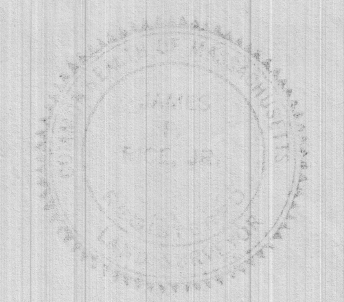


# PLAN OF ACCEPTANCE TYLER COURT

NOTED AS LOTS A, B, & C - 20 FT. WIDE  
 SCALE: 1" = 20'  
 JAN. 4, 1972

ENG. DEPT.

FINISHED GRADE IS TO BE DETERMINED UPON ACCEPTANCE.



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**CITY OF CAMBRIDGE**  
 SCALE 1"=40' JANUARY - 1959  
 DIMENSIONS FROM DEED, LAND COURT  
 OR LAYOUT PLANS ARE IN BRACKETS ( )  
 - LAND COURT-MARKED L.C. - ALL OTHER  
 DIMENSIONS ARE MEASURED.  
 Corrected August - 1965

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B-108-L-17  
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# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 876-6800

## LAW DEPARTMENT

PHILIP M. CRONIN  
CITY SOLICITOR

EDWARD D. MCCARTHY  
ROWENA E. TAYLOR  
ASSISTANT CITY SOLICITORS

JOHN A. SERINO  
LEGISLATIVE AGENT

January 12, 1972

To The Honorable City Council  
City Hall  
Cambridge, Massachusetts

Dear Council Member:

As requested at your meeting of January 10, 1972, the following is a summary of the incidents leading up to the proposed land taking of Tyler Court presently before you.

Cottage Park Avenue in North Cambridge is a short, narrow (25 feet) street leading from Massachusetts Avenue into a large open area zoned as Industry A, containing several buildings including a garage for large trucks and a warehouse. The property is owned by Robert W. Fawcett, an oil company. According to Mr. Fawcett, it was purchased by him in order to move his business from East Cambridge as the result of an earlier land taking by the City. Pending the relocation of his business, Mr. Fawcett has rented this property for the storage of large trucks (primarily of the trailer and dump variety).

The increase in truck traffic reached a point where the residents complained to the City that they were concerned with the safety of the 25 to 30 young children in the neighborhood, also the general nuisance caused by the trucks operating at all hours of the day and night. The Traffic Department has estimated that an average of 275 trucks use the street between the hours of 7 a.m. to 7 p.m.

Unfortunately, the City over the years had closed off other streets which earlier had provided access to the area in question, so that today Cottage Park Avenue is the only means of access.

The Law Department negotiated with the owner of the property adjacent to the Fawcett property, the Hia Pearl Corporation.

To The Honorable City Council

January 12, 1972

Hia Pearl originally was willing to grant the City an easement, essentially the same as the one before you, in return for a piece of the Fawcett property which would replace their lost parking space. The attached letter from them indicates their intent at that time. After arranging for this transfer with Mr. Fawcett, we were informed that Hia Pearl Corporation no longer was agreeable.

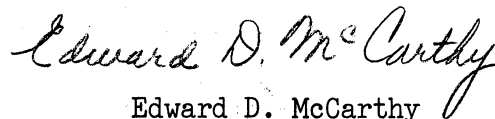
The Law Department has brought suit to enjoin what we feel is a zoning violation by these trucks which is presently pending in Middlesex Superior Court. This proceeding will provide, at best, a temporary solution, since the Fawcett Oil Company will be moving to this area and their own fleet of trucks, while not a zoning violation, will present a similar problem.

Plans for an alternate roadway were prepared by the Traffic and Engineering Departments and real estate appraisals were obtained. The proposal before you is the least costly and most logical possible taking in the area.

I am enclosing copies of the plan of taking, appraisals, Traffic Department survey and letter from Hia Pearl Corporation.

If you need any additional information, please let me know.

Respectfully,



Edward D. McCarthy  
Assistant City Solicitor

EDMcC:jm  
Encs.

# City of Cambridge

In City Council

January ~~16~~<sup>17</sup>, 1972

ORDERED:

That the sum of \$50,000 be and hereby is appropriated to the Executive Department, Schedule F-15 - Land Taking/Road Construction, Tyler Court Area; said sum to be included in and made part of the 1972 Tax Levy.

City Council, Jan 17, 1972  
Adopted by Yea and nay Vote  
Yea 9 N 0 Absent 0

Paul E. Healy  
City Clerk

Order of Taking - Tyler Court

# City of Cambridge

MASSACHUSETTS

In City Council January ~~16~~<sup>17</sup>, 19 72

	YEA	NAY	ABSENT
Mr. Clinton	✓		
Mr. Danehy	✓		
Mr. Duehay	✓		
Mrs. Graham	✓		
Mr. Moncreiff	✓		
Mr. Owens	✓		
Mr. Sullivan	✓		
Mr. Vellucci	✓		
Mayor Ackermann	✓		
	9	0	0

*SJR*  
*F*

# City of Cambridge

MASSACHUSETTS

In City Council January 17, 19 72

	YEA	NAY	ABSENT
Mr. Clinton	✓		
Mr. Danehy	✓		
Mr. Duehay	✓		
Mrs. Graham	✓		
Mr. Moncreiff	✓		
Mr. Owens	✓		
Mr. Sullivan	✓		
Mr. Vellucci	✓		
Mayor Ackermann	✓		
	9	0	0

*629*  
*F*



CITY OF CAMBRIDGE  
INTEROFFICE CORRESPONDENCE

To Mr. John H. Corcoran, City Manager

Date January 7, 1972

From Mr. George Teso, Traffic Director

Reference

Subject

Dear Mr. Corcoran:

The Traffic and Parking Department conducted a survey of Cottage Park Avenue with a view toward removing or rerouting the heavy truck traffic that use this street. After exhausting all the possibilities offered to us, we found that it was legally impossible to stop these trucks from using this street, as it is the only public way that abuts the property of the trucking firm.

Our observations of this truck traffic were that something should be done to reroute this traffic, as there are a number of children who live and play on this street, and we are concerned that one of them may get hurt.

After studying the possibilities of using the railroad right-of-way, it was found that there is not enough room between the property lines and railroad tracks to accommodate a new road without extensive landtaking and construction.

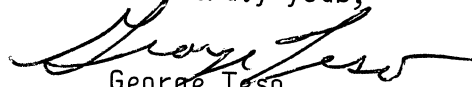
The most logical way found to reroute this traffic was to build a road through the property owned by the Mia Pearl Corporation from the property of Fawcett Oil Company to Tyler Court. It is our opinion that this would be a safe route, as Tyler Court is not a residential street and would not have any vehicles parking on the street.

I recommend that the City of Cambridge buy the land as shown on the enclosed plan for the construction of this roadway. A breakdown of the estimated cost is as follows:

Land taking	\$12,000.00
Road Construction	<u>38,000.00</u>
Total	\$50,000.00

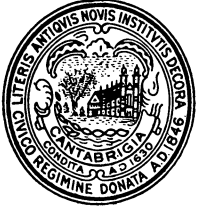
The engineering department is in the process of writing a deed description for this property.

Very truly yours,

  
George Teso  
Traffic Director

Enc.

GT:rd



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • TEL. 876-6800

LAW DEPARTMENT

PHILIP M. CRONIN  
CITY SOLICITOR

EDWARD D. MCCARTHY  
ROWENA E. TAYLOR  
ASSISTANT CITY SOLICITORS

JOHN A. SERINO  
LEGISLATIVE AGENT

January 10, 1972

Mr. John H. Corcoran  
City Manager  
City Hall  
Cambridge, Massachusetts

Dear Mr. Corcoran:

For the purpose of taking Tyler Court by eminent domain,  
I enclose herewith for submission by you to the City Council the  
following:

1. Order of taking.
2. Plan of land proposed to be taken.
3. Approval by you of taking.
4. Appropriation order.

Very truly yours,

Philip M. Cronin  
City Solicitor

PMC:cas

Encs.

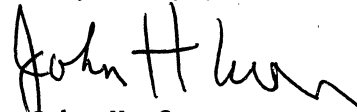
# City of Cambridge

January 10, 1972

To the Honorable, the City Council:

Pursuant to the authority given me by General Laws, Chapter 43, Section 30, I hereby approve the taking by eminent domain of the land described on a plan entitled "Proposed Easement City of Cambridge" dated September 29, 1971 for an easement for public travel.

Very truly yours,



John H. Corcoran  
City Manager

JHC/b

DESCRIPTION OF PROPOSED ACCEPTANCE  
of TYLER COURT AS A PUBLIC WAY

Beginning at a stone bound on the southerly line of Massachusetts Avenue 209.31 feet from the easterly line of Edmunds Street  
Continuing along Mass. Ave. southeasterly a distance of 20.0 (twenty feet) to a point. Thence turning and running south westerly, 204.18 (two hundred and four and eighteen hundredths feet) and 17.29 (seventeen and twenty nine hundredths feet) to a point. Thence continuing along an arc and running westerly 35.5 (thirty-five and five hundredths feet). thence continuing westerly 53.58 (fifty-eight and fifty eight hundredths feet) Thence continuing along an arc in a northerly direction a distance of 35.5 (thirty five and five hundredths feet.)  
Thence continuing north westerly a distance of 15.80 (fifteen and eight tenths feet) to a point. Thence turning and running northerly along property of Fawcett Oil Company a distance of 29.73 (twenty-nine and seventy three hundredths feet) Thence turning and running southeast 40.88 (forty and eighty eight hundredths feet. Thence running along on an arc a distance of 21.03 (twenty one and three hundredths feet to a point. Thence continuing and running easterly a distance of 53.58 (fifty three and fifty eight hundredths feet to a point. Thence continuing and running along an arc 24.03 (twenty four and three hundredths feet) to a point. Thence turning and running north easterly a distance of 222.23 (two hundred and twenty two and twenty three hundredths feet to the point of beginning.

The above described parcel of land contains 8,079 sq. ft. and is shown on a plan entitled "Plan of Acceptance, Tyler Court" dated January 4, 1972, on file in the City Engineer's Office.



# CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139  
Tel. 876-6800

EXECUTIVE DEPARTMENT  
JOHN H. CORCORAN  
City Manager

January 10, 1972

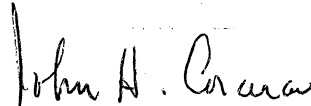
To the Honorable, the City Council:

I transmit herewith communication from George Teso, Director of Traffic and Parking, dated January 7, 1972, together with a plan and taking order as prepared by the City Solicitor, Philip M. Cronin, all of which pertains to the taking of Tyler Court by eminent domain.

Also enclosed is an appropriation order for \$50,000 for this taking and for the construction of a road, as cited in Mr. Teso's communication; said sum to be included in and made part of the 1972 Tax Levy.

I would hope that your Honorable Body would give favorable consideration to this matter in order that we may solve this vexing problem of long duration that has been disturbing the residents in this neighborhood.

Very truly yours,

  
John H. Corcoran  
City Manager

JHC/b

(12)

COMMUNICATION

*from the City Manager trans-*

*mitting one from* George Teso, Director of Traffic and Parking and one from Philip M. Cronin, City Solicitor relative to the taking of Tyler Court by eminent domain, together with an order appropriating \$50,000 for this taking and for construction of road; said sum to be included in and made part of the 1972 Tax Levy

January 10, 1972

*Tabled*

CITY OF CAMBRIDGE

ORDERED: -

January 10, 1972

The taking of an easement of the land herein described for the purpose of a public way **known** as Tyler Court is hereby authorized in accordance with General Laws, Chapter 79, Section 14, subject to approval by the City Manager in accordance with General Laws, Chapter 43, Section 30, bounded and described as follows:

Three certain parcels of land in said Cambridge shown as the parcels marked "Lot A" and "Lot B and Lot C" on a plan entitled, "Proposed Easement City of Cambridge", dated September 29, 1971, drawn by the Engineering Department of the City to be recorded herewith, and bounded and described according to said plan as follows:

Lots A and B are described as follows:

- NORTHWESTERLY by land of Fawcett Oil Co., by a straight line measuring twenty-nine and 73/100 (29.73) feet;
- NORTHEASTERLY by a straight line, a curved line and a straight line measuring forty and 88/100 (40.88) feet, twenty-one and 03/100 (21.03) feet and fifty-three and 58/100 (53.58) feet, respectively;
- NORTHERLY by a curved line measuring twenty-one and 03/100 (21.03) feet; again
- NORTHEASTERLY by Tyler Court, a private way by a straight line measuring twenty-six and 45/100 (26.45) feet;
- SOUTHERLY by a straight line and a curved line measuring seventeen and 29/100 (17.29) feet and thirty-five and 05/100 (35.05) feet, respectively; and
- SOUTHWESTERLY by a straight line, a curved line and a straight line measuring fifty-three and 58/100 (53.58) feet, thirty-five and 05/100 (35.05) feet, and fifteen and 80/100 (15.80) feet, respectively.

Lot C is described as follows:

- NORTHERLY by a straight line measuring two hundred and twenty-two and 23/100 (222.23) feet;
- EASTERLY by a straight line measuring twenty (20) feet;
- SOUTHERLY by a straight line measuring two hundred and four and 18/100 (204.18) feet; and
- EASTERLY by a straight line measuring twenty-six and 45/100 (26.45) feet.

Said Lots A, B and C containing 8029 square feet according to said plan.

There is awarded for the above taking the sum of twelve thousand dollars (\$12,000.00) to Hia-Pearl Corp., the supposed owner thereof from funds already appropriated.

Attest: Paul E. Healy, City Clerk  
In City Council January 10, 1972  
Adopted by a yea and nay vote  
Yeas 9 , Nays 0 , Absent 0

A true copy.

Attest: Paul E. Healy  
City Clerk

PH. 80-6

# City of Cambridge

In City Council,  
January 17, 1972.

ORDERED:-

The taking of an easement of the land herein described for the purpose of a public way known as Tyler Court is hereby authorized in accordance with General Laws, Chapter 79, Section 14, subject to approval by the City Manager in accordance with General Laws, Chapter 43, Section 30, bounded and described as follows:

Three certain parcels of land in said Cambridge shown as the parcels marked "Lot A" and "Lot B and Lot C" on a plan entitled, "Proposed Easement City of Cambridge", dated September 29, 1971, drawn by the Engineering Department of the City to be recorded herewith, and bounded and described according to said plan as follows:

Lots A and B are described as follows:

- NORTHWESTERLY by land of Fawcett Oil Co., by a straight line measuring twenty-nine and 73/100 (29.73) feet;
- NORTHEASTERLY by a straight line, a curved line and a straight line measuring forty and 88/100 (40.88) feet, twenty-one and 03/100 (21.03) feet and fifty-three and 58/100 (53.58) feet, respectively;
- NORTHERLY by a curved line measuring twenty-one and 03/100 (21.03) feet; again
- NORTHEASTERLY by Tyler Court, a private way by a straight line measuring twenty-six and 45/100 (26.45) feet;
- SOUTHERLY by a straight line and a curved line measuring seventeen and 29/100 (17.29) feet and thirty-five and 05/100 (35.05) feet, respectively; and
- SOUTHWESTERLY by a straight line, a curved line and a straight line measuring fifty-three and 58/100 (53.58) feet, thirty-five and 05/100 (35.05) feet, and fifteen and 80/100 (15.80) feet, respectively.

Lot C is described as follows:

- NORTHERLY by a straight line measuring two hundred and twenty-two and 23/100 (222.23) feet;
- EASTERLY by a straight line measuring twenty (20) feet;
- SOUTHERLY by a straight line measuring two hundred and four and 18/100 (204.18) feet; and
- EASTERLY by a straight line measuring twenty-six and 45/100 (26.45) feet.

SEE PLAN IN RECORD BOOK 12144 PAGE 537

# City of Cambridge

-2-

Said Lots A, B and C containing 8029 square feet according to said plan.

There is awarded for the above taking the sum of twelve thousand dollars (\$12,000.00) to Hia-Pearl Corp., the supposed owner thereof from funds already appropriated.

In City Council January 17, 1972.  
Adopted by a yea and nay vote -  
Yeas 9; Nays 0; Absent 0.  
Attest:- Paul E. Healy, City Clerk.



A true copy,

Attest:-

*Paul E. Healy*  
City Clerk.

City Clerk.



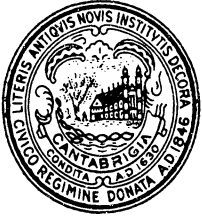
REGISTER

*John T. S. [Signature]*

ATTEST:

RECEIVED AND FILED  
CLERK OF THE  
REGISTRY OF DEEDS  
SOUTHERN DISTRICT

City Clerk's Office  
City Hall  
Cambridge, Mass.



# CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139  
Tel. 876-6800

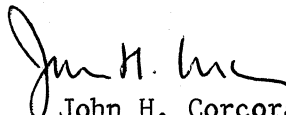
EXECUTIVE DEPARTMENT  
JOHN H. CORCORAN  
City Manager

January 17, 1972

To the Honorable, the City Council,

I transmit herewith a self-explanatory communication from Edward D. McCarthy relative to the proposed land taking of Tyler Court and the road construction.

Very truly yours,

  
John H. Corcoran  
City Manager

JHC/mg

(2)

16

COMMUNICATION  
*from the City Manager trans-*  
*mitting one from* Edward D. McCarthy,  
Asst. City Solicitor relative to the pro-  
posed land taking of Tyler Court

January 17, 1972.