



City of Cambridge

Consent Agenda #4A
IN CITY COUNCIL

February 9, 1998

ORDERED: Pursuant to Sec. 2.110.010G of the Cambridge Municipal Code, the City Council hereby orders that the City Council shall utilize a diminished process for the disposition of an easement to Eliot Square Enterprises, Inc. to accommodate the installation of as many as thirty (30) sub-surface soldier piles to permit the construction of the foundation for the Winthrop Square construction project, located at 91 Winthrop Street.

In City Council February 9, 1998.

Adopted by a ye and nay vote:

Yeas 9; Nays 0; Absent 0.

Attest: D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury

D. Margaret Drury
City Clerk



City of Cambridge

Consent Agenda #4B

IN CITY COUNCIL

February 9, 1998

WHEREAS: Eliot Square Enterprises, Inc., Trustee of Eliot Square Enterprises Trust, under declaration of trust dated December 7, 1993, recorded at Middlesex South District Registry of Deeds, Book 24049, Page 549, ("Eliot"), whose principal place of business is located at 1270 Soldiers Field Road, Boston, Suffolk County, Massachusetts, is the owner of a certain parcel of land at 100 and 102 Mount Auburn Street and 93-95 Winthrop Street, Cambridge, Middlesex County, Massachusetts, as more fully described in a deed of Eliot Square Associates Limited Partnership, dated December 15, 1993, and recorded at Middlesex South District Registry of Deeds, Book 24049, Page 554, and deed of Apostolic Exarchate for Armenian Catholics in the United States of America, dated December 29, 1994, and recorded with said Deeds in Book 25096, Page 240, together being the premises described in Exhibit A attached hereto (collectively, "Building Site");

WHEREAS: The City of Cambridge ("Cambridge"), a body politic and corporate and a political subdivision, whose principal place of business is located at 795 Massachusetts Avenue, Cambridge, Middlesex County, Massachusetts, is the owner of a certain parcel of land located between Mount Auburn Street and Winthrop Street along the northerly boundary of Winthrop Park ("Walkway"), all as more fully described in a deed from PiEta Associates, et al, to the City of Cambridge, dated May 1, 1897, recorded at Middlesex South District Registry of Deeds, Book 2709, Page 590, and Mount Auburn Street and Winthrop Street, both public ways (collectively, "City's Land");

WHEREAS: Eliot is constructing a mixed-use development abutting the City's Land;

WHEREAS: Eliot is about to undertake to improve, rehabilitate, and renovate the buildings on the Building Site and to construct an addition to the buildings on the building Site;

WHEREAS: In order to support the City's Land while excavation and construction is being undertaken on the Building Site, and in order to safely and effectively construct the building foundation on the Building Site, Eliot desires to install as many as thirty (30) soldier piles and wood shoring in the City's Land below the surface thereof in locations within the area described as "Easement" on a plan entitled "Easement Plan of Land located in Cambridge, Mass." dated February 3, 1998, prepared by Thomas E. Killion, P.L.S. ("Easement Plan"), that will not interfere with the existing structures thereon or uses thereof, in connection with the construction of the foundation at the Building Site; Eliot proposes to pay to the City Thirty Five Dollars (\$35.00) per soldier pile installed by Eliot in the City's Land; following completion of construction on the Building Site, Eliot proposes that the soldier piles need not be removed, but instead Eliot shall sever the same at the deepest practical point; now therefore be it:

ORDERED: That the City Council hereby approves and authorizes the City Manager to grant to Eliot the right and easement to install as many as thirty (30) soldier piles in the City's Land below the surface thereof in locations within the easement area as shown on the Easement Plan that will not interfere with the existing structures thereon or uses thereof in connection with the construction of the foundation at the Building Site. Eliot agrees to pay to the City Thirty Five Dollars (\$35.00) per soldier pile installed by Eliot in the City's Land. Following completion of construction on the Building Site, the soldier piles need not be removed, but instead Eliot shall sever the same at the deepest practical point.

In City Council February 9, 1998.

Adopted by a ye and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-



D. Margaret Drury
City Clerk

EASEMENT FOR FOUNDATION CONSTRUCTION

PARTIES

City of Cambridge ("City"), a body politic and corporate and a political subdivision, whose principal place of business is located at 795 Massachusetts Avenue, Cambridge, Middlesex County, Massachusetts, is the owner of a certain parcel of land located between Mount Auburn Street and Winthrop Street along the northerly boundary of Winthrop Park ("Walkway"), all as more fully described in a deed from PiEta Associates, et al to the City of Cambridge, dated May 1, 1897, recorded at Middlesex South District Registry of Deeds, Book 2709, Page 590, and Mount Auburn Street and Winthrop Street, both public ways (collectively, "City's Land").

Eliot Square Enterprises, Inc., trustee of Eliot Square Enterprises Trust, under declaration of trust dated December 7, 1993, recorded at Middlesex South District Registry of Deeds, Book 24049, Page 549, ("Eliot"), whose principal place of business is located at 1270 Soldiers Field Road, Boston, Suffolk County, Massachusetts, is the owner of a certain parcel of land at 100 and 102 Mount Auburn Street and 93-95 Winthrop Street, Cambridge, Middlesex County, Massachusetts, as more fully described in a deed of Eliot Square Associates Limited Partnership, dated December 15, 1993, and recorded at Middlesex South District Registry of Deeds, Book 24049, Page 554, and deed of Apostolic Exarchate for Armenian Catholics in the United States of America, dated December 29, 1994, and recorded with said Deeds in Book 25096, Page 240, together being the premises described in Exhibit A attached hereto (collectively, "Building Site").

PLAN

Reference is made to a certain plan entitled, "Easement Plan of Land located in Cambridge, Mass." dated February 3, 1998, prepared by Thomas E. Killion, P.L.S., recorded herewith ("Easement Plan"), *TO BE RECORDED HEREIN.*

Reference is made to the fact that Eliot is constructing a mixed-use development abutting the City's Land. Reference is also made to the fact that in order to support the City's Land while excavation and construction is being undertaken on the Building Site, and in order to safely and effectively construct the building foundation on the Building Site, Eliot desires to install as many as thirty (30) soldier piles and wood shoring, in the easement area as shown on the Easement Plan.

NOW THEREFORE, in consideration of the facts referenced above, the premises herein contained and the payment this day by Eliot to the City of the amount described below, the receipt and sufficiency of which is hereby acknowledged by the City, the parties hereto agree as follows:

RIGHTS AND RESPONSIBILITIES

1. The City hereby grants to Eliot the right and easement to install as many as thirty (30) soldier piles and wood shoring in the City's Land below the surface thereof in locations within the easement area as shown on the Easement Plan, that will not interfere with the existing structures thereon or uses thereof, including, without limitation, utilities and/or trees, in connection with the construction of the foundation at the Building Site. Eliot agrees to pay to the City Thirty-five Dollars (\$35.00) per square foot of the Easement Area, to be paid in two equal installments, the first due at the execution of this easment and the balance before the issuance of any certificate of occupancy for the project. The term of the easement shall be through and including the completion of construction on the Building Site. Following completion of construction on the Building Site, the soldier piles and wood shoring need not be removed, but instead Eliot shall sever the soldier piles at the deepest practical point.

2. During construction Eliot agrees to make necessary changes in the plans for installation of the soldier piles and the wood shoring which are reasonably required by the City.

3. (a) Eliot shall repair any damage to the buildings, utilities, trees, or other improvements on or in the City's Land or the Easement Area caused by the installation of the soldier piles, wood shoring, or the excavation.

(b) Eliot shall exonerate, indemnify and hold the City and all persons claiming by, through and under the City, respectively, harmless of and from any and all claims, demands, actions, causes of action, suits, proceedings, damages, liabilities and costs and expenses of any nature whatsoever, including reasonable attorneys' fees, arising out of Owner's exercise of any rights or authority granted by this Easement.

(c) Eliot shall pay to the City the amount of any and all increases in cost to the City relating to any future repairs, maintenance or improvements on or in the City's land resulting from the presence therein of any soldier piles, wood shoring, or other installation left in the City's land pursuant to this Easement.

(d) Eliot agrees that to the extent Eliot shall not make or commence to make reasonably necessary repairs pursuant to subparagraph (a) of this section within ninety days of written notice from the City as to the need for such repairs and shall not thereafter complete such repairs with all due diligence, the City may make any such repairs on behalf of and at the expense of Eliot. In the case of structural failures or other dangerous conditions, which in the reasonable judgment of the City materially and substantially jeopardize the use or structural integrity of any portion of the City's land or the

easement area or which place human life at risk or injury, the City shall have the right, after notice to Eliot, to make immediate repairs to alleviate such emergency conditions on behalf of and at the expense of Eliot (provided that the City gives written notice to Eliot of such repairs at the earliest feasible time).

4. Eliot agrees to provide the City of Cambridge with two (2) original mylars of an "as built" plan of the location of the (tie-back, shoring, or other installation) system remaining in the streets and adjacent land after the project is completed. In particular, a copy of the "as built" plan must be deposited with the Commissioner of Public Works.

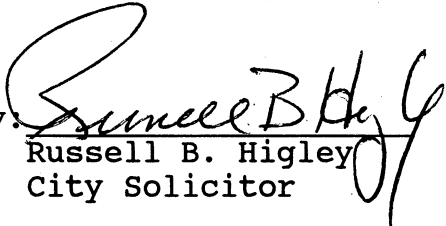
5. This Easement shall be binding upon and shall inure to the benefit of the respective successors and assigns of the parties hereto.

The below signatures indicate acceptance of the terms of this agreement by all parties hereto.

Signed and sealed this 17 day of February, 1998.

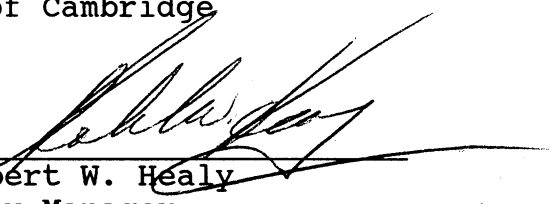
City of Cambridge

By:


Russell B. Higley
City Solicitor

City of Cambridge

By:

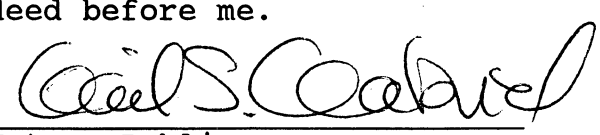

Robert W. Healy
City Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

Feb. 17, 1998

Then personally appeared Russell B. Higley, the Cambridge City Solicitor, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed before me.


Notary Public

My commission expires: 1-15-2004

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

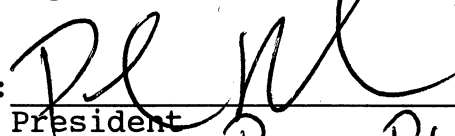
Feb 17 1998

Then personally appeared Robert W. Healy, the Cambridge City Manager, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed before me.


Notary Public
My commission expires: 12/14/2002

Eliot Square Enterprises, Inc.
as Trustee of Eliot Square
Enterprises Trust

By:


President

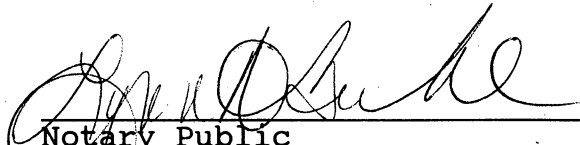
Peter Palandjian

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

1998

Then personally appeared Peter Palandjian, president of Eliot Square Enterprises, Inc., trustee as aforesaid, and acknowledged the foregoing instrument to be its free act and deed before me.


Notary Public
My commission expires: Feb 15, 2002

real/foundeas

EXHIBIT A

100 Mount Auburn Street

The land with the buildings thereon being at present #100 Mount Auburn Street, Cambridge, being shown as Lot A-1 on a plan recorded with Middlesex South District Deeds in Book 5331, Page 107, bounded:

- NORTHEASTERLY by Mt. Auburn Street, fifty and 5/100 (50.05) feet;
- SOUTHEASTERLY by Winthrop Park, seventy and 63/100 (70.63) feet;
- SOUTHWESTERLY by land now or formerly of the Pi Eta Club, fifty (50) feet; and
- NORTHWESTERLY by Lot A-G on said plan, sixty-nine and 10/100 (69.10) feet.

Containing 3,493 square feet of land; be all of said measurements more or less, or however otherwise bounded or described.

Being the same premises conveyed to the grantor by deed of Apostolic Exarchate for Armenian Catholics in the United States of America, dated December 29, 1994, and recorded with said deeds in Book 25096, Page 240.

102 Mount Auburn Street

The parcel in Cambridge, Middlesex County, Commonwealth of Massachusetts, with the buildings thereon, being shown as Lot A2 on a plan of premises in Cambridge, Massachusetts, dated February 19, 1929 by W.A. Mason & Son Company, Land Surveyors, recorded with Middlesex South District Deeds at Book 5331, Page 107, bounded and described as follows:

- NORTHEASTERLY by Mt. Auburn Street, forty-six and 78/100 (46.78) feet;
- SOUTHEASTERLY by Lot A1 on said Plan, sixty-nine and 10/100 (69.10) feet;
- SOUTHWESTERLY by land of the Pi Eta Club, forty-eight and 05/100 (48.05) feet;
- NORTHWESTERLY by land of owners unknown, sixty-one and 90/100 (61.90) feet.

Containing 3138 square feet of land.

Being part of the land conveyed to the grantor by deed of Eliot Square Associates Limited Partnership, dated December 15, 1993, and recorded at Middlesex South District Registry of Deeds, Book 24049, Page 554.

91 Winthrop Street

The land in Cambridge, Middlesex County, Massachusetts, with the building thereon, bounded and described as follows:

- SOUTHWESTERLY by Winthrop Street, fifty and 35/100 (50.35) feet;
- NORTHWESTERLY by Lot Y as shown on a Plan hereinafter referred to sixty-six and 28/100 (66.28) feet;
- NORTHEASTERLY by Lot A-1 as shown on said Plan, fifty and 67/100 (50.67) feet;
- SOUTHEASTERLY by Winthrop Square, sixty-seven and 53/100 (67.53) feet.

Containing 3379 square feet according to said Plan.

Said premises are shown as Lot X on a Plan by Joseph Selwyn, Civil Engineer, dated February 9, 1965, recorded with Middlesex South District Deeds at the end of Book 10794.

Being part of the land conveyed to the grantor by deed of Eliot Square Associates Limited Partnership, dated December 15, 1993, and recorded at Middlesex South District Registry of Deeds, Book 24049, Page 554.

93-95 Winthrop Street and 104 Mount Auburn Street

The land in Cambridge, Middlesex County, Massachusetts, bounded and described as follows:

- NORTHERLY by Mt. Auburn Street and Eliot Square by four lines measuring seven and 27/100 (7.27) feet; fifty-four and 45/100 (54.45) feet; eighty-two and 95/100 (82.95) feet; and twenty-nine and 77/100 (29.77) feet;
- SOUTHWESTERLY by Winthrop Street one hundred forty-five and 2/100 (145.02) feet;
- SOUTHEASTERLY by Lot X shown on Plan hereinafter referred to sixty-six and 28/100 (66.28) feet;

NORTHEASTERLY by Lot A2 on said plan forty-seven and 37/100
(47.37) feet;

SOUTHEASTERLY again by said Lot A2 sixty-one and 90/100
(61.90) feet.

Said premises are shown as Lots B and Y on a plan by Joseph
Selwyn, Civil Engineer, dated February 9, 1965, recorded with
Middlesex South District Deeds at the end of Book 10794.

real/exhiba

FINN AND CRANE
A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
104 MOUNT AUBURN STREET
HARVARD SQUARE
P. O. BOX 381030
CAMBRIDGE, MA 02238

DANIEL C. CRANE
KEVIN P. CRANE

EDWARD A. CRANE
(1938-1982)
HARRY FINN
(1922-1992)
TELEPHONE
(617) 876-8500
FACSIMILE
(617) 864-6357

FAX TRANSMITTAL COVER SHEET

DATE: 2/12/98

RE: Winthrop Sq. EASEMENT

Please deliver the following pages to:

D. MARGARET DRURY

Total number of pages (including cover sheet) 5

Comments: _____

The original of this document (will) (will not) be sent by regular mail.

If you do not receive all the pages or if you have any problems with this telecopy, please call (617) 876-8500.

*** CONFIDENTIALITY NOTICE ***

The information and documents transmitted by this telecopy are privileged and contain confidential information intended only for the person(s) named above. Any other distribution, copying or disclosure is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone, and return the original to us without making a copy.

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February 12, 1998

D. Margaret Drury, Clity Clerk
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

RE: Winthrop Square Easement Resolutions

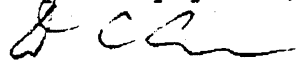
Dear Ms. Drury:

Consistent with our telephone conversation of yesterday, enclosed herewith please drafts of resolutions authorizing the use of a diminished process and the grant of an easement at the above locations. The votes were taken at the council meeting on February 9, 1998, during which reconsideration on these matters also failed.

Request is made that you review these drafts and advise concerning whether they are appropriate or require further revision. At the same time that you advise on the text, would you also indicate whether furnishing clean original copies and/or a disc would be helpful to your office.

I am faxing copies of these drafts to Don Drisdell at the Law Department simultaneously. I expect to deliver the execution originals of the easement to the City Manager's office late today or early Friday and would hope to obtain signed documents late Friday or early next week. When I pick up the materials from the City Manager's office, I would also seek to obtain certified copies of the resolutions from you. Hopefully, you will be able to accomodate this schedule.

Very truly yours,


Daniel C. Crane

DCC/jg
Enclosures
cc: Donald A. Drisdell

DELIVERY BY FAX

real/lrcity

February 9, 1998

ORDERED: Pursuant to Sec. 2.110.010G of the Cambridge Municipal Code, the City Council hereby orders that the City Council shall utilize a diminished process for the disposition of an easement for the purpose of installing as many as thirty (30) soldier piles in the City's Land, below the surface thereof in locations within the easement area as shown on the Easement Plan, that will not interfere with the existing structures thereon or uses thereof in connection with the construction of the foundation at the Building Site. Eliot agrees to pay to the City Thirty Five Dollars (\$35.00) per soldier pile installed by Eliot in the City's Land; following completion of construction on the Building Site, the soldier piles need not be removed, but instead Eliot shall sever the same at the deepest practical point; all as set forth in Robert W. Healy's February 9, 1998 letter to the City Council.

In City Council February 9, 1998.

Adopted by a yea and nay vote:

Yeas: 9, Nays: 0, Absent: 0, Present 0; Abstaining 0.

Attest: D. Margaret Drury, City Clerk

A true copy:

ATTEST:

D. Margaret Drury
City Clerk

February 9, 1998

WHEREAS: Eliot Square Enterprises, Inc., Trustee of Eliot Square Enterprises Trust, under declaration of trust dated December 7, 1993, recorded at Middlesex South District Registry of Deeds, Book 24049, Page 549, ("Eliot"), whose principal place of business is located at 1270 Soldiers Field Road, Boston, Suffolk County, Massachusetts, is the owner of a certain parcel of land at 100 and 102 Mount Auburn Street and 93-95 Winthrop Street, Cambridge, Middlesex County, Massachusetts, as more fully described in a deed of Eliot Square Associates Limited Partnership, dated December 15, 1993, and recorded at Middlesex South District Registry of Deeds, Book 24049, Page 554, and deed of Apostolic Exarchate for Armenian Catholics in the United States of America, dated December 29, 1994, and recorded with said Deeds in Book 25096, Page 240, together being the premises described in Exhibit A attached hereto (collectively, "Building Site");

WHEREAS: The City of Cambridge ("Cambridge"), a body politic and corporate and a political subdivision, whose principal place of business is located at 795 Massachusetts Avenue, Cambridge, Middlesex County, Massachusetts, is the owner of a certain parcel of land located between Mount Auburn Street and Winthrop Street along the northerly boundary of Winthrop Park ("Walkway"), all as more fully described in a deed from PiEta Associates, et al, to the City of Cambridge, dated May 1, 1897, recorded at Middlesex South District Registry of Deeds, Book 2709, Page 590, and Mount Auburn Street and Winthrop Street, both public ways (collectively, "City's Land");

WHEREAS: Eliot is constructing a mixed-use development abutting the City's Land;

WHEREAS: Eliot is about to undertake to improve, rehabilitate, and renovate the buildings on the Building Site and to construct an addition to the buildings on the building Site;

WHEREAS: In order to support the City's Land while excavation and construction is being undertaken on the Building Site, and in order to safely and effectively construct the building foundation on the Building Site, Eliot desires to install as many as thirty (30) soldier piles and wood shoring in the City's Land

below the surface thereof in locations within the area described as "Easement" on a plan entitled "Easement Plan of Land located in Cambridge, Mass." dated February 3, 1998, prepared by Thomas E. Killion, P.L.S. ("Easement Plan"), that will not interfere with the existing structures thereon or uses thereof, in connection with the construction of the foundation at the Building Site; Eliot proposes to pay to the City Thirty Five Dollars (\$35.00) per soldier pile installed by Eliot in the City's Land; following completion of construction on the Building Site, Eliot proposes that the soldier piles need not be removed, but instead Eliot shall sever the same at the deepest practical point.

Now therefore be it:

ORDERED: That the City Council hereby approves and authorizes the City Manager to grant to Eliot the right and easement to install as many as thirty (30) soldier piles in the City's Land below the surface thereof in locations within the easement area as shown on the Easement Plan that will not interfere with the existing structures thereon or uses thereof in connection with the construction of the foundation at the Building Site. Eliot agrees to pay to the City Thirty Five Dollars (\$35.00) per soldier pile installed by Eliot in the City's Land. Following completion of construction on the Building Site, the soldier piles need not be removed, but instead Eliot shall sever the same at the deepest practical point.

In City Council February 9, 1998.

Adopted by a ye and nay vote:

Yeas: 9, Nays: 0, Absent: 0, Present 0; Abstaining 0.

Attest: D. Margaret Drury, City Clerk

A true copy:

ATTEST:

D. Margaret Drury
City Clerk

real/resol2

City of Cambridge

MASSACHUSETTS

In City Council

2/9/98

, 199

93-95 Agenda #4A - Diminution of Process
 Winthrop Sq. St & 100-102 Mt Auburn St.

	YEA	NAY	ABSENT	PRESENT
Ms. Kathleen L. Born	✓			
Ms. Henrietta Davis	✓			
V. Mayor Anthony Galluccio	✓			
Mr. Kenneth E. Reeves	✓			
Ms. Sheila T. Russell	✓			
Mr. Michael A. Sullivan	✓			
Mr. Timothy J. Toomey, Jr.	✓			
Ms. Katherine Triantafillou	✓			
Mayor Francis H. Duehay	✓			

9 0 0

City of Cambridge

MASSACHUSETTS

In City Council 2/9/98, 199

(Sub Surface)
 Agenda # 43 Easement For Winthrop Sq.
 93-95 Winthrop St. & 100-102 mt Auburn Street.

	YEA	NAY	ABSENT	PRESENT
Ms. Kathleen L. Born	✓			
Ms. Henrietta Davis	✓			
V. Mayor Anthony Galluccio	✓			
Mr. Kenneth E. Reeves	✓			
Ms. Sheila T. Russell	✓			
Mr. Michael A. Sullivan	✓			
Mr. Timothy J. Toomey, Jr.	✓			
Ms. Katherine Triantafillou	✓			
Mayor Francis H. Duehay	✓			

9 0 0

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February 5, 1998

Robert W. Healy, City Manager
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

RE: Request for Construction Easement at
100-102 Mount Auburn Street and 93-95 Winthrop Street,
Cambridge

Dear Mr. Healy:

The undersigned represents Eliot Square Enterprises, Inc., Trustee of Eliot Square Enterprises Trust, the owner of 91 and 93-95 Winthrop Street and 100 and 102 Mount Auburn Street, Cambridge. My client is constructing a mixed use development at the above-addresses pursuant to a special permit granted by the Planning Board.

My client requests that you recommend to the City Council that the City of Cambridge grant my client an easement to install as many as thirty (30) soldier piles and wood shoring within easements two (2) feet in width along part of the boundaries of my client's property on Mount Auburn Street, the walkway between Winthrop Park and my client's property, and Winthrop Street. The purpose for installing these soldier piles and wood shoring is to permit excavation for the construction of the foundation of the building being constructed at my client's property. The concrete foundation will be poured against the soldier piles and wood shoring; however, the foundation will be entirely upon my client's property. Upon completion of the foundation, my client will cut off the tops of the soldier piles as deeply as practicable. The remainder of the soldier piles and the wood shoring will be left in the ground; however, these materials are not required to remain in place to provide my client's building with any permanent structural support. Upon completion of construction, no part of the soldier piles or the wood shoring will be visible or above ground.

FINN AND CRANE

Page 2 - February 5, 1998

This construction method has been selected to permit the foundation construction to proceed from within the site to mitigate as much as possible any adverse impact on traffic on this "tight" site at such a sensitive location.

My client has agreed to pay the City of Cambridge \$15,890, to be paid in two equal installments, the first upon the execution of the easement, and the balance at or before the issuance of a certificate of occupancy for the building being constructed. This amount is calculated based upon the price of \$35 for each square foot of the total square footage of the easement area (452 square feet), notwithstanding that each of the soldier piles will occupy less than four (4) square feet, will be entirely below the surface after construction is completed, and will provide no permanent support for the foundation or building being constructed by Eliot.

Additionally, my client has agreed to indemnify the city for any damage or interference that may be caused by the installation and existence of the soldier piles and wood shoring, all as more fully set forth in the Easement for Foundation Construction, which is submitted herewith.

Enclosed herewith please find the following documents which may be of assistance to you in evaluating this request:

1. Proposed Easement for Foundation Construction;
2. "Easement Plan of Land located in Cambridge, Mass." dated February 3, 1998, prepared by Thomas E. Killion, P.L.S.;
3. Exhibit A describing my client's property which will have the benefits and burdens of the easement.

Please note that detailed drawings of the excavation support system for my client's property prepared by Schnabel Foundation Company, revised as of January 27, 1998, have been submitted to the city engineer for her consideration and review. These materials are available to you upon request.

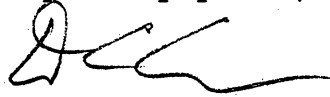
Finally, request is made that you request the City Council to waive the requirements of Chapter 2.110 of the City Code for the disposition of city property in their entirety for this transaction because this disposition of city property is of such little significance that the above-described process would be unduly burdensome. Moreover, the project for which the easement is requested has been thoroughly reviewed and approved by the Planning Board and the Historical Commission.

FINN AND CRANE

Page 3 - February 5, 1998

As I understand that the waiver of the requirements for disposition of city property requires a vote of the City Council, request is made that you submit this request to the Council as soon as possible.

Very truly yours,

A handwritten signature in black ink, appearing to be 'D. Crane', written over a horizontal line.

Daniel C. Crane

DCC/jg
Enclosures

DELIVERY BY HAND

cc: Donald A. Drisdell, Esq.

real/lrcity

EXHIBIT A

100 Mount Auburn Street

The land with the buildings thereon being at present #100 Mount Auburn Street, Cambridge, being shown as Lot A-1 on a plan recorded with Middlesex South District Deeds in Book 5331, Page 107, bounded:

NORTHEASTERLY by Mt. Auburn Street, fifty and 5/100 (50.05) feet;

SOUTHEASTERLY by Winthrop Park, seventy and 63/100 (70.63) feet;

SOUTHWESTERLY by land now or formerly of the Pi Eta Club, fifty (50) feet; and

NORTHWESTERLY by Lot A-G on said plan, sixty-nine and 10/100 (69.10) feet.

Containing 3,493 square feet of land; be all of said measurements more or less, or however otherwise bounded or described.

Being the same premises conveyed to the grantor by deed of Apostolic Exarchate for Armenian Catholics in the United States of America, dated December 29, 1994, and recorded with said deeds in Book 25096, Page 240.

102 Mount Auburn Street

The parcel in Cambridge, Middlesex County, Commonwealth of Massachusetts, with the buildings thereon, being shown as Lot A2 on a plan of premises in Cambridge, Massachusetts, dated February 19, 1929 by W.A. Mason & Son Company, Land Surveyors, recorded with Middlesex South District Deeds at Book 5331, Page 107, bounded and described as follows:

NORTHEASTERLY by Mt. Auburn Street, forty-six and 78/100 (46.78) feet;

SOUTHEASTERLY by Lot A1 on said Plan, sixty-nine and 10/100 (69.10) feet;

SOUTHWESTERLY by land of the Pi Eta Club, forty-eight and 05/100 (48.05) feet;

NORTHWESTERLY by land of owners unknown, sixty-one and 90/100 (61.90) feet.

Containing 3138 square feet of land.

Being part of the land conveyed to the grantor by deed of Eliot Square Associates Limited Partnership, dated December 15, 1993, and recorded at Middlesex South District Registry of Deeds, Book 24049, Page 554.

91 Winthrop Street

The land in Cambridge, Middlesex County, Massachusetts, with the building thereon, bounded and described as follows:

SOUTHWESTERLY by Winthrop Street, fifty and 35/100 (50.35) feet;

NORTHWESTERLY by Lot Y as shown on a Plan hereinafter referred to sixty-six and 28/100 (66.28) feet;

NORTHEASTERLY by Lot A-1 as shown on said Plan, fifty and 67/100 (50.67) feet;

SOUTHEASTERLY by Winthrop Square, sixty-seven and 53/100 (67.53) feet.

Containing 3379 square feet according to said Plan.

Said premises are shown as Lot X on a Plan by Joseph Selwyn, Civil Engineer, dated February 9, 1965, recorded with Middlesex South District Deeds at the end of Book 10794.

Being part of the land conveyed to the grantor by deed of Eliot Square Associates Limited Partnership, dated December 15, 1993, and recorded at Middlesex South District Registry of Deeds, Book 24049, Page 554.

93-95 Winthrop Street and 104 Mount Auburn Street

The land in Cambridge, Middlesex County, Massachusetts, bounded and described as follows:

NORTHERLY by Mt. Auburn Street and Eliot Square by four lines measuring seven and 27/100 (7.27) feet; fifty-four and 45/100 (54.45) feet; eighty-two and 95/100 (82.95) feet; and twenty-nine and 77/100 (29.77) feet;

SOUTHWESTERLY by Winthrop Street one hundred forty-five and 2/100 (145.02) feet;

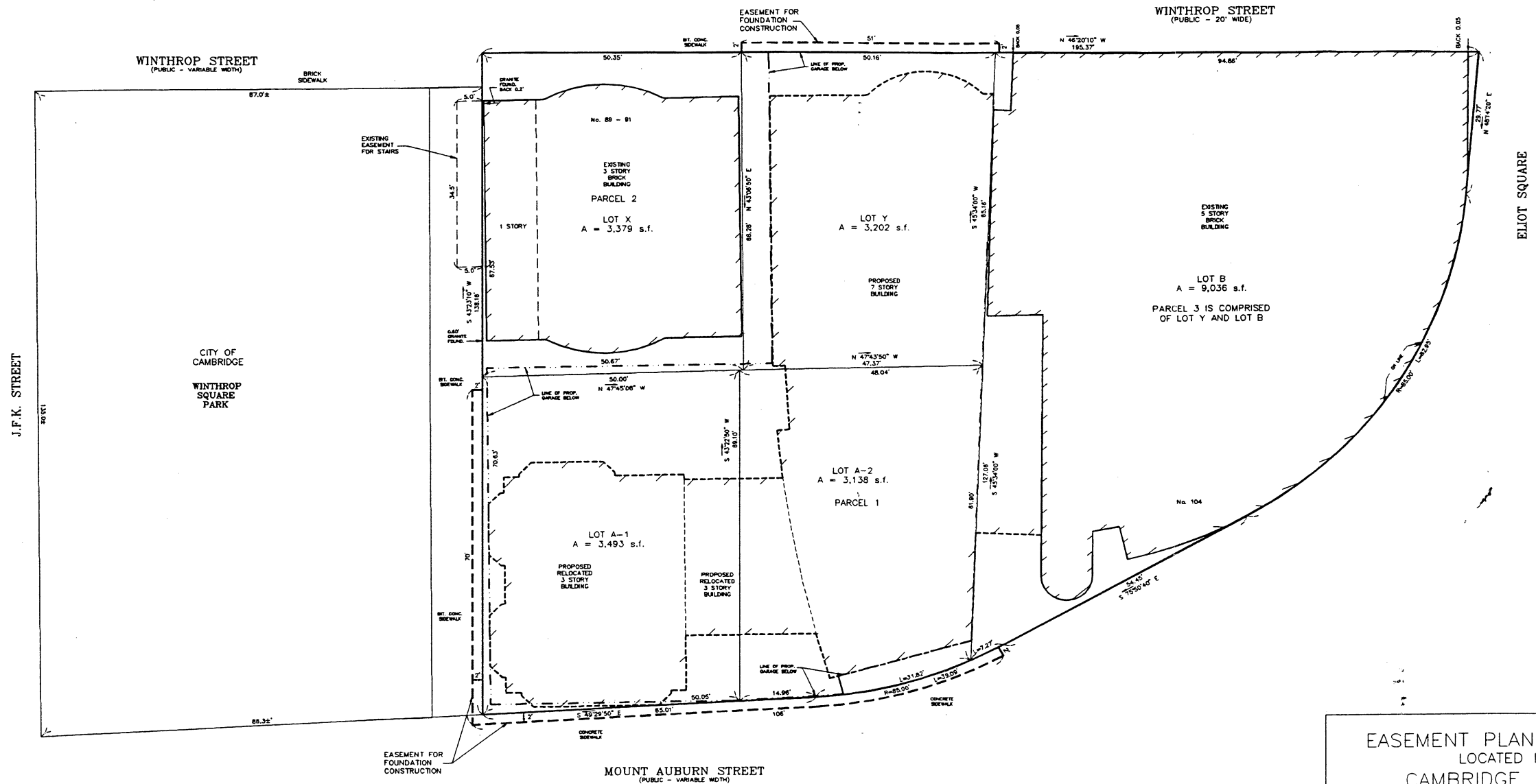
SOUTHEASTERLY by Lot X shown on Plan hereinafter referred to sixty-six and 28/100 (66.28) feet;

NORTHEASTERLY by Lot A2 on said plan forty-seven and 37/100
(47.37) feet;

SOUTHEASTERLY again by said Lot A2 sixty-one and 90/100
(61.90) feet.

Said premises are shown as Lots B and Y on a plan by Joseph
Selwyn, Civil Engineer, dated February 9, 1965, recorded with
Middlesex South District Deeds at the end of Book 10794.

real/exhiba



FOR REGISTRY USE ONLY

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS AND WAYS ALREADY ESTABLISHED AND NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN.

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULE AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

THOMAS M. KILLION, P.L.S.

DATE:

EASEMENT PLAN OF LAND LOCATED IN CAMBRIDGE, MASS. (MIDDLESEX COUNTY)

PREPARED BY:
MEDFORD ENGINEERING & SURVEY
15 HALL ST., MEDFORD, MA. 02155
ANGELO B. VENEZIANO - PE & PLS
781-396-4466 fax: 781-396-8052

0 5 10 20
SCALE: 1" = 10'

FIELD	DESIGN	DRAW	CALC.	CHECK	FILE NO.
					11790

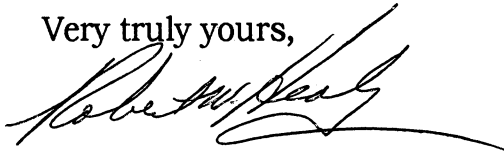
RECEIVED
CITY SOLICITOR'S
OFFICE
FEB 5 12 44 PM '98

Financial Arrangements:

Elliot Square Enterprises, Inc. has agreed to pay the City \$35 per square foot or \$15,890 in total, for this easement area. This is based on a 454 square foot easement area.

I appreciate your consideration of this matter, and welcome any questions you may have.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Robert W. Healy", with a long, sweeping horizontal line extending to the right.

Robert W. Healy
City Manager

Attachments:

February 5, 1998 Crane Letter
Legal Description of Easement Area
Map of Easement Area



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307



H.

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

February 9, 1998

To the Honorable, the City Council:

Eliot Square Enterprises Inc., as the owner of 91 and 93-95 Winthrop Street and 100 and 102 Mount Auburn Street, is requesting the grant of an easement from the City to accommodate the installation of as many as thirty (30) sub-surface soldier piles to permit the construction of the foundation for the Winthrop Square construction project, located at 91 Winthrop Street. A detailed description of the proposed easement is contained in the attached February 5, 1998 letter from Daniel C. Crane.

The building at 91 Winthrop Street is part of a development about to be rehabilitated and renovated which has been approved by the Planning Board, pursuant to a special permit dated December 27, 1996, and approved and supported by the Historical Commission.

First, the proposal must be considered by the Council pursuant to Chapter 2.110 of the Cambridge Municipal Code which governs the disposition of city-owned property. I believe this disposition may properly be subject to Section 2.110.010 (G) of that ordinance. Section G provides for the disposition of city-owned property that is of such little significance that the full process of the ordinance would be unduly burdensome. Under this section, the City Manager may request of the City Council a diminution of the process in the ordinance; approval of this request requires a two-thirds vote of the City Council. I recommend such approval at this time.

Secondly, Section 2.110.010 also requires a two-thirds vote of the City Council to authorize the City Manager to grant the easement to Eliot Square Enterprises Inc., the owner. I also recommend that the City Council vote to grant the easement to Eliot Square Enterprises Inc. to accommodate the subsurface method of construction, and to execute and deliver such easement in form and substance as I determine is necessary or advisable.

Consent Agenda #4

7H

Relative to a request from Eliot Square Enterprises Inc., that the City grant easement to permit the construction of the foundation for the Winthrop Square construction project.

A. On Dimunition.

9-0-0

B. Vote to Authorize City Manager to grant easement.

ORDER ADOPTED

9-0-0

In City Council February 9, 1998