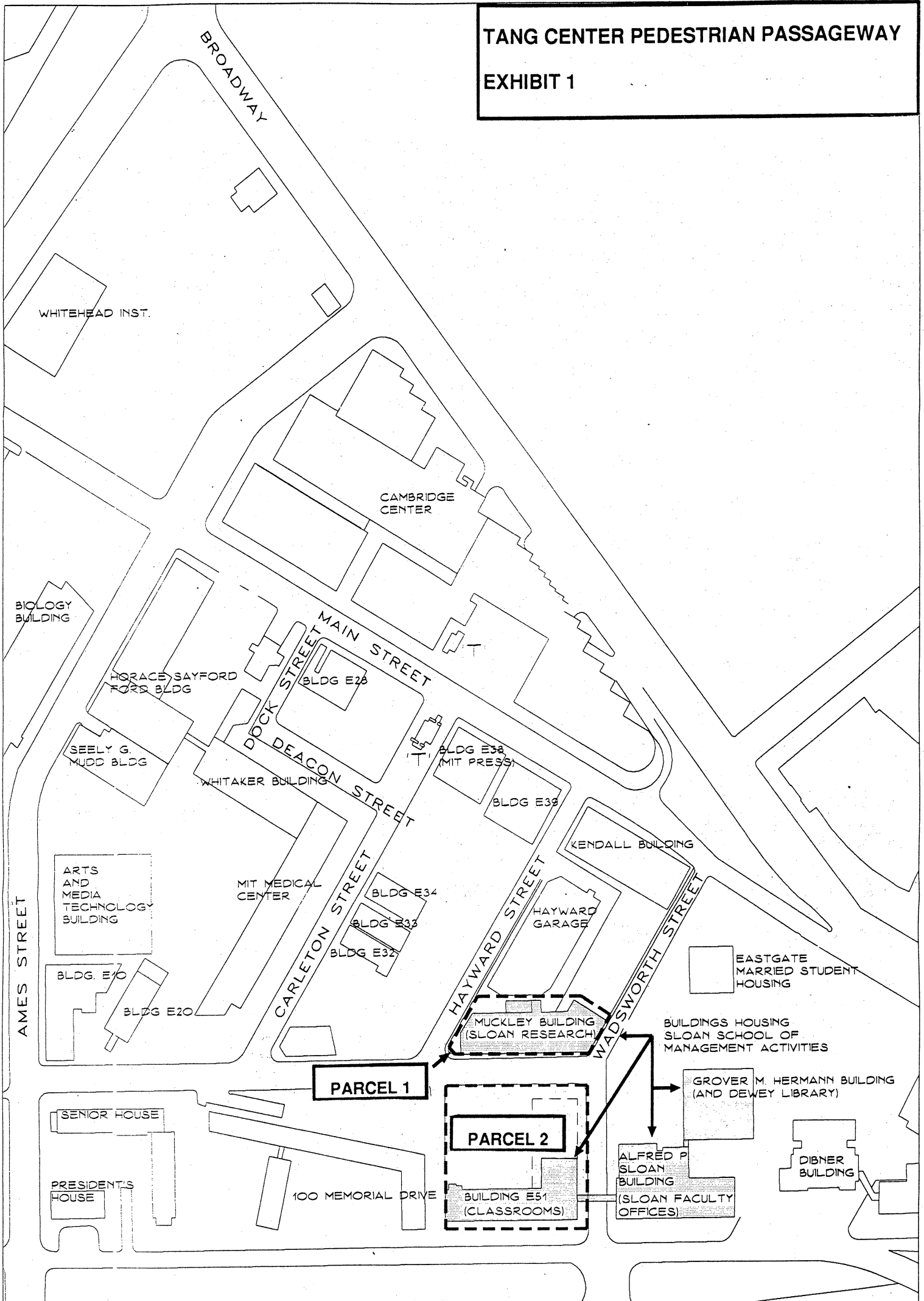
By: _____
Robert W. Healy
City Manager

MASSACHUSETTS INSTITUTE
OF TECHNOLOGY

By: _____
William R. Dickson
Senior Vice President

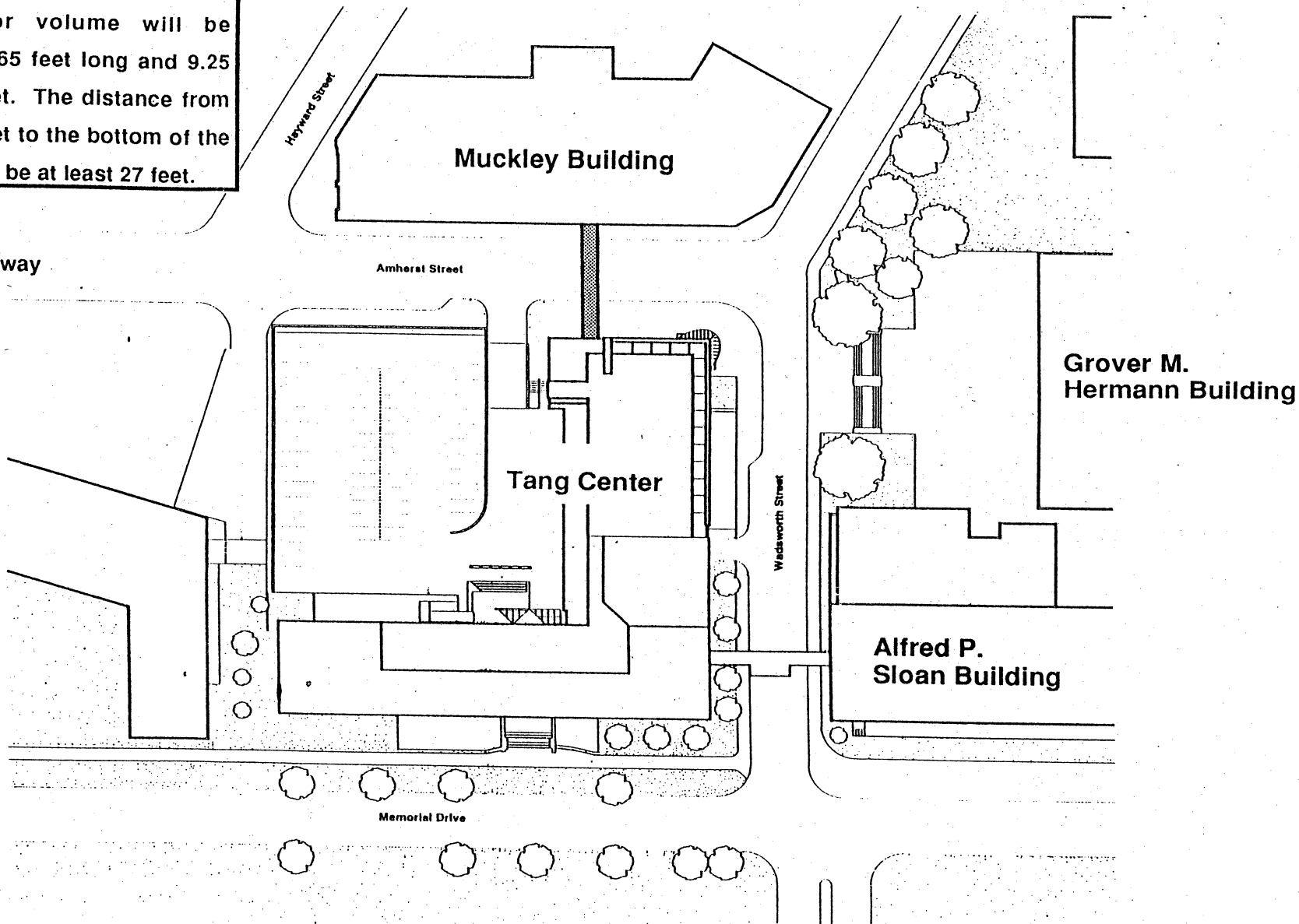
TANG CENTER PEDESTRIAN PASSAGEWAY

EXHIBIT 1



The exterior dimensions of the pedestrian passageway, including structure, will be approximately 10.5 feet wide, 67 feet long and 16 feet high. The interior volume will be approximately 8 feet wide, 65 feet long and 9.25 feet high, or 4,810 cubic feet. The distance from the surface of Amherst Street to the bottom of the pedestrian passageway shall be at least 27 feet.

 = Pedestrian Passageway



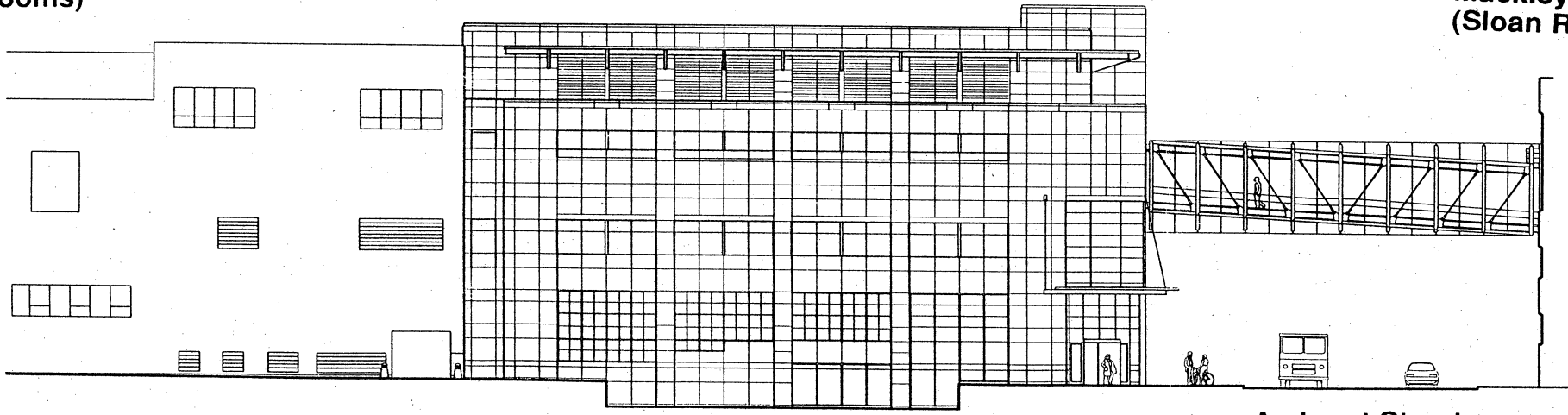
Massachusetts Institute of Technology
Tang Center

**TANG CENTER PEDESTRIAN PASSAGEWAY
EXHIBIT 2**

Ellenzweig Associates, Inc.
Architects

**Building E51
(Classrooms)**

**Muckley Building
(Sloan Research)**



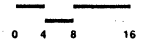
Amherst Street

**Massachusetts Institute of Technology
Tang Center**

East Elevation

**Ellenzweig Associates, Inc.
Architects**

(View Looking West Across Wadsworth Street)



Tang Center Project

Background

Programs within MIT's Sloan School of Management and courses offered by the Departments of Humanities, Economics, and Political Science have generated a need for additional teaching facilities on MIT's east campus. Rapidly changing technology has also given faculty members new methods of presenting their curricula in the classroom. To maintain the competitive edge in today's educational marketplace, MIT is trying to provide its faculty with the tools necessary to exercise these newly emerging options. To meet these needs, MIT is constructing a new building at the corner of Amherst and Wadsworth Streets, to be called the Jack C. Tang Center for Management Education.

Public Improvements

In addition to answering an academic need for new teaching facilities, this project gives MIT the opportunity to make improvements in the area around the Tang Center. Once the building nears completion, the site will be landscaped and, pending final City approval, will feature:

- Wider sidewalks, shorter crossing distances and new crosswalks on Amherst Street.
- New street lights that the City of Cambridge has recommended for our neighborhood, trees, shrubs and benches.
- The repaving and restriping of Wadsworth Street and a portion of Amherst Street.

These improvements are part of MIT's efforts to help enhance the Kendall Square area. Also included in this comprehensive improvement plan are:

- Carleton Street Plaza (at the Kendall Square MBTA station), which opened for public use last Fall.
- The reconstruction of Ames Street, including new lighting and landscaping, due to be completed this spring.

- The future enhancement of the remaining portion of Carleton Street
- The future creation of a large landscaped open space at Hayward Street.

Project Scope

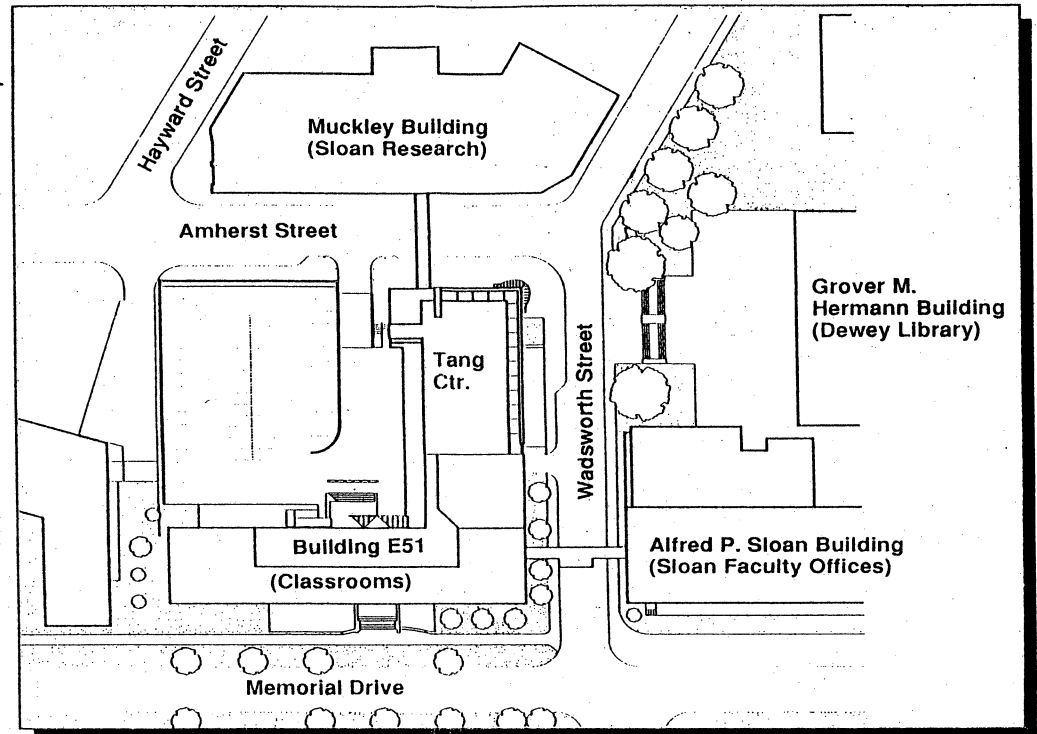
Features of the Tang Center project include:

- Approximately 27,000 square feet of new usable space, plus the renovation of 3,300 square feet within Building E51
- The addition is a three story structure, plus a basement level and a mechanical penthouse
- A limestone façade, returning to a traditional MIT building material, but with a greater emphasis on light and transparency
- Improved site landscaping, including amenities such as more generous sidewalks and reduced crossing distances to improve pedestrian safety

Pedestrian Passageway

As part of the construction of the Tang Center, MIT wishes to build a pedestrian passageway over Amherst Street to connect this new building and the Muckley Building, which currently provides research space for the Sloan School. This passageway would:

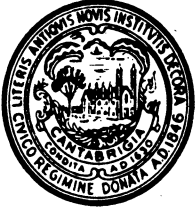
- Be used by the MIT community for safe, all-weather pedestrian circulation
- Assist in providing improved building services and access for disabled persons



- Further the MIT campus system of seamless, interconnected buildings which are so important to interdisciplinary research
- Reinforce MIT's academic philosophy and goals of communication and the free-flowing exchange of ideas

Anticipated Project Schedule

- March - April 1994: Initial site preparation, utility work and excavation will begin
- May - August 1994: Supporting concrete footings and foundation slab will be constructed
- Fall - Winter 1994: Building structure and exterior walls will be erected
- Spring - Summer 1995: Interior finish work and site landscaping will be completed
- Fall 1995: Jack C. Tang Center opens for Fall '95 academic semester



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

April 8, 1994

To the Honorable, The City Council:

I am transmitting a request submitted by the Massachusetts Institute of Technology (MIT) seeking the grant of a license from the City for a pedestrian walkway over Amherst Street. The walkway, if approved by the City, would connect the new Tang Center for Management Education at 2 Amherst Street with the Muckley Building, a Sloan School research facility located across Amherst Street.

The attached submissions from MIT describe the proposal in detail. The license agreement included in the materials has been reviewed and approved by the Law Department. The Agreement in all material respects mirrors the license agreement approved by the City Council in 1987 granting a similar approval to allow the construction of a pedestrian passageway for the Draper Laboratories.

The Agreement would create a revocable license, which is not an interest in real estate and which therefore does not require action by the Council under the City's ordinance governing disposition of city property.

The fee to be assessed for the license is determined by a formula created by the Board of Assessors which currently is applied to existing pedestrian passageways that traverse a public way. The formula contains an annual escalator.

I believe that the Agreement protects the City's interests adequately, and that the stated purposes of the passageway--safe, all-weather circulation and access for disabled persons--are reasonable and desirable goals.

Very truly yours,

Robert W. Healy
City Manager

Consent Agenda #8

G 762

Transmitting comm. from R.W. Healy
relative to a request by MIT seeking the
grant of a license from the City for a
pedestrian walkway over Amherst Street.

In City Council April 11, 1994

license authorized.