

City of Cambridge

MASSACHUSETTS

In City Council

Dec. 1

198 0

Agenda # 4 revised order on the discontinuance of a portion of Rindge Avenue as a public way.

	YEA	NAY	ABSENT	PRESENT
Mr. Kevin P. Crane	✓			
Mr. Thomas W. Danehy	✓			
Ms. Sandra Graham	✓			
Mr. Leonard J. Russell	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan			✓	
Mr. Alfred Vellucci	✓			
Mr. David A. Wylie	✓			
Mayor Francis H. Duehay	✓			

8 0 1

CPA
CP
A



City of Cambridge

IN CITY COUNCIL

December 1, 1980

WHEREAS:

This City Council on August 4, 1980 adopted an order relative to the discontinuance as a public way and proposed transfer of a portion of Rindge Avenue to the Massachusetts Bay Transportation Authority; and

WHEREAS:

The adoption of the above-mentioned order was based on this City Council's understanding and belief that the Massachusetts Bay Transportation Authority had in fact agreed that in compensation for the above-mentioned transfer, it would transfer to the City of Cambridge two parcels of land in North Cambridge abutting its new Trackless Trolley Running Repair Facility; and

WHEREAS:

A communication has been received from the City Manager indicating that this City Council was mistaken as to the facts, and in particular that the Massachusetts Bay Transportation Authority has terminated negotiations concerning said exchange of property; it is therefore

ORDERED:

1. That this City Council's order of August 4, 1980, discontinuing as a public way in the City of Cambridge a portion of Rindge Avenue shown on a plan on file in the office of the City Engineer of the City of Cambridge dated November 30, 1977 entitled, "Land Acquisition Plan, City of Cambridge, Massachusetts" drawn by Sverdrup & Parcel and Associates, Inc., Engineers, a copy of which is filed herewith, be and hereby is rescinded and declared null and void based on mistake of fact, and of no effect. Said portion of Rindge Avenue is bounded and described as follows:

Commencing at a point "117" which is located approximately one hundred and eighty three feet (183') south of the south right-of-way line of the M.B.T.A. "Freight Cut-Off", and five hundred feet (500') west of the centerline of Alewife Brook Parkway;

Thence running S 74°-29'-29" E a distance of one hundred and fourteen and 79/100 feet (114.79') to a point "116";

Thence curving right on a 120.17' radius curve a distance one hundred and eleven and 23/100 feet (111.23') to a point "114";

Thence running S 21°-27'-29" E a distance of three hundred and twenty-five and 78/100 feet (325.78') to a point "113";

Thence curving left on a 154.18' radius curve a distance of twenty-three and 62/100 feet (23.62') to a point "839";

Thence running S 59°-45'-56" W a distance of forty and 07/100 feet (40.07') to a point "123";

Thence curving right on a 200.29' radius curve a distance of twenty-nine and 75/100 feet (29.75') to a point "120";

Thence running N 21°-27'-29" W a distance of three hundred and twenty-five and 78/100 feet (325.78') to a point "119";

Thence curving left on a 80.17' radius curve a distance of seventy-four and 21/100 feet (74.21') to a point "118";

Thence running N 74°-29'-33" W a distance of eighty-five and 74/100 feet (85.74') to a point "128";

Thence turning and running N 20°-29'-29" W a distance of forty-nine and 44/100 feet (49.44') to a point of beginning "117".

Containing twenty-one thousand, eight hundred and eighteen square feet (21,818 S.F.) of land.

2. That this City Council's order of August 4, 1980 to discontinue, abandon and remove all electric lines, gas lines, and any sewer and water easements presently existing on said portion of Rindge Avenue, be and hereby is rescinded and declared null and void, based on mistake of fact, and of no effect.

3. That the City Manager be and hereby is still authorized to execute an Exchange Agreement with the Massachusetts Bay Transportation Authority transferring a deed to the above described portion of Rindge Avenue to the Massachusetts Bay Transportation Authority in return for the Massachusetts Bay Transportation Authority transferring deeds to the above-mentioned land at its new Trackless Trolley Running Repair Facility to the City of Cambridge.

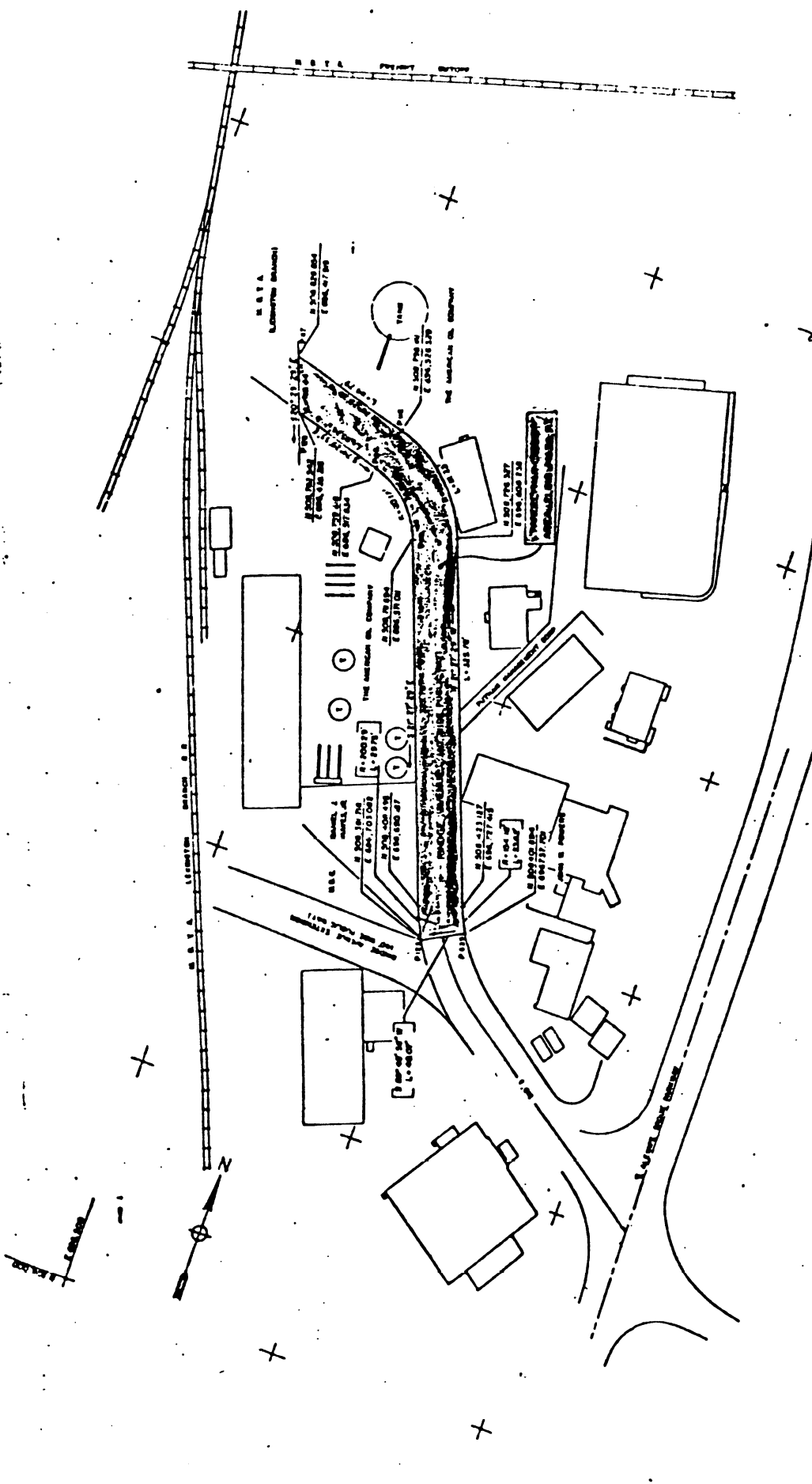
In City Council December 1, 1980.
Adopted by a yea and nay vote:-
Yeas 8; Nays 0; Absent 1.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script, reading "Paul E. Healy". The signature is written in dark ink and is positioned to the right of the printed text "ATTEST:-".

Plan Showing the Proposed Acquisition Parcel:



	MASSACHUSETTS BY TERRITORIAL RIGHTS RED LINE EXTENSION AND DAVIS TO ALCOVE CONTRACT NO. 083
	LAND ACQUISITION PLAN CITY OF CAMBRIDGE, MASSACHUSETTS (INCORPORATED 1822)

PARCEL NO.	AREA	DATE	REMARKS



I HEREBY CERTIFY THAT THIS PLAN COMPLETES WITH
 THE RULES AND REGULATIONS OF THE BOARD
 OF PUBLIC WORKS
 J.E. McINTYRE *Land Registrar*

PARCEL NO.	MUNICIPALITY	DWELLING	TYPE OF ACQUISITION	AREA	COUNTY



City of Cambridge

IN CITY COUNCIL

December 1, 1980

WHEREAS:

This City Council on August 4, 1980 adopted an order relative to the discontinuance as a public way and proposed transfer of a portion of Rindge Avenue to the Massachusetts Bay Transportation Authority; and

WHEREAS:

The adoption of the above-mentioned order was based on this City Council's understanding and belief that the Massachusetts Bay Transportation Authority had in fact agreed that in compensation for the above-mentioned transfer, it would transfer to the City of Cambridge two parcels of land in North Cambridge abutting its new Trackless Trolley Running Repair Facility; and

WHEREAS:

A communication has been received from the City Manager indicating that this City Council was mistaken as to the facts, and in particular that the Massachusetts Bay Transportation Authority has terminated negotiations concerning said exchange of property; it is therefore

ORDERED:

1. That this City Council's order of August 4, 1980, discontinuing as a public way in the City of Cambridge a portion of Rindge Avenue shown on a plan on file in the office of the City Engineer of the City of Cambridge dated November 30, 1977 entitled, "Land Acquisition Plan, City of Cambridge, Massachusetts" drawn by Sverdrup & Parcel and Associates, Inc., Engineers, a copy of which is filed herewith, be and hereby is rescinded and declared null and void based on mistake of fact, and of no effect. Said portion of Rindge Avenue is bounded and described as follows:

Commencing at a point "117" which is located approximately one hundred and eighty three feet (183') south of the south right-of-way line of the M.B.T.A. "Freight Cut-Off", and five hundred feet (500') west of the centerline of Alewife Brook Parkway;

Thence running S 74°-29'-29" E a distance of one hundred and fourteen and 79/100 feet (114.79') to a point "116";

Thence curving right on a 120.17' radius curve a distance one hundred and eleven and 23/100 feet (111.23') to a point "114";

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Thence curving right on a 200.29' radius curve a distance of twenty-nine and 75/100 feet (29.75') to a point "120";

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Thence turning and running N 20°-29'-29" W a distance of forty-nine and 44/100 feet (49.44') to a point of beginning "117".

Containing twenty-one thousand, eight hundred and eighteen square feet (21,818 S.F.) of land.

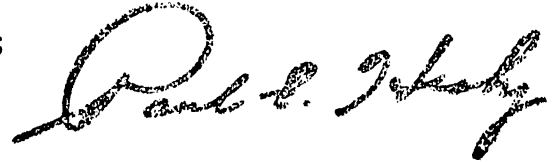
2. That this City Council's order of August 4, 1980 to discontinue, abandon and remove all electric lines, gas lines, and any sewer and water easements presently existing on said portion of Rindge Avenue, be and hereby is rescinded and declared null and void, based on mistake of fact, and of no effect.

3. That the City Manager be and hereby is still authorized to execute an Exchange Agreement with the Massachusetts Bay Transportation Authority transferring a deed to the above described portion of Rindge Avenue to the Massachusetts Bay Transportation Authority in return for the Massachusetts Bay Transportation Authority transferring deeds to the above-mentioned land at its new Trackless Trolley Running Repair Facility to the City of Cambridge.

In City Council December 1, 1980.
Adopted by a yea and nay vote:-
Yeas 8; Nays 0; Absent 1.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script, appearing to read "Paul E. Healy". The signature is written in dark ink and is positioned to the right of the printed text "ATTEST:-".



City of Cambridge

IN CITY COUNCIL

WHEREAS:

August 4, 1980

A communication has been received from the City Manager transmitting a request from the Massachusetts Bay Transportation Authority that a portion of Rindge Avenue be discontinued as a public way of the City of Cambridge and transferred to the Massachusetts Bay Transportation Authority; and

WHEREAS:

Due notice has been given of the intention of this City Council to discontinue a portion of Rindge Avenue as a public way of the City of Cambridge and to transfer the same to the Massachusetts Bay Transportation Authority in the manner prescribed by law; and

WHEREAS:

The Massachusetts Bay Transportation Authority has agreed that in compensation for the above-mentioned transfer it will transfer to the City of Cambridge two parcels of land in North Cambridge abutting its new Trackless Trolley Running Repair Facility; it is therefore

ORDERED:

1. That a portion of Rindge Avenue be and hereby is discontinued as a public way of the City of Cambridge according to a plan on file in the office of the City Engineer of the City of Cambridge dated November 30, 1977 entitled, "Land Acquisition Plan, City of Cambridge, Massachusetts" drawn by Sverdrup & Parcel and Associates, Inc., Engineers, a copy of which is filed herewith. Said portion of Rindge Avenue to be discontinued, as shown on said plan, is bounded and described as follows:

Commencing at a point "117" which is located approximately one hundred and eighty three feet (183') south of the south right-of-way line of the M.B.T.A. "Freight Cut-Off", and five hundred feet (500') west of the centerline of Alewife Brook Parkway;

Thence running S $74^{\circ}-29'-29"$ E a distance of one hundred and fourteen and $79/100$ feet (114.79') to a point "116";

Thence curving right on a 120.17' radius curve a distance one hundred and eleven and $23/100$ feet (111.23') to a point "114";

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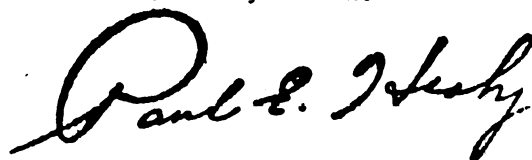
2. That all utilities located therein including without limitation electric lines, gas lines, and any sewer and water easements presently existing, be discontinued, abandoned and removed. There being no claim for damages, no award is hereby made.

3. That the City Manager is authorized to execute an Exchange Agreement with the Massachusetts Bay Transportation Authority transferring a deed to the above described portion of Rindge Avenue to the Massachusetts Bay Transportation Authority in return for the Massachusetts Bay Transportation Authority transferring deeds to the above-mentioned land at its new Trackless Trolley Running Repair Facility to the City of Cambridge.

In City Council August 4, 1980.
Adopted by a yea and nay vote:-
Yeas 8; Nays 0; Absent 1.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-



**MASSACHUSETTS
BAY
TRANSPORTATION
AUTHORITY**

50 High Street, Boston, MA 02110

November 4, 1980

City of Cambridge
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

ATTENTION: James L. Sullivan,
City Manager

Gentlemen:

RE: Red Line Extension, NW
Parcel C-232
Rindge Avenue, Cambridge

As you know, the MBTA Red Line Extension Project requires for its Alewife Garage a portion of Rindge Avenue located between Alewife Brook Parkway and the MBTA Lexington Branch Railroad. This property contains approximately 21,818 square feet of land and is shown as Parcel C-232 on MBTA land acquisition plan number 54369.

Over the past several months the Authority and the City of Cambridge have been engaged in negotiations for the acquisition of the City's interest in this property. Representatives of the City and the Authority met on July 8 and August 25, 1980 to discuss proposals for the abandonment of this portion of Rindge Avenue and acquisition by the Authority. In view of the imminent need of the parcel by the Project the Authority now offers the City the amount of Five Hundred (\$500.00) Dollars for this parcel.

This amount is offered in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and Chapter 79 of the Massachusetts General Laws. The attached summary statement contains the basis for the amount established as just compensation and offered herein.

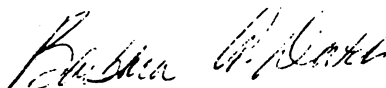
You are invited to obtain professional advice concerning this offer and to consult further with the Authority, if necessary. You may contact the undersigned or Joseph H. Elcock, General Counsel at 722-3156 for this purpose. Please be advised that the Authority

James L. Sullivan, City Manager
November 4, 1980
Page Two

may, after a reasonable period of time take steps to acquire your rights in this property by eminent domain.

This offer of \$500.00 is made contingent upon the approval by vote of the Board of Directors of the Massachusetts Bay Transportation Authority.

Very truly yours,



Barbara A. Dortch
Assistant General Counsel

BAD/mln

Attachment

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SUMMARY

The Authority's offer of Five Hundred (\$500.00) Dollars for property rights in land described in the following attachments represents the full amount believed by the Authority to be just compensation.

The Authority's determination of just compensation is not less than its approved appraisal of the Fair Market Value of the property. The Authority's determination of just compensation for the real property to be acquired is based on the inspection of the property and the considerations of two (2) appraisals of the property made independently by competent, professional appraisers.

The definition of "Fair Market Value" as defined by the courts is the highest price in terms of money that a property will bring if exposed for sale on the open market allowing a reasonable time to find a purchaser who buys with knowledge of all uses to which it is adaptable and for which it may be used. This definition is recognized by the eminent domain courts of the Commonwealth and used by the Authority and its appraisers in making their determination of value.

The appraisals and determinations of just compensation do not reflect any consideration of or allowance for any relocation assistance and payments which the owners or tenants or lessees may be entitled to receive under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 or for any agreement by the Authority to pay certain settlement costs.

Community Data:

Known as the University City because of the presence within its city limits of the prestigious institutions of higher learning of Harvard, M.I.T. and Radcliffe Colleges, Cambridge is also a residential and industrial community of substantial character. The city is located immediate to Boston and has as its neighboring towns Watertown and Belmont on the west and Somerville and Arlington on the north.

Cambridge has a land area of 6.25 square miles and has within its limits a population of slightly in excess of 100,000 persons. Cambridge was first settled in approximately 1636, incorporated as a city in March of 1846 and has a council-manager Plan E type government.

Neighborhood Influences:

The locus of the subject is one that is approximately 100 per cent developed along the commercial and industrial line. Along the north and south sides of Rindge Avenue Extension, there are located the plant facilities of the Bethlehem Steel Corporation, Middlesex Welding Supply Company, a printing establishment and sundry smaller industrial land users.

Alewife Brook Parkway, which is within a few hundred feet of the subject, is developed along a commercial and industrial line. Within close proximity to the subject but east of the Parkway there is a dense concentration of residential land use in the form of the Rindge Towers and public housing buildings owned by the community.

The area itself is generally serviced with all public and private utilities.

Description of the Property:

The real property that is subject of this report is a portion of Public Way within the City of Cambridge known as Rindge Avenue. The street of which the subject is part extends northwesterly from Alewife Brook Parkway through and terminates or dead ends at the easterly side line of the Lexington Branch of the former Boston and Maine Railroad now Massachusetts Bay Transportation Authority. The public way in the subject locus has an average overall width of approximately 40 feet and its overall east to northwest length is some 550 feet.

The particular portion of the public way that is subject of this report is located approximately 315 feet westerly of Alewife Brook Parkway, contains 21,818 square feet of land area, has an average width of 40 feet, easterly and westerly side lines of 551.80 feet and 485.73 feet respectively, and has southerly and northwesterly side lines of 40.07 feet and 49.44 feet, again, respectively.

The subject is an exaggerated "7" in shape and is generally all level land that is reasonably at or just slightly below the grade of

all abutting lands. The ground cover over the first or southerly 340 feet of the property is in the form of bituminous concrete while that attending the most northwesterly portion is gravel that has been treated with an oil coating. The condition of the ground cover is poor. There are numerous "potholes" in the bituminous concrete surface and many large and small depressions or holes in the oil treated gravel portions. Standing water has accumulated in the depressions as well as the pothole areas.

There are within portions of the subject pipes, wires, poles, guide wires, and hydrants that attend public and private utilities of water, sewer, gas electric and telephone. A portion of the northwesterly end of the parcel is encumbered by a 40 foot wide sewer easement that runs in favor of the Metropolitan District Commission and within the limits of the easement, there are sewer pipes and manholes.

Although a public way or street, the subject is void of sidewalks or curbs but there are private driveways and passageways that lead from the subject to abutting properties.

Personal Property Inventory:

For purposes of this report, the appraiser assumes that the pipes, lines, poles, manholes, hydrants and other fixtures used for conveyance of public and private utilities are the personal property of their respective owners (City of Cambridge, telephone company, etc.). As such, these items are not included in the value and damage estimate contained in this report.

Title to the Subject:

The MBTA title examination disclosed no record of a taking or acceptance of Rindge Avenue by the City of Cambridge. The appraiser assumes that the City holds only a highway easement and that the fee is owned by others, most likely the abutters.

Value and Damage Analysis:

Neither a Cost nor an Income Approach has been developed. The Market Data Approach based upon the fair market value of the land abutting Rindge Avenue, the condition of the street and the presence of the Metropolitan District Commission easement indicates that the fair market value of the subject parcel is as follows:

Fee interest	-	\$16,400
Highway easement	-	\$ 500

METES & BOUNDS DESCRIPTION

- Fee Acquisition
- Assessor's Plan 269 $\frac{1}{2}$, Parcel No. C-232

A certain fee acquisition of City of Cambridge land located in North Cambridge (Middlesex County), Massachusetts bounded and described as follows:

Commencing at a point "117" which is located approximately one hundred and eighty three feet (183') south of the south right-of-way line of the M.B.T.A. "Freight Cut-off", and five hundred feet (500') west of the center line of Alewife Brook Parkway;

thence running S 74°-29'-29" E a distance of one hundred and fourteen and 79/100 feet (114.79') to a point "116";

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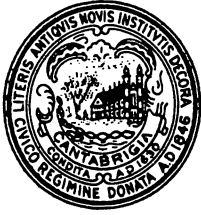
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Containing twenty one thousand, eight hundred and eighteen square feet (21,818 S.F.) of land as shown on plan entitled "Land Acquisition Plan City of Cambridge, Massachusetts" as prepared by Sverdrup & Parcel and Associates, Inc. for the Massachusetts Bay Transportation Authority dated November 30, 1977.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

December 1, 1980

To the Honorable, the City Council:

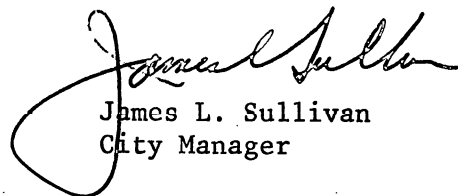
By an order adopted on August 4, 1980, the City Council voted to discontinue a portion of Rindge Avenue as a public way, to abandon utility easements located therein, and to authorize the transfer of the above property to the Massachusetts Bay Transportation Authority upon the MBTA transferring to the City two parcels of land in North Cambridge abutting the new Trackless Trolley Running Repair Facility. A copy of the August 4, 1980 order is enclosed.

The City Council's vote was expressly taken on the understanding that the MBTA had agreed to the proposed exchange of land.

Negotiations for such an agreement have been terminated by the MBTA, and recent communications from the MBTA make it clear that no such agreement will be forthcoming. In the enclosed letter to me from Barbara A. Dortch, Assistant General Counsel to the MBTA, the MBTA now offers the City \$500 for the parcel on Rindge Avenue, and threatens to take it by eminent domain if the City will not agree. This letter clearly signifies the MBTA's refusal to agree to the exchange which this City Council assumed would transpire when it adopted its order.

In view of the mistaken factual assumption upon which the City Council's August 4, 1980 order was premised and the public interest served, I recommend that City Council adopt the attached Order at its next meeting.

Very truly yours,


James L. Sullivan
City Manager

JLS/mbf
Encs.

Agenda # 4 F-434

Revised order on the discontinuance of a
portion of Rindge Avenue as a public
way.

In City Council,

Dec. 1, 1980

LO

12/1/80

Order Adopted

F-0-1