

MASSACHUSETTS INSTITUTE OF TECHNOLOGY
 NEW BIOLOGY BUILDING
 BLDG. 68
 UNDER CONSTRUCTION

BLDG 68
 RALPH LANDAU BLDG
 5 STORY BRICK

BLDG E-15
 ARTS & MEDIA BUILDING
 4 STORY CONC

NEW BIOLOGY BUILDING NO 68
 FIRST FLOOR
 EL + 21.50

AMES STREET
 (PUBLIC - 60' WIDE)

BLDG E-17
 GROUND FLOOR
 EL + 25.00

SECTION THROUGH AMES STREET TUNNEL LOOKING NORTH

SCALE: HORIZONTAL 1" = 8'
 VERTICAL 1" = 8'

EXHIBIT A

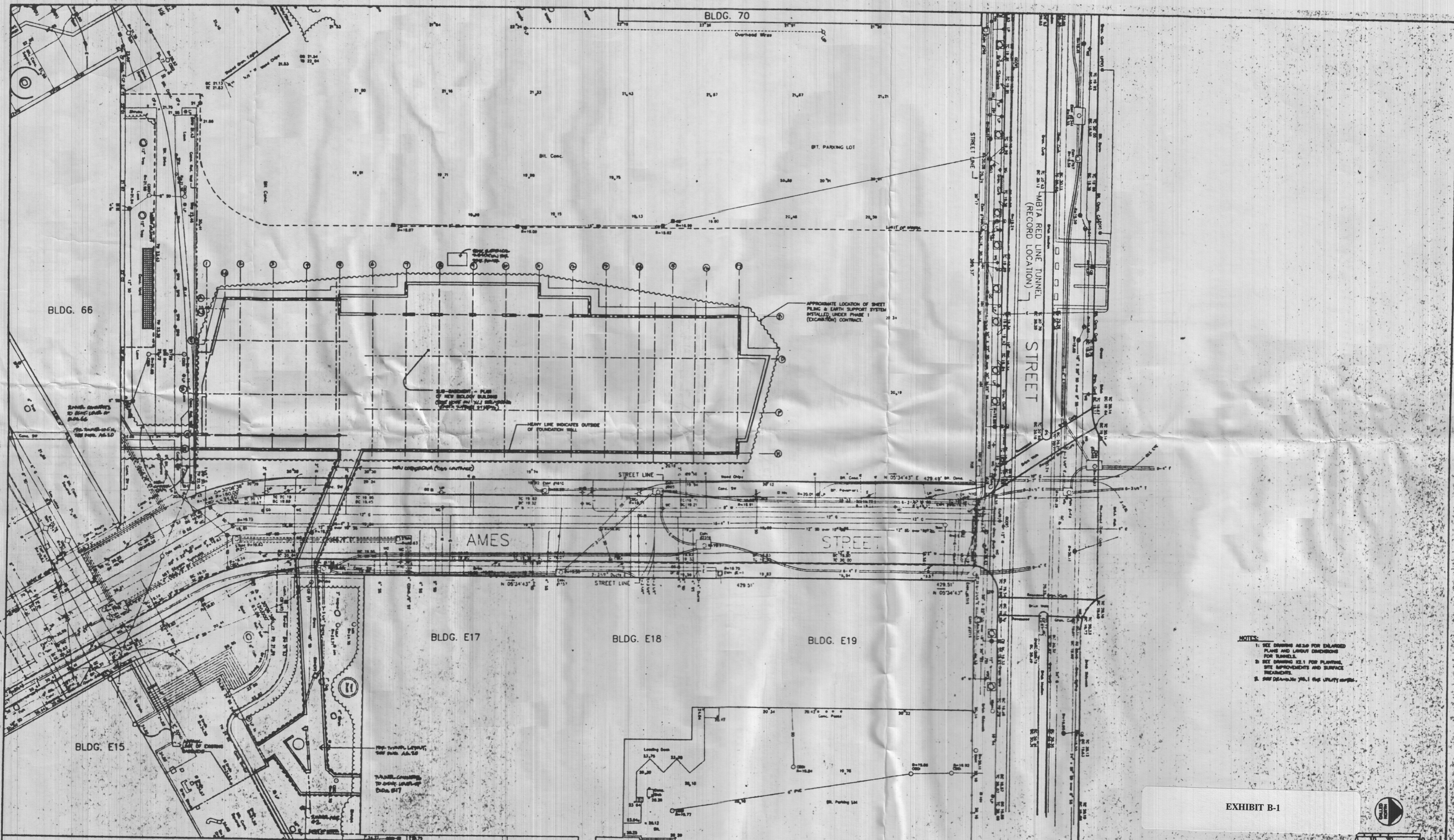
PRELIMINARY

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THIS PLAN IS BASED ON FIELD SURVEYS, DEEDS AND PLANS OF RECORD AND CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS

PROFESSIONAL LAND SURVEYOR DATE
CE CULLINAN ENGINEERING CO. INC.
 AUBURN - BOSTON, MASSACHUSETTS
 CIVIL ENGINEERS - LAND SURVEYORS

DATE	ISSUE	REVISION	DESCRIPTION	APP
PLAN SHOWING PROPOSED TUNNEL EASEMENT AMES STREET Cambridge, Massachusetts.				
SCALE AS NOTED 0 1 2 3 4 5 6 CENTIMETERS 0 20 40 60 FEET 0 1 2 3 4 5 6 INCHES		RES - PLT RDR DATE MAY 14, 1991	FLD - DWN MAT PLAN NUMBER 902143-01026-91	CMP RMM CHK RDR SHEET OF 1 1

Exhibit A



BLDG. 66

BLDG. 70

AMES STREET

STREET

BLDG. E15

BLDG. E17

BLDG. E18

BLDG. E19

APPROXIMATE LOCATION OF SHEET PILING & EARTH SUPPORT SYSTEM INSTALLED UNDER PHASE I (EXCAVATION) CONTRACT

HEAVY LINE INDICATES OUTSIDE OF FOUNDATION WALL

3-D DIMENSION PLAN OF NEW BIOLOGY BUILDING

Top Level Layout, See Plan, A6-50

Tunnel Crossing to Level, See Plan, D17

LOADING DOCK

DR. PARKING LOT

- NOTES:
- SEE DRAWING A6-50 FOR ENLARGED PLANS AND LAYOUT DIMENSIONS FOR TUNNELS.
 - SEE DRAWING I2-1 FOR PLANNING, SITE IMPROVEMENTS AND SURFACE TREATMENTS.
 - SEE DRAWING 78-1 FOR UTILITY MAPS.

EXHIBIT B-1

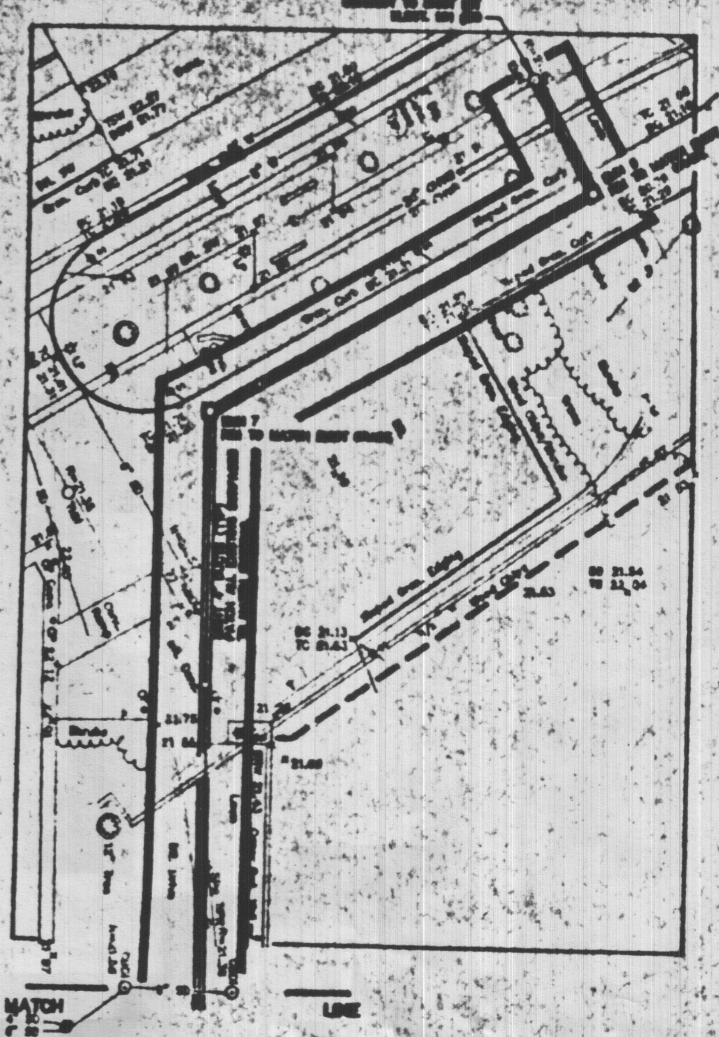
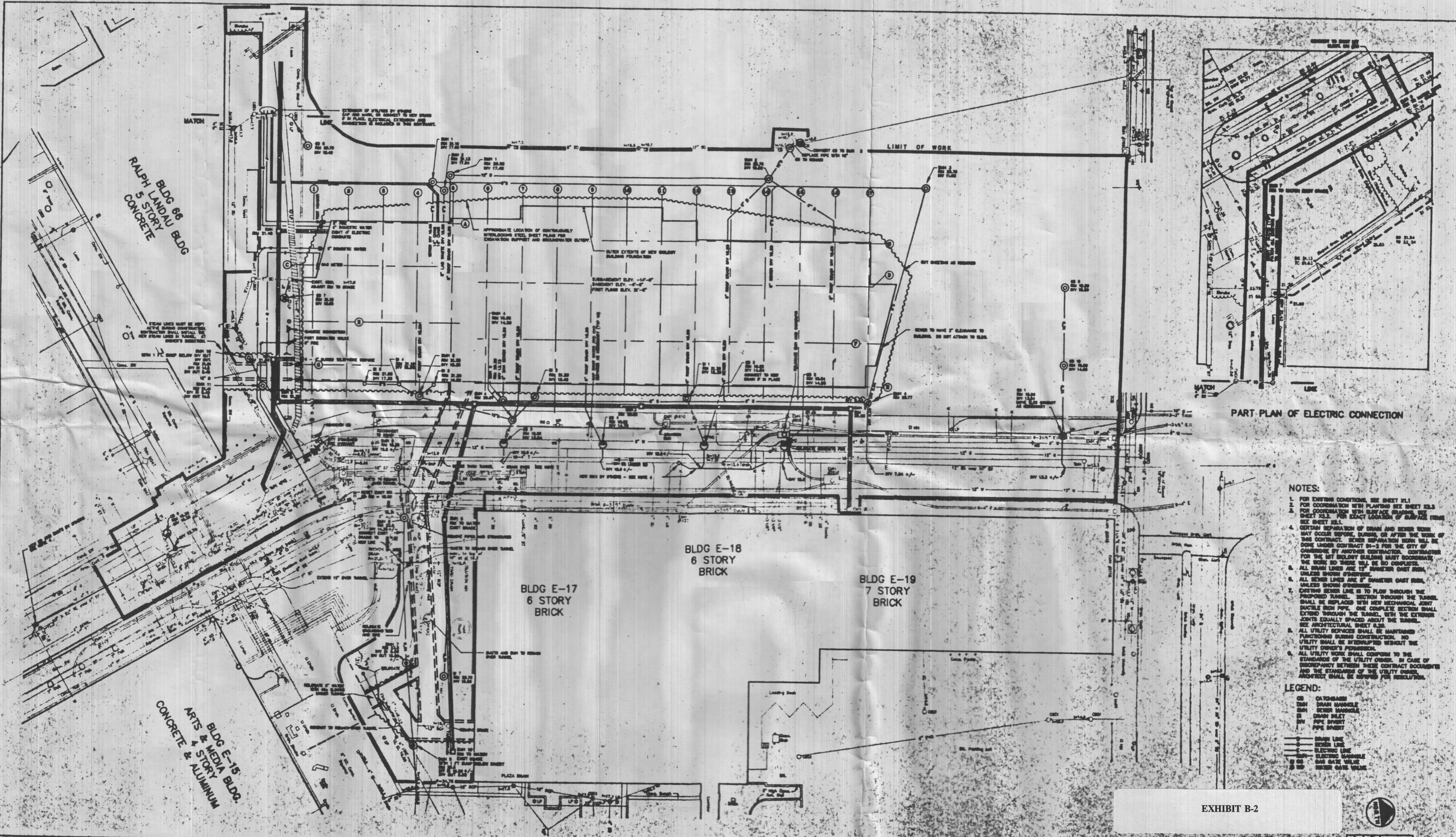
CONSTRUCTION SET		DATE
NO.	REVISIONS	DATE

GOODY, CLANCY & ASSOCIATES, INC.
Architects
234 Boylston Street, Boston, MA 02116

MIT BIOLOGY BUILDING
BLDG. 66
GC&A No. 1588

BUILDING LOCATION
PLAN

1/26/79
1-807
X1.3



PART PLAN OF ELECTRIC CONNECTION

- NOTES:**
1. FOR EXISTING CONDITIONS, SEE SHEET ELL-1.
 2. FOR COORDINATION WITH PLUMBING SEE SHEET ELL-3.
 3. FOR COORDINATION WITH SURFACE GRADING, SEE SHEET ELL-2. FOR EXACT LOCATION OF SURFACE FINISH SEE SHEET ELL-1.
 4. CERTAIN REPAIRS OF DRAIN AND SEWER WORK MAY OCCUR BEFORE, DURING, OR AFTER THE WORK OF THIS CONTRACT. SEWER REPAIRS WORK WILL BE DONE UNDER CONTRACT M-3 FOR THE CITY OF CAMDEN BY ANOTHER CONTRACTOR. CONTRACTOR FOR THE NEW BRICK BUILDING MUST COORDINATE THE WORK SO THERE WILL BE NO CONFLICTS.
 5. ALL DRAIN LINES ARE 12" DIAMETER CAST IRON UNLESS SHOWN OTHERWISE.
 6. ALL SEWER LINES ARE 12" DIAMETER CAST IRON UNLESS SHOWN OTHERWISE.
 7. EXISTING SEWER LINE IS TO PASS THROUGH THE PROPOSED TUNNEL. SECTION THROUGH THE TUNNEL SHALL BE REPLACED WITH NEW MECHANICAL JOINT DUCTILE IRON PIPE. ONE COMPLETE SECTION SHALL EXTEND THROUGH THE TUNNEL WITH THE EXTERIOR JOINTS EQUALLY SPACED ABOUT THE TUNNEL. SEE ARCHITECTURAL SHEET E-15.
 8. ALL UTILITY SERVICES SHALL BE MAINTAINED FUNCTIONING DURING CONSTRUCTION. NO UTILITY SHALL BE INTERRUPTED WITHOUT THE UTILITY OWNER'S PERMISSION.
 9. ALL UTILITY WORK SHALL CONFORM TO THE STANDARDS OF THE UTILITY OWNER. IN CASE OF DISCREPANCY BETWEEN THESE CONTRACT DOCUMENTS AND THE STANDARDS OF THE UTILITY OWNER, ARCHITECT SHALL BE REFERRED FOR RESOLUTION.

- LEGEND:**
- CB CATCHBASIN
 - DMH DRAIN MANHOLE
 - EMH ELECTRIC MANHOLE
 - EL DRAIN EJECTOR
 - EPV PIPE EJECTOR
 - EPV PIPE EJECTOR
 - DL DRAIN LINE
 - ELW ELECTRIC LINE
 - EMH ELECTRIC MANHOLE
 - EGW GAS GATE VALVE
 - GCW WATER GATE VALVE

EXHIBIT B-2

	GOODY, CLARKE & ASSOCIATES, INC. Architects 200 Madison Street, Newark, N.J. 07102	MIT BUILDING BUILDERS BLDG. #2 1000 N. 3rd St. Newark, N.J. 07102	Date: 1/15/71 Scale: 1/8" = 1'-0"
	ROBERT W. HILL Professional Engineer No. 12345, State of New Jersey	VERLINT W. HILL SERVICE Civil Engineer 1000 N. 3rd St. Newark, N.J. 07102	SITE UTILITIES PLAN

Exhibit B+ thru B-4

City of Cambridge

MASSACHUSETTS

Committee Report # 20

In City Council

4/12

1993

Vote on Demerit of Pines - Ames Street

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

7 1 1 0

C. Duehy m.s. UU/P-0
MR
RF 0-8

City of Cambridge

MASSACHUSETTS

In City Council April 12 1993

Motion to Table Committee Report # 2 B - Amesstreet.

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

1 7 1 0



City of Cambridge

Consent Agenda #11

IN CITY COUNCIL

April 26, 1993

ORDERED: To approve, pursuant to Section 2.110 of the Cambridge Municipal Code, the grant of an easement to the Massachusetts Institute of Technology in that portion of Ames Street, Cambridge, Massachusetts approximately described in Exhibit A attached hereto and as shown on the plan described in Exhibit A; to approve, pursuant to Section 2.110.010, Paragraph (G), of the Cambridge Municipal Code, the diminution of the process stipulated in Section 2.110.010, Paragraphs (A)-(F), to grant such easement; and to authorize the City Manager to execute and deliver to the Institute, on behalf of the City of Cambridge, such easement, and to take such other actions as may be necessary or desirable to grant such easement, the signature of the City Manager on such instrument to conclusively evidence the approval and authorization hereby.

In City Council April 26, 1993.

Adopted by a yea 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

Exhibit A

Description of Easement Area and Appurtenant Rights Areas

Beginning at a point adjacent to land now or formerly of the Massachusetts Institute of Technology (the "Institute") and located South 5° 34' 43" West, 391.85 feet, from the point of intersection of the southerly street line of Main Street and the westerly street line of Ames Street, Cambridge, Massachusetts; then

South 62° 21' 57" East, 58.34 feet; then

South 88° 34' 25" East, 5.94 feet, to land now or formerly of the Institute; then

South 5° 34' 43" West, along land now or formerly of the Institute, 16.16 feet; then

Southerly in a curved line, having a radius of 120 feet, along land now or formerly of the Institute, 0.88 feet; then

North 88° 34' 25" West, 8.67 feet; then

North 62° 21' 57" West, 55.42 feet, to land now or formerly of the Institute; then

North 5° 34' 43" East, along land now or formerly of the Institute, 18.34 feet, to the point of beginning.

Said Easement Area is located from Elevation +14 to Elevation -4 (Cambridge City Base) as shown on the Plan described below.

Being the area shown as "Tunnel Easement" on a plan entitled "Tunnel Easement, Ames Street, Cambridge, Massachusetts", dated May 12, 1993, by Cullinan Engineering, Inc., recorded herewith (the "Plan").

Along with the following two Appurtenant Rights Areas:

1. Beginning at the point adjacent to land now or formerly of the Institute and located South 5° 34' 43" West, 388.07 feet, from the point of intersection of the southerly street line of Main Street and the westerly street line of Ames Street, Cambridge, Massachusetts; then

South 62° 21' 57" East, 58.96 feet; then

South 88° 34' 25" East, 5.37 feet, to land now or formerly of the Institute; then

South 5° 34' 43" West, along land now or formerly of the Institute, 3.51 feet; then

North 88° 34' 25" West, along the Easement Area, 5.94 feet; then

North 62° 21' 57" West, along the Easement Area, 58.34 feet, to land now or formerly of the Institute; then

North 5° 34' 43" East, along land now or formerly of the Institute, 3.78 feet, to the point of beginning.

Shown as the "Appurtenant Rights Area" located adjacent to and to the north of the Easement Area on the Plan.

2. Beginning at the point adjacent to land now or formerly of the Institute and located South 5° 34' 43" West, 410.19 feet, from the point of intersection of the southerly street line of Main Street and the westerly street line of Ames Street, Cambridge, Massachusetts; then

South 62° 21' 57" East along the Easement Area, 55.42 feet; then

South 88° 34' 25" East, 8.67 feet along the Easement Area, to land now or formerly of the Institute; then

Southerly in a curved line, having a radius of 120 feet, along land now or formerly of the Institute, 3.51 feet; then

North 88° 34' 25" West, 9.30 feet; then

North 62° 21' 57" West, 54.82 feet, to land now or formerly of the Institute; then

North 5° 34' 43" East, along land now or formerly of the Institute, 3.78 feet, to the point of beginning.

Shown as the "Appurtenant Rights Area" located adjacent to and to the south of the Easement Area on the Plan.



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

March 17, 1993

Mr. Ron Suduiko
MIT Planning office
77 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Suduiko:

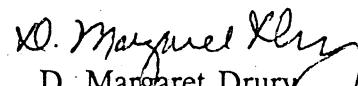
Please be advised that Councillor Alice K. Wolf, Chair of the Ordinance Committee has scheduled a public hearing for Thursday, March 25, 1993 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts.

Councillor Wolf has scheduled the **AMES STREET TUNNEL** after the 7:30 P. M. hearing which may be quite brief.

You are invited to attend at this time and be heard.

Thank you for your cooperation in this matter.

Very truly yours,


D. Margaret Drury
City Clerk

DMD/dl



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

March 17, 1993

Ms. Sarah Eusden
Office of the President
MIT 5-208
Cambridge, MA 02139

Dear Ms. Eusden:

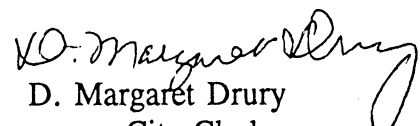
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Councillor Wolf has scheduled the AMES STREET TUNNEL after the 7:30 P. M. hearing which may be quite brief.

You are invited to attend at this time and be heard.

Thank you for your cooperation in this matter.

Very truly yours,


D. Margaret Drury
City Clerk

DMD/dl



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

April 13, 1993

Mr. Mark Erlich, President
Carpenter's Local 40
109 Smith Place
Cambridge, MA 02138

Dear Mr. Erlich:

Attached you will find a copy of an Order adopted by the Cambridge City Council at its meeting of Monday, April 12, 1993.

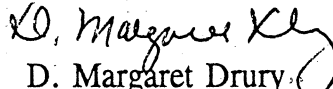
As you will note, the City Clerk has been requested to invite you to appear before the City Council to explain the union apprentice and job selection programs for your union.

Would you kindly appear before the City Council on Monday, April 26, 1993 at 7:00 p. m. in the Sullivan Chamber, 795 Massachusetts Avenue, Cambridge, Massachusetts to discuss the above mentioned topics.

Your kind attention in this matter will be greatly appreciated by the City Council.

Thank you for your cooperation in this matter.

Very truly yours,


D. Margaret Drury
City Clerk

DMD/dl



City of Cambridge

CR # 2 B

IN CITY COUNCIL

April 12, 1993

COUNCILLOR RUSSELL

ORDERED: That the City Clerk be and hereby is requested to invite Mark Erlich, President, Carpenter's Local 40, to come before the City Council to explain the union apprentice and the job selection programs for his union.

In City Council April 12, 1993.

Adopted by the affirmative vote of eight members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:- *D. Margaret Drury*

D. Margaret Drury
City Clerk



City of Cambridge

Calendar Item # 1

IN CITY COUNCIL

June 15, 1992

RESOLVED: That the City Council hereby declares, pursuant to the provisions of Chapter 30B, Section 16 of the Massachusetts General Laws, that an easement area, to be located in the portion of Ames Street which lies between 400 and 450 feet southerly of the intersection of Ames Street and Main Street in the City of Cambridge, be available for disposition, subject to the following restrictions:

1. That the easement area be used only for the installation of a tunnel to provide for pedestrian access, equipment and material transport, and the running of utility lines and conduits between the properties abutting the easement area to the east and to the west.
2. That the easement area be no wider than 17 feet, involve a surface area of no more than 1,150 square feet, and be sufficient in depth to accommodate a tunnel for the purposes specified in restriction number 1, above.
3. That the use of Ames Street as a public way not be adversely affected by the granting of this easement other than disruption resulting from construction activities.
4. That the terms of the easement shall not restrict any reasonable future use that the City may choose to make of the land which is subject to the easement.

In City Council June 15, 1992.

Adopted by a ye and nay vote:

Yeas 6; Nays 3; Absent 0.

Attest:- D. Margaret Drury, Temporary City Clerk.

A true copy;

D. Margaret Drury

ATTEST:-

D. Margaret Drury
Temporary City Clerk

City of Cambridge

The Ordinance Committee held a public hearing on Wednesday, July 22, 1992 at 4:30 p.m. in the Sullivan Chamber, Cambridge City Hall.

Councillor Alice K. Wolf, Chair of the Committee convened the hearing and stated that the purpose of the hearing was to consider whether, in considering the proposed disposition of an easement for a tunnel under Ames Street pursuant to Ch. 2.110 of the Municipal Code, the City Council should utilize a diminished process pursuant to Sec. 2.110.010G. Present at the hearing were Mayor Kenneth E. Reeves, Councillor Francis H. Duehay, Councillor Jonathan S. Myers, Councillor Sheila T. Russell, Councillor Walter J. Sullivan, Councillor Timothy J. Toomey, Jr. and Councillor William H. Walsh.

Councillor Wolf began the hearing by describing Sec. 2.110.010G of the Ordinance. She then requested that the City Manager present the request for diminution. City Manager Robert Healy outlined the request he had received from MIT. He announced that representatives from MIT were prepared to make a presentation on the proposal, and introduced Ronald Suduiko, Special Assistant to the President, MIT. Mr. Suduiko explained that MIT seeks an easement to build a tunnel to connect its new biology building to its cancer research center. The tunnel would improve access for disabled students and decrease pedestrian traffic on the street level. MIT is requesting consideration under Sec. 2.110.010G of the Ordinance, a diminished process because in this case, the information to be presented under the Ordinance is straight forward and readily available.

Mr. Seduiko noted that the City would continue to own the street, and MIT would pay a fee for its easement. There are no reasonable alternative uses for the easement; there is no attempt to alter zoning, and no impact on the zoning status. There is no development potential other than what is being proposed here by MIT, and the only impact on traffic and parking is the decrease in pedestrian traffic. MIT is also requesting that instead of the two appraisals required by the Ordinance, the Council approve a diminution which limits the appraisal requirements to those which are necessary to fulfill the requirements of MGL c 30B.

He further stated that with regard to public policy issues that have been raised relating to CASPAR, MIT has been discussing a proposal to purchase and rehab an alternative site for CASPAR on Green Street in exchange for gaining title to some City-owned land

within MIT's boundaries. He expects the proposal to be introduced to the Council on August 3, 1992, and thereafter to undergo extensive neighborhood and Planning Board scrutiny.

Mr. Seduiko then introduced Sara Gallop, MIT's Assistant for Governmental Relations, to discuss additional unresolved public policy issues relating to MIT. Ms. Gallop announced that with regard to the use of MIT land in Cambridgeport as open space, the Community Development Department is compiling information on environmental standards and will inform MIT as to these standards, and MIT is researching the legal terms and mechanism to lease this land to the City. MIT expects to have a time frame for implementation ready in September. With regard to job plans for employing Cambridge residents, MIT is looking into establishing a voluntary plan. MIT is also a member of the new Cambridge Employment Policy Commission established by the Mayor.

The next MIT presentation was made by Frank Laughton, Assistant to the Senior Vice President, who explained that he was responsible for construction of the biology building, and presented information on construction costs. Thereafter, Philip Sharp, head of the Biology Department, discussed the importance of the Biology Department and the significance of the new building to the department, in terms of augmenting the ability to attract research and development into the community.

Councillor Myers asked at what stage the project is now. Mr. Laughton responded that building construction is at a point in which the tunnel could be built now. The foundation has been constructed, but a knockout wall has been installed in the basement foundation to accommodate a tunnel. If this easement is allowed, there will be two tunnels in the building; for the one which will be totally on MIT property, construction started two months ago. Councillor Myers asked when the tunnel was planned, and upon Mr. Laughton's response that planning occurred in 1990, he noted that this was rather late in the planning process to be bringing the easement request to the Council for the first time.

Councillor Walsh stated that the process is timely so long as the law is complied with. He added that the building will benefit the City and bring employment to the City, and that the Council should shorten the process and expedite the easement.

Councillor Toomey requested that MIT address the issue of employment, particularly union employment, in light of MIT's recent decision to use nonunion carpenters in work on building on Memorial Drive. Mr. Seduiko stated that MIT has a strong commitment to hiring union workers in its construction projects, and has an overall average of hiring 98% union workers for construction jobs.

Mayor Reeves noted that given MIT's excellent record on union hiring, this is not the time to change its practices to hire

nonunion workers. He encouraged MIT to also consider a policy of hiring 50% residents on construction jobs.

Councillor Duehay stated that MIT has some very serious community policy issues to resolve, and that he hopes that MIT will consider developing a more comprehensive approach to its community relations.

Councillor Wolf then requested public testimony from persons who wished to speak in favor of the easement. The following people testified in favor of the proposal.

Paul Schmmel, 75 Cambridge Place, MIT faculty, said that MIT's Biology Department is highly visible in the financial community. He believes that people base decisions on whether to start companies in this community on what the Council decides about this tunnel.

Peter Feinstein, 3 University Place, Manchester By the Sea, Executive Director, Massachusetts Biotechnology Council, urged the Council to approve the easement. He noted that MIT is a pre-eminent institution in the development of biotechnology, and that the biotechnology industry in Kendall Square makes a significant contribution to the local economy.

Robert Lewis, Executive Director, Cambridge Chamber of Commerce, said that it is important for the Council to approve the tunnel easement to give a message to the business community about its support for investment in Cambridge which will produce new jobs. MIT is a major force in making this community a desirable place to locate a business.

Councillor Myers noted that according to a CDD study, only eleven percent of new jobs go to Cambridge residents.

William McTigh, President, Wheeler Manufacturing, 155 Brookline Street, spoke in favor of the easement.

Nikki Levin, 4 Bond Street, graduate student at MIT spoke in favor of the easement.

Julia McLelland, 100 Memorial Drive, spoke in favor of the tunnel. She urged the Council to think of the benefits from a "people" point of view, for example, there will be benefits to people who use bicycles.

Allan Steinert, 32 Ash Street, CASPAR Board and member of the Biohazards Committee, spoke in favor of the tunnel and added that he is saddened by the procedures. Rather than a partnership, it is evident that there is extreme tension between MIT and the city.

Michael Owen, 289 Highland Avenue, Somerville, Project

Manager, MIT Disabilities Committee, spoke in favor of the tunnel from the point of view of disabled users of the tunnel. He read a letter from Shuzie Chen, 60 Walker Street, a post doc at MIT in a wheelchair, who pointed out the potential for the tunnel to ease the problems disabled students experience in traffic and inclement weather. This letter is filed with this report. He also read a letter, also filed with this report, from Kenneth Le Vie, Assistant Manager of the MIT Employee Credit Union, who is also a wheelchair user, and who said in his letter that the tunnel will make a substantial contribution to accessibility for persons with disabilities at MIT.

Alexander Rich, 2 Walnut Street, Professor of Biology, spoke in favor of the tunnel.

Graham Walker, 103 Raymond Street, Professor in the MIT Biology Department, spoke in favor of the tunnel easement. He noted that if the tunnel is not built disabled students and the free flow of information will suffer.

Don Grossman, 179 Sidney Street, said that both the city and MIT will be better off if the tunnel is built.

At the close of the public testimony in support of the easement, Councillor Wolf opened the hearing to those who wished to testify in opposition to the tunnel.

Julia Gregory, 11 Market Street, spoke against the diminution of process. She said that MIT is bypassing the process. She was part of the Town and Gown Committee, and the major point from those meetings was the need for communication.

Mark Erlich, Business Agent for Carpenters' Local 40 Union, 109 Smith Place, said that MIT appears to feel that it can move on its interest without consideration of the interests of the community. There are resolutions to the controversy over the nonunion carpenters hired for the Memorial Drive work, but MIT refuses to agree to them.

John O'Connell, 177 Lakeview Avenue, Alternate Member of the Board of Zoning Appeals, member of Carpenters' Local 40, said that he could not support his family on the wages carpenters are being paid on the MIT nonunion job on Memorial Drive.

Robert Addison, 93 Birch Street, spoke against the proposal.

Neil Rohr, 279 Pearl Street, said that Local 40 should have the full support of the Council. The message to business should be that business is wanted in the city, but not at any cost. It is important to send a message of real commitment to jobs for residents, women and minorities.

Frank Rossi, 155 Owl Avenue, Methuen, said a tunnel would be safer built by union labor.

At the close of the public testimony, Councillor Duehay moved:

That the matter be taken under advisement and the hearing closed.

The motion passed unanimously upon a voice vote.

The Mayor announced that he would speak to the parties involved to see if some resolution was possible, and then the meeting was adjourned.

For the Committee,

A handwritten signature in black ink, appearing to read "Alice K. Wolf", with a long horizontal flourish extending to the right.

Alice K. Wolf, Chair.

1.

629

COMMITTEE REPORT

Ordinance Committee Report for a hearing held on Wednesday, July 22, 1992 relative to the proposed disposition of an easement for a tunnel under Ames Street.

In City Council,

Oct. 5, 1992

*Report accepted
Referred to the
petition*

✓
1

City of Cambridge

The Ordinance Committee held a public hearing on March 25, 1993, beginning at 8:15 p.m. in the Sullivan Chamber on a proposed amendment to Chapter 2.20 of the Municipal Code to eliminate the residency requirement for constables. Present at the hearing were: Councillor Alice K. Wolf, Chair of the Committee; Councillor Francis H. Duehay; Councillor Sheila T. Russell; and Councillor William H. Walsh.

Councillor Wolf convened the hearing and explained that this was the second hearing on this issue and its purpose was to receive information the Committee had requested at its December 8, 1993 hearing on the matter. She noted that the Ordinance Committee had received additional information from the Law Department and the City Clerk. Councillor Wolf said that the City Clerk had reported that there are 135 constables with power to service civil service in Boston.

Councillor Wolf stated that the City Solicitor has given his opinion that the residency requirement is legal in a letter which is attached to this report as Attachment A.

Councillor Duehay moved that the matter of the proposed abolition of the residency requirement for constables be reported to the City Council with a recommendation that it not be approved.

Allen Korb, 114 Oxford Street, stated that he supported Councillor Duehay's motion.

Domenic Scalese, 174 Holworthy Street, also spoke in support of the motion.

The motion passed upon a unanimous voice vote.

Thereupon Councillor Wolf noted that the matter of the Ames Street Tunnel remains on the table in the Ordinance Committee.

Councillor Russell moved that the matter be taken off the table and the motion passed on a unanimous voice vote.

Councillor Russell moved that the matter be referred to the City Council for a final decision and the motion passed on a unanimous voice vote.

The hearing adjourned at 8:15 p.m.

For the Committee,

Councillor Alice K. Wolf
Chair



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN,
DEPUTY CITY CLERK

MARCH 15, 1993

Dear Neighborhood Association:

Please be advised that Councillor Alice K. Wolf, Chair of the Ordinance Committee has scheduled a series of hearings as follows:

Thursday, March 25, 1993

- 5:30 P. M. Proposed legislation entitled "AN ACT PROVIDING FOR THE CAMBRIDGE LICENSE COMMISSION."
- 6:30 P. M. Proposed amendment to the Municipal Code to prohibit bicycle riding on Cambridge Common.
- 7:30 P. M. Proposed amendment to the Municipal Code to eliminate the residency requirement for constables.

In addition to the above matters the Committee will consider the Ames Street tunnel.

Thursday, April 8, 1993

- 5:30 P. M. Continuation of hearing on the proposed amendment to the Zoning Ordinance to reform Section 8.20.
- 6:30 P. M. Update on dogs swimming at Fresh Pond.
- 7:00 P. M. Proposed amendment to the Municipal Code regarding dogs leashed at Fresh Pond.

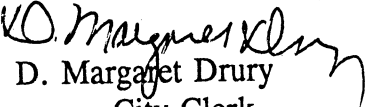
- 2 -

All of these hearings will be held in the Sullivan Chamber, City Hall, Second Floor, 795 Massachusetts Avenue, Cambridge, Massachusetts.

You are invited to attend at this time and be heard.

Thank you for your cooperation in this matter.

Very truly yours,


D. Margaret Drury
City Clerk

DMD/dl

City of Cambridge

The Ordinance Committee held a public hearing on March 25, 1993, beginning at 8:15 p.m. in the Sullivan Chamber on a proposed amendment to Chapter 2.20 of the Municipal Code to eliminate the residency requirement for constables. Present at the hearing were: Councillor Alice K. Wolf, Chair of the Committee; Councillor Francis H. Duehay; Councillor Sheila T. Russell; and Councillor William H. Walsh.

Councillor Wolf convened the hearing and explained that this was the second hearing on this issue and its purpose was to receive information the Committee had requested at its December 8, 1993 hearing on the matter. She noted that the Ordinance Committee had received additional information from the Law Department and the City Clerk. Councillor Wolf said that the City Clerk had reported that there are 135 constables with power to service civil service in Boston.

Councillor Wolf stated that the City Solicitor has given his opinion that the residency requirement is legal in a letter which is attached to this report as Attachment A.

Councillor Duehay moved that the matter of the proposed abolition of the residency requirement for constables be reported to the City Council with a recommendation that it not be approved.

Allen Korb, 114 Oxford Street, stated that he supported Councillor Duehay's motion.

Domenic Scalese, 174 Holworthy Street, also spoke in support of the motion.

The motion passed upon a unanimous voice vote.

Thereupon Councillor Wolf noted that the matter of the Ames Street Tunnel remains on the table in the Ordinance Committee.

Councillor Russell moved that the matter be taken off the table and the motion passed on a unanimous voice vote.

Councillor Russell moved that the matter be referred to the City Council for a final decision and the motion passed on a unanimous voice vote.

The hearing adjourned at 8:15 p.m.

For the Committee,

Alice K. Wolf
Councillor Alice K. Wolf
Chair

Ames Street

COMMITTEE REPORTS

Ordinance Committee Report for a hearing held on March 25, 1993 relative to a proposed amendment to the Municipal Code to eliminate the residency requirement for constables.

In City Council,

April 12, 1993

2A - Constable - report
accepted that it not
be approved

2B - Ames Street - report
accepted 7-1-1.
Referred to the City
manager.

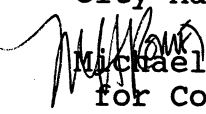


CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

MICHAEL ROSENBERG,
Assistant City Manager for
Community Development

MARY FLYNN,
Deputy Director for
Community Development

To: Robert W. Healy,
City Manager

From:  Michael H. Rosenberg, Assistant City Manager
for Community Development

Subject: Response to City Council Order # 23, 3/23/92

Date: June 10, 1992

The Community Development Department and MIT have initiated discussions to develop a process for transferring land for open space to the City, consistent with the provisions of the recently adopted Cambridgeport Rezoning. Although the Ordinance does not set a specific timeframe for providing the open space, both the City and MIT would like to move this forward as early as possible.

Under the zoning provisions, MIT is committed to providing 59,000 square feet of land for the creation of new open space. This will be accomplished by the transfer of development rights from that site to others in the Cambridgeport Industrial District. The transfer may take place incrementally, or at one time, depending on the resolution of issues now under discussion.

At a meeting held on May 20th, we laid out the legal and environmental issues relating to the land transfer that need to be resolved in order for the transfer to occur. The Community Development Department is now compiling information on environmental standards based on our experience with other open spaces in the City including the Lechmere Canal Park, Danehy Park and the Central Square Enhancement Area. The Cambridgeport Rezoning Ordinance requires that the site transferred to the City meet environmental standards consistent with criteria applied in preparing public open space elsewhere in Cambridge. The Department will also consult with environmental engineering firms familiar with Cambridge and with environmental regulations to better understand the situation.

MIT is researching the legal terms and mechanisms necessary to lease the parcel to the City in advance of actually utilizing the transfer of development rights provisions (See Attachment).

As these issues are clarified, we will be able to reach agreement on the actual timetable for conveyance. Our expectation is that we will complete these steps and develop a timeframe by September, 1992.

In addition to these issues, the City will undertake a planning process to determine the site's specific recreational uses and a design for the park. Obviously, the conveyance schedule and whether the land is conveyed in increments or all at once will bear directly on the planning process and the types of activities that can be accommodated at the site. If the site is conveyed in increments it will be necessary to consider interim uses for the site.

As the City is responsible for both interim and final improvements to the site, the construction schedule will be contingent upon identifying funds for the project. The Department expects to have the project considered in some form in the FY '94 Capital Budget process.



OFFICE OF THE PRESIDENT

CAMBRIDGE, MASSACHUSETTS 02139

June 11, 1992

Mr. Michael H. Rosenberg
Assistant City Manager for Community Development
Community Development Department
57 Inman Street
Cambridge, MA 02139

Dear Mike,

I would like to follow up from our meeting on May 20, 1992, when we discussed the process required for transferring to the City an acre and one half of MIT land to be used as public open space. This was defined in the Cambridgeport Rezoning Ordinance passed in February of this year.

To fulfill MIT's commitment, we have been reviewing the legal issues related to the use of a lease mechanism to transfer the land. We are also attempting to expedite clearance of the site.

Be assured of our continuing cooperation in working with you to provide this public open space as a recreational resource for the Cambridgeport community.

Sincerely,

Sarah J. Eusden
Assistant for Government Relations

cc: Catherine Donaher
Ronald P. Suduiko



City of Cambridge

Reverend

23.

IN CITY COUNCIL

March 23, 1992

COUNCILLOR MYERS
COUNCILLOR DUEHAY
COUNCILLOR WOLF
MAYOR REEVES

WHEREAS: A component of the recently passed Cambridgeport rezoning was the provision of an open space area to be donated from MIT to the City; and

WHEREAS: This open space area will serve as a resource to the Cambridgeport neighborhood and the city; and

WHEREAS: There will be several steps in the process, including testing the soil for hazardous materials, passing the land to the city, determining the exact boundaries and uses of the land; and

WHEREAS: It would be beneficial to all parties to have this process occur as quickly as reasonably possible; now therefore be it

RESOLVED: That the City Manager be and hereby is requested, in conjunction with the Community Development Department to contact MIT to establish a process by which this land can be turned over to the city, so that the work that is needed to be done to turn this land into active open space can begin at the earliest possible point; and be it further

RESOLVED: That the City Manager be and hereby is requested to report back to the City Council in one month's time.

In City Council March 23, 1992.

Adopted by the affirmative vote of nine members.

Attest:- Joseph E. Connarton, City Clerk.

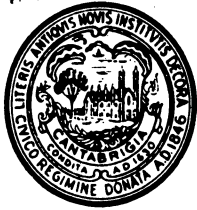
A true copy;

Joseph E. Connarton

ATTEST:-

Joseph E. Connarton
City Clerk

16.



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

June 15, 1992

To The Honorable, The City Council:

In regard to Awaiting Report Item No. 19, relative to the open space area to be donated from MIT to the City, please find attached a report from Michael H. Rosenberg, Assistant City Manager for Community Development, concerning this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Robert W. Healy".

Robert W. Healy
City Manager

RWH/mev
attachments

Consnt Agenda # 16

Awaiting Report Item Number 19 regarding
open space area to be donated from
MIT to the City.

In City Council,

June 15, 1992

*Referred to Calendar
Item # 1 of 6/15/92.*

RESOLUTION

Resolved, that the City Council hereby declares, pursuant to the provisions of Chapter 30B, Section 16 of the Massachusetts General Laws, that an easement area, to be located in the portion of Ames Street which lies between 400 and 450 feet southerly of the intersection of Ames Street and Main Street in the City of Cambridge, be available for disposition, subject to the following restrictions:

1. That the easement area be used only for the installation of a tunnel to provide for pedestrian access, equipment and material transport, and the running of utility lines and conduits between the properties abutting the easement area to the east and to the west.
2. That the easement area be no wider than 17 feet, involve a surface area of no more than 1,150 square feet, and be sufficient in depth to accommodate a tunnel for the purposes specified in restriction number 1, above.
3. That the use of Ames Street as a public way not be adversely affected by the granting of this easement other than disruption resulting from construction activities.
4. That the terms of the easement shall not restrict any reasonable future use that the City may choose to make of the ~~land~~ land which is subject to the easement.

Charter
Right!

1992 JUN -4 PM 4: 20

LHW DXP

City of Cambridge

MASSACHUSETTS

*Ed Cyr moved
To*

*Table chair
referred to
rule*

In City Council June 15 1992

F. Duehay moved chair's right #1

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

3

4

2

City of Cambridge

MASSACHUSETTS

In City Council June 16 1992

*Fi Dweby moves chair 7/2 #1 - declare availability
swj to restubig*

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

6 / 3 vote



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

FAX (617) 349-4307

D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

March 22, 1993

**TO: MICHELLE FLAHERTY, EXECUTIVE DIRECTOR
CAMBRIDGE CHAMBER OF COMMERCE**

**FROM: ^{MD} D. MARGARET DRURY
CITY CLERK**

SUBJECT: ORDINANCE COMMITTEE HEARING

Please be advised that Councillor Alice K. Wolf, Chair of the Ordinance Committee has scheduled a public hearing for Thursday, March 25, 1993 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts.

Councillor Wolf has scheduled the **AMES STREET TUNNEL** after the 7:30 P. M. hearing which may be quite brief.

You are invited to attend at this time and be heard.

Thank you for your cooperation in this matter.



OFFICE OF THE CITY CLERK

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D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

March 22, 1993

Mr. Paul Schmmel
75 Cambridge Place
Cambridge, MA

Dear Mr. Schmmel:

Please be advised that Councillor Alice K. Wolf, Chair of the Ordinance Committee has scheduled a public hearing for Thursday, March 25, 1993 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts.

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Very truly yours,

D. Margaret Drury
D. Margaret Drury
City Clerk

DMD/dl



OFFICE OF THE CITY CLERK

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D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

March 22, 1993

Mr. Peter Feinstein
3 University Place
Cambridge, MA

Dear Mr. Feinstein:

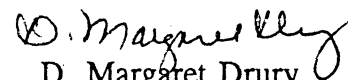
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City Clerk

DMD/dl



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D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

March 22, 1993

Mr. William McTigh, President
Wheeler Manufacturing
155 Brookline Street
Cambridge, MA

Dear Mr. McTigh:

Please be advised that Councillor Alice K. Wolf, Chair of the Ordinance Committee has scheduled a public hearing for Thursday, March 25, 1993 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts.

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D. Margaret Drury
D. Margaret Drury
City Clerk

DMD/dl



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D. MARGARET DRURY
CITY CLERK

JOHNE E. FLYNN
DEPUTY CITY CLERK

March 22, 1993

Nikki Levin
4 Bond Street
Cambridge, MA

Dear Nikki Levin:

Please be advised that Councillor Alice K. Wolf, Chair of the Ordinance Committee has scheduled a public hearing for Thursday, March 25, 1993 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts.

Councillor Wolf has scheduled the **AMES STREET TUNNEL** after the 7:30 P. M. hearing which may be quite brief.

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Thank you for your cooperation in this matter.

Very truly yours,


D. Margaret Drury
City Clerk

DMD/dl



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(617) 349-4260

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D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

March 22, 1993

Ms. Julia McLelland
100 Memorial Drive
Cambridge, MA

Dear Ms. McLelland:

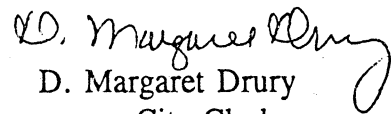
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Very truly yours,


D. Margaret Drury
City Clerk

DMD/dl



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D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

March 22, 1993

Mr. Allan Steinert
32 Ash Street
Cambridge, MA

Dear Mr. Steinert:


Please be advised that Councillor Alice K. Wolf, Chair of the Ordinance Committee has scheduled a public hearing for Thursday, March 25, 1993 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts.

Councillor Wolf has scheduled the AMES STREET TUNNEL after the 7:30 P. M. hearing which may be quite brief.

You are invited to attend at this time and be heard.

Thank you for your cooperation in this matter.

Very truly yours,


D. Margaret Drury
City Clerk

DMD/dl



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D. MARGARET DRURY
CITY CLERK

JOHNE. FLYNN
DEPUTY CITY CLERK

March 22, 1993

Mr. Michael Owen
289 Highland Avenue
Somerville, MA

Dear Mr. Owen:

Please be advised that Councillor Alice K. Wolf, Chair of the Ordinance Committee has scheduled a public hearing for Thursday, March 25, 1993 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts.

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Very truly yours,

D. Margaret Drury
D. Margaret Drury
City Clerk

DMD/dl



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D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

March 22, 1993

Mr. Alexander Rich
2 Walnut Street
Cambridge, MA

Dear Mr. Rich:

Please be advised that Councillor Alice K. Wolf, Chair of the Ordinance Committee has scheduled a public hearing for Thursday, March 25, 1993 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts.

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Very truly yours,

D. Margaret Drury
D. Margaret Drury
City Clerk

DMD/dl



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D. MARGARET DRURY
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

March 22, 1993

Mr. Graham Walker
103 Raymond Street
Cambridge, MA

Dear Mr. Walker:

Please be advised that Councillor Alice K. Wolf, Chair of the Ordinance Committee has scheduled a public hearing for Thursday, March 25, 1993 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts.

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Thank you for your cooperation in this matter.

Very truly yours,

D. Margaret Drury
D. Margaret Drury
City Clerk

DMD/dl



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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D. MARGARET DRURY
CITY CLERK

(617) 349-4260
FAX (617) 349-4307

JOHN E. FLYNN
DEPUTY CITY CLERK

March 22, 1993

Mr. Don Grossman
179 Sidney Street
Cambridge, MA

Dear Mr. Grossman:

Please be advised that Councillor Alice K. Wolf, Chair of the Ordinance Committee has scheduled a public hearing for Thursday, March 25, 1993 in the Sullivan Chamber, City Hall, Cambridge, Massachusetts.

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You are invited to attend at this time and be heard.

Thank you for your cooperation in this matter.

Very truly yours,

D. Margaret Drury
D. Margaret Drury
City Clerk

DMD/dl

**THE COMMONWEALTH OF MASSACHUSETTS
CITY OF CAMBRIDGE**

DATE: June 4, 1992

CAMBRIDGE CITY COUNCIL

**REQUEST FOR DIMINUTION OF PROCESS AND
APPLICATION FOR EASEMENT**

NAME OF APPLICANT: MASSACHUSETTS INSTITUTE OF TECHNOLOGY

ADDRESS: 77 MASSACHUSETTS AVENUE, CAMBRIDGE, MA 02139

PROPOSED PROJECT:

Massachusetts Institute of Technology ("MIT") is now constructing a building that will house its Biology Department ("the Biology Building"), including administrative offices, research and teaching labs, classrooms, and joint facilities, on land owned by MIT on the westerly side of Ames Street. MIT has obtained, or will obtain in the ordinary course, all permits and licenses necessary for the construction of the Biology Building. MIT wishes to construct a tunnel connecting the Biology Building to an existing building on the easterly side of Ames Street on MIT's campus. The proposed tunnel will be approximately 17 feet in width and 64 feet in length and cover approximately 1,091 square feet (the "Easement Area"). Details of the location and size of the proposed tunnel are shown on the plan identified as "Plan Showing Proposed Tunnel Easement, Ames Street, Cambridge, Massachusetts," prepared by Cullinan Engineering Company, dated May 24, 1991 (attached as "Exhibit A"). Details of the tunnel's design are shown on the four architectural plans prepared by Goody, Clancy & Associates, Inc., dated July 26, 1991 (attached as "Exhibits B-1 through B-4"). If the City approves this request, the City would maintain fee ownership and MIT would acquire an easement to use the property beneath the street.

SPECIFIC REQUEST(S):

I. Pursuant to Section 2.110.010 (the "Section"), Paragraph (G) ("Paragraph (G)"), of the Cambridge Municipal Code (the "Code"), and for reasons set forth hereunder, MIT respectfully requests a diminution of the process stipulated in Section 2.110.010, Paragraphs (A)-(F), for the transfer of interest in City-owned land, thereby allowing the City Council to decide whether or not to grant the easement based on the information included in this Application and the attached plans.

II. Further, MIT respectfully requests that, following compliance with the requirements of the Massachusetts Uniform Procurement Act, M.G.L. Ch.30B ("Chapter 30B"), the City Council vote to grant the easement to MIT and vest the City Manager with the authority

to execute and deliver such easement in form and substance as he determines is necessary or advisable.

I. REQUEST FOR DIMINUTION OF PROCESS STIPULATED IN THE CODE

Paragraph (G) of the Section permits a diminution of the procedural requirements set forth therein if the subject property is "of such little significance that the [procedure] would be unduly burdensome." We believe that Paragraph (G) is appropriate for review of MIT's request for this easement to use the land beneath the street, and respectfully request that a limited review process be approved.

By its terms, the Section applies to "the sale, transfer, lease or rental, or exchange of any city-owned property or property rights or interest such as a public easement on private property. . . ." The Section states that its purpose is "to protect the citizens of Cambridge and to achieve land uses that best serve the City's public purpose." When that purpose is best served by a disposition of City property for a private purpose, the City's objective is "to receive the fair market value for such property, to protect real estate values, and to dispose of each property without favoritism." Although the request for the easement is a request for the conveyance of an interest in land, and falls within the domain of the Section, the purpose of the Section and references to property interests therein indicate that the detailed and comprehensive procedure set forth in the Section pertains to property that is of some significance or use to the City or the public.

Limiting the scope of review for the requested easement would be consistent with the express objective of the review process required by the Section: to render "a fair analysis of how the greatest public benefit can be obtained from the City property in question." We believe that the information we have furnished in this petition is sufficient to enable the City Manager and City Council to make this determination regarding the Easement Area.

Further, the detailed review required by the Section includes the submission of information, such as a report on zoning status and recent attempts to rezone, traffic analyses, parking studies, a report on developmental potential of the property, and two independently prepared appraisals of the property's value, that are inappropriate in this situation. In terms of time, money, and manpower, the costs and benefits of the comprehensive procedure to both the City and MIT are important to weigh in considering whether to limit the review process. Since the procedure set forth in the Section would produce substantial costs for both parties with no apparent corresponding benefit, we believe that a comprehensive review should be limited in a situation, such as this, involving a minor easement to use the land beneath the street.

Therefore, we respectfully submit that the present situation is of the exact character contemplated by Paragraph (G) of the Section. We believe that we have set forth in this petition and the attached exhibits all information relevant and pertinent to an analysis of the greatest public benefit that can be obtained from the Easement Area.

II. REQUEST FOR EASEMENT:

To the extent applicable, the following analysis addresses those issues identified in the Section as matters to be considered in determining whether or not to grant the proposed easement. References are to relevant Paragraphs of the Section.

A. Satisfaction of Intent and Purpose of the Section

The conveyance would be in harmony with the intent and purpose of the Section. The Section seeks to promote uses of City-owned property "that best serve the City's public purpose." The proposed easement involves use rights for land beneath the street, and the City would retain ownership interest in fee simple. Currently, the Easement Area is not used by the City for any purpose and does not reasonably seem to be suitable for any purpose other than that requested by MIT. The easement will not alter the use of the surface of Ames Street or affect the use of the public way, other than that from minor disruptions during construction. The receipt of adequate consideration for the easement is the greatest public benefit that can be obtained from the Easement Area. It also furthers the well-accepted public interest in efficient land use.

B. Importance of Tunnel

The City's grant of the requested easement is of great importance to the MIT educational and research community. The new Biology Building will house faculty and students of the Biology Department who are now scattered on MIT's campus, thereby enhancing the Biology Department's capabilities as a world-renowned research and teaching facility for molecular and cellular biology and furthering its continued contributions to these fields with research programs to further our understanding of cancer, AIDS, and genetic diseases. The proposed tunnel would fully integrate the Biology Building with adjacent research facilities on MIT's campus, on which a number of buildings are connected by tunnels, and promote the efficient movement of pedestrian traffic between the Biology Building and other locations. It would also extend MIT's system of indoor pedestrian accessways connecting many of the MIT buildings, enhancing the safety of pedestrians, equipment, and materials' transport, particularly during inclement weather, and making the entire campus more accessible to disabled individuals.

The City's grant of the requested easement would ultimately benefit the City and public as well. Diverting pedestrian traffic to the tunnel would lessen congestion, thereby increasing public safety, and limit use of Ames Street, thereby decreasing street and sidewalk maintenance costs. At the same time, the tunnel will not inhibit the continued use of the area beneath the surface of Ames Street for underground utilities.

C. Alternative Uses for the Easement Area (Paragraph (B)(1))

There are no reasonably foreseeable alternative uses for the Easement Area by the City, the public, or any entity other than MIT. To MIT's knowledge, the Easement Area has never been used for any purpose by the City, the public, or any other entity.

D. The Use of the Easement Area at Time of Recommended Disposition and any Actual or Projected Revenues or Costs Associated with the Easement Area (Paragraph (B)(2))

Presently, the Easement Area is not in use. Pedestrian and vehicular use of Ames Street will only be affected during the actual construction of the proposed tunnel. The Easement Area does not produce any current revenues for the City and, absent the grant of the easement of the area beneath the street to MIT for consideration, does not have any foreseeable revenue-generating potential for the City.

E. Zoning Status and Applicable Laws (Paragraph (B)(3))

We do not believe that an analysis of zoning status or applicable laws is relevant to the determination of whether to grant the proposed easement.

F. Attempts to Modify Existing Regulations or Rezone the Easement Area within the Last Five Years (Paragraph (B)(4))

To MIT's knowledge, no attempts have been made to modify existing regulations or rezone the Easement Area within the last five years.

G. The Development Potential of the Easement Area (Paragraph (B)(5))

To MIT's knowledge, the Easement Area has no potential for development by the City, public, or any entity, other than as proposed by MIT.

H. Development Plans, Traffic and Parking Studies, and Impact of Tunnel on Neighboring Areas (Paragraph (B)(6))

Exhibits A and B-1 through B-4 show the plans for the proposed tunnel. Upon conveyance, the tunnel would become part of MIT's infrastructure. As stated previously, all permits necessary for the construction of the Biology Building have been obtained or are expected to be obtained in the ordinary course. The Biology Building is not expected to increase traffic flow because it will house services and functions that MIT already provides on its campus. Therefore, the only noticeable impact of the tunnel would be to decrease pedestrian traffic along Ames Street and, as a result, promote public safety and lessen the City's maintenance costs. Since the tunnel would have no impact on traffic and parking, we believe that traffic and parking studies are not required. MIT's engineers and contractors would, of course, coordinate the installation of the tunnel with the City engineer and other appropriate officials of the City.

I. Financial Arrangements and Compensation (Paragraph (B)(7))

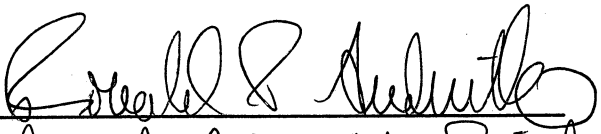
MIT recognizes that MIT will be required to deliver consideration to the City in exchange for the easement. Because the request involves a minor easement beneath the street and because this process is subject to the proposal solicitation procedures set forth in Chapter 30B, we believe that two independently prepared impartial appraisals of the Property are not required and

instead propose that the financial arrangements with the City be resolved as part of the Chapter 30B process.

CONCLUSION:

For the foregoing reasons, MIT respectfully requests that the City Manager recommend an abbreviation of the review process as provided in Paragraph (G) of the Section and that the City Council, by a two-thirds vote, approve the abbreviation. In addition, MIT respectfully requests that, following compliance with Chapter 30B, the City Council, by a two-thirds vote, approve the granting of an easement based on the information included in this Application and the attached plans, and authorize the City Manager to execute and deliver an easement in a form and substance as the City Manager determines is necessary or advisable in order to implement the intent of this Application, the signature of the City Manager to be conclusive evidence that such instrument was approved by the City Council.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

By: 
Assistant to the President

4" detail the tunnel's design. Also attached is an 8 1/2 X 11 diagram of the tunnel which may be of some assistance to the City Council.

We have been informed by counsel that both state and municipal law require that certain processes be followed before the city can grant an easement. We understand that Section 2.110.010 (the "Section"), Paragraphs (A)-(F), of the Cambridge Municipal Code requires that conveyances of interest in City-owned land be subjected to a very detailed and comprehensive procedure. However, Paragraph (G) of the Section provides that if the process described therein would be unduly burdensome in a particular situation, a two-thirds vote of the City Council and a recommendation of the City Manager would permit a more limited review and approval of the conveyance. We request that you initiate the process as mandated by state law, and respectfully recommend to the City Council that the limited review process under Paragraph (G) of the Section be utilized in addressing this request.

We respectfully submit that the more comprehensive procedure set forth in the Section should not be applied in the Council's consideration of this request for a minor subsurface easement under a street within the MIT campus. Because the easement is underground, much of the information required by the Section, such as a report on zoning status and recent attempts to rezone, traffic analyses, parking studies, and a report on developmental potential of the property, does not appear to be applicable. This situation, which involves the disposition of a single use interest in property, would appear to be just the situation for which the limited review process was intended. Given these considerations, we have prepared the attached petition to the City Council requesting that its review of the Application for Easement follow the limited process set forth in Paragraph (G) of the Section.

For the reasons set forth above and on the attached petition, MIT has also respectfully requested that the City Council vote to vest the City Manager with the authority to execute and deliver an easement to MIT for use and construction of the tunnel. The easement area in question, like the subsurface of many City streets, is presently used only for utility easements, and it appears highly unlikely that the subsurface of this portion of Ames Street would ever be used for any other purpose. The proposed tunnel would divert pedestrian traffic from the surface of Ames Street, thereby benefitting MIT -- through increased pedestrian safety, greater access for disabled individuals, and full integration of the Biology building with MIT's campus -- and the City -- through lessened congestion, heightened public safety, and lower street and sidewalk maintenance costs. At the same time, the proposed tunnel would not inhibit the continued use of the subsurface of Ames Street for underground utilities. Thus, we believe that the granting of the easement for consideration is a highly appropriate use of the property that "best serves the City's public purpose."

In the enclosed petition, we have attempted to address all issues raised in the Section that pertain to the use of the easement to the extent such issues are applicable to the request under consideration. We respectfully request that you review the enclosed petition and exhibit, and recommend that the City Council (i) undertake a more limited



OFFICE OF THE PRESIDENT

CAMBRIDGE, MASSACHUSETTS 02139

June 5, 1992

Mr. Robert Healy, City Manager
City of Cambridge
Cambridge, Massachusetts

Re: Request for Diminution of Process Pursuant to Section
2.110.010, Paragraph (G), of the Cambridge Municipal Code
for Grant of Easement from City and Request for Grant of
Easement from City

Dear Mr. Healy:

As you may know, the Massachusetts Institute of Technology is constructing a new Biology building on its campus on the westerly side of Ames Street. The new building will enhance the MIT Biology Department and its capabilities as a world-renowned research and teaching facility for molecular and cellular biology. We believe that the new building - which will help to consolidate operations of the Biology Department now located throughout the campus - will enhance the department and contribute to the world's understanding of cancer, AIDS and genetic diseases. While sustaining MIT's contributions to education and research, we hope that the new Biology building will continue to foster the economic contributions to our region that have resulted from spinoffs in the biotechnology research area.

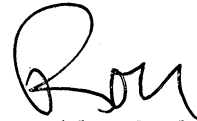
Plans call for the connection of the Biology building to an existing building by means of a tunnel underneath Ames Street. This tunnel will be used as a passage for intra-campus pedestrian traffic and handicap access, as well as a conduit for electric and other utilities.

In order to construct the tunnel, MIT must obtain an easement from the City of Cambridge for the construction and use of a portion of Ames Street beneath the ground encompassing an area of approximately 1,091 square feet. The City would maintain ownership of the land, and the easement would allow MIT to use the land beneath the surface. The location and size of the proposed tunnel are diagrammed on the plan attached to the enclosed petition and marked "Exhibit A." As the plan indicates, the proposed tunnel would be approximately 17 feet wide and 64 feet long. The architectural plans attached to our enclosed petition and marked "Exhibit B-1 through B-

review process (consistent with Paragraph (G) of the Section) to determine whether or not to grant the easement, and (ii) authorize you to grant the easement to MIT.

In light of these requirements, we ask that you place these matters before the City Council for its approval. Please do not hesitate to call me if you have any questions.

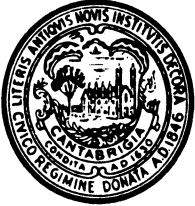
Very truly yours,

A handwritten signature in black ink, appearing to read "Ron", written in a cursive style.

Ronald P. Suduiko

Enclosures

cc: Donald Drisdell, Esq.
Ms. Sarah J. Eusden
Mr. Frank A. Lawton
James M. Whalen, Esq.



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

June 5, 1992

To the Honorable, the City Council:

I am transmitting copies of a letter and petition received by me from representatives of the Massachusetts Institute of Technology (MIT). The materials represent a proposal by MIT to construct a tunnel under Ames Street to connect their new Biology Building on the westerly side of Ames Street to an existing building owned by MIT on the easterly side of Ames Street.

I have advised MIT that their proposal to obtain the grant of an easement from the City to build the tunnel under a public way will require several actions by the City Council. First, M.G.L. c. 30B requires that the City declare the property available for disposition. Since the requested subsurface easement would be beneath a public way, the City Council, being responsible for the laying out, acceptance, and discontinuance of public ways, must first vote to declare the property available for disposition. If the Council so votes, the City must place an advertisement in a newspaper inviting the submission of proposals. The advertisement must be published at least once a week for two consecutive weeks, the last publication to occur at least eight days prior to the day for opening proposals.

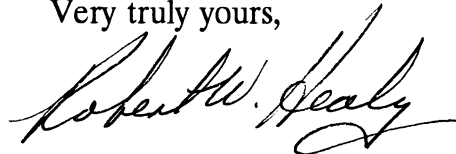
Second, the proposal must be considered by the City Council pursuant to the terms of Chapter 2.110 which governs the disposition of city property. As you will note, MIT believes that their proposal may properly be the subject of Section 2.110.010 (G) of that ordinance. Section G provides for the disposition of city property that is of such little significance that the full process of the ordinance would be unduly burdensome. Section G provides that the City Manager may request of the City Council a diminution of the process under the ordinance. Approval of such a request requires a two-thirds vote of the City Council.

I have reviewed the attached petition from MIT which addresses each of the specifically enumerated issues to be addressed in the full process under the ordinance. In addition, I have met with appropriate city officials to identify areas of concern to address in assessing MIT's petition. I have been advised that traffic and safety concerns are properly addressed in the proposal. I have also been advised that provisions in an easement document can be drafted to protect the City so that any future use of the property, including necessary repairs and maintenance of the roadway, can be accomplished without adverse consequences stemming from the existence of the tunnel. Provisions can be included, for

example, guaranteeing that MIT would be responsible in the event that any future maintenance of the roadway might be more expensive as a result of the existence of the tunnel.

Based upon my review of the petition I think it is reasonable to accept MIT's request that I forward their petition to you with a request that the Council vote to process the petition pursuant to Section G. If the Council chooses by a two-thirds vote to accept that request, and the Council votes to declare the property available for disposition, the petition may lay on the table until the completion of the advertisement required by c. 30B. Once the 30B process is complete the petition would be ready for final action by the Council. Final approval of the disposition of the property will require a third vote. The final vote will also require a two-thirds majority to pass.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Healy". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Robert W. Healy
City Manager

5629

Communication from Robert W. Healy, City Manager, relative to a petition received from MIT to construct a tunnel under Ames Street to connect their new Biology Building on the westerly side of Ames Street to an existing building owned by MIT on the easterly side of Ames Street.

8A- Charter Right
exercised by
Councillor Duchay
(Declaration of Availability)

8B- Diminution of Process
of disposition 2.110.0129-
Referred to the Ordinance Comm.

8C- Execution of easement -
referred to the Ordinance Comm.

4/26/93 - Approval of easement
order adopted 9-0-0
In City Council,

June 8, 1992

6/15/92 Order adopted
6-3-0

4/12/93 - Report of Ordinance
Committee - to take from table
in committee - Accepted.
Vote of Diminution of Process -
carried 7-1-1.
Easement referred to City Mgr.