



City of Cambridge

Charter Right #42

IN CITY COUNCIL

September 9, 1996

ORDER FOR THE GRANTING OF AN AIR-RIGHTS EASEMENT AND DIMINUTION OF PROCESS

- WHEREAS: Charles River Building Limited Partnership is the owner of the land and improvements thereon known as 620 Memorial Drive, Cambridge, Massachusetts and wishes to purchase an easement over land adjacent thereto; and
- WHEREAS: The proposed easement involves air-rights over approximately 10.5 square feet (starting approximately 14 feet above grade and running to approximately 44 feet above grade with construction on up to three floors) of land located over Vassar Street; and
- WHEREAS: The Community Development Department has determined that the oriel (bay windows) is an essential design feature to the integration of the rehabilitated building within its neighborhood; and
- WHEREAS: The proposed location of the air-rights easement is located within an area abutting the building line as shown on the plan entitled "Plot Plan 620 Memorial Drive Cambridge, MA", Drawing No. 1042.03.09, sheet 2 of 2 prepared by Beals and Thomas, Inc. and submitted herewith within which the City of Cambridge owns fee simple title; and
- WHEREAS: It will serve the public interest and convenience if the easement is granted so that an integrated, highly visible building addition can be designed and constructed; and
- WHEREAS: The disposition of the city property constituting the easement is of such little significance that the process described in Section 2.110.010(A)-(E) of the Cambridge Municipal Code would be unduly burdensome;

NOW THEREFORE BE IT:

ORDERED: That, pursuant to Section 2.110.010(G) of the Cambridge Municipal Code, the City Council hereby approves the diminished process in connection with the granting of said easement.

ORDERED: That the City Council hereby approves and authorizes the City Manager to grant an air-rights easement to Charles River Building Limited Partnership over land currently owned by the City of Cambridge consisting of approximately 10.5 square feet (starting approximately 14 feet above grade and running to approximately 44 feet above grade with construction on up to three floors) of land located over Vassar Street and to execute and deliver such easement in such form and substance as the City Manager determines is necessary or advisable.

In City Council September 9, 1996

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
City Clerk

City of Cambridge

GRANT OF EASEMENT

City of Cambridge, a municipal corporation of 795 Massachusetts Avenue, Cambridge, Massachusetts, for consideration paid, the receipt and sufficiency of which is acknowledged, grants to Charles River Building Limited Partnership of 875 North Michigan Avenue, Chicago, Illinois ("CRBLP"), an easement for the benefit of the premises owned by CRBLP in said Cambridge, Middlesex County, Massachusetts, now known as 620 Memorial Drive (the "Premises"). The Premises are owned by CRBLP by virtue of a deed from Baxter Healthcare Corporation dated February 15, 1994 recorded with the Middlesex South District Registry of Deeds in Book 24278, Page 76 (the "Easement"). The Easement herein granted is defined and described as follows:

1. The Easement consists of the perpetual right to locate, construct, reconstruct, alter, repair, renew, replace and maintain two bay windows or oriels (the "Oriels") which extend from the building on the Premises over the CRBLP property line into Vassar Street, a public way in the City of Cambridge (the "Easement Area").
2. The Easement Area is the air space over Vassar Street occupied by the portions of the Oriels and their supporting columns located in the two southerly areas marked "Bay" shown on Sheet 2 of the Plot Plan attached hereto as Exhibit A.
3. The Easement Area contains approximately 10.5 square feet. Within the Easement Area, the Oriels and their supporting columns are between approximately 14 feet and approximately 44 feet above the grade level of Vassar Street.

For reference to title, see Order of Taking of Vassar Street by the City of Cambridge dated December 16, 1924 recorded with said Deeds in Book 4796, Page 546, Grant from Jacob Shapiro, et als., to the City of Cambridge dated December 1, 1924 recorded with said Deeds Book 4796, Page 545, and Order of Taking for the widening of Vassar Street by the City of Cambridge dated December 6, 1927 recorded with said Deeds Book 5183, Page 401.

IN WITNESS WHEREOF, the City of Cambridge has caused this Easement to be duly executed, under seal, as of this day of , 1996.

CITY OF CAMBRIDGE

(City of Cambridge Seal)

By: _____
Name:
Title: City Manager

Approved as to form:

By: _____
Name:
Title: City Solicitor

620 Memorial Drive, Cambridge, Massachusetts

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

July 1996

Then personally appeared the above-named _____, City Manager of the City of Cambridge, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the City of Cambridge, before me,

Notary Public
My commission expires:

GRANT OF EASEMENT

City of Cambridge, a municipal corporation of 795 Massachusetts Avenue, Cambridge, Massachusetts, for consideration paid, the receipt and sufficiency of which is acknowledged, grants to Charles River Building Limited Partnership of 875 North Michigan Avenue, Chicago, Illinois ("CRBLP"), an easement for the benefit of the premises owned by CRBLP in said Cambridge, Middlesex County, Massachusetts, now known as 620 Memorial Drive (the "Premises"). The Premises are owned by CRBLP by virtue of a deed from Baxter Healthcare Corporation dated February 15, 1994 recorded with the Middlesex South District Registry of Deeds in Book 24278, Page 76 (the "Easement"). The Easement herein granted is defined and described as follows:

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IN WITNESS WHEREOF, the City of Cambridge has caused this Easement to be duly executed, under seal, as of this 9th day of January, 1997.

CITY OF CAMBRIDGE

By: Robert W. Dealy
Name:
Title: City Manager

(City of Cambridge Seal)

Approved as to form:

By: Russell B. Hill
Name:
Title: City Solicitor

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

January 9, 1997

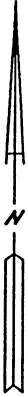
Then personally appeared the above-named *Robert W. Healy*, City Manager of the City of Cambridge, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the City of Cambridge, before me,

Gail Jones

Notary Public

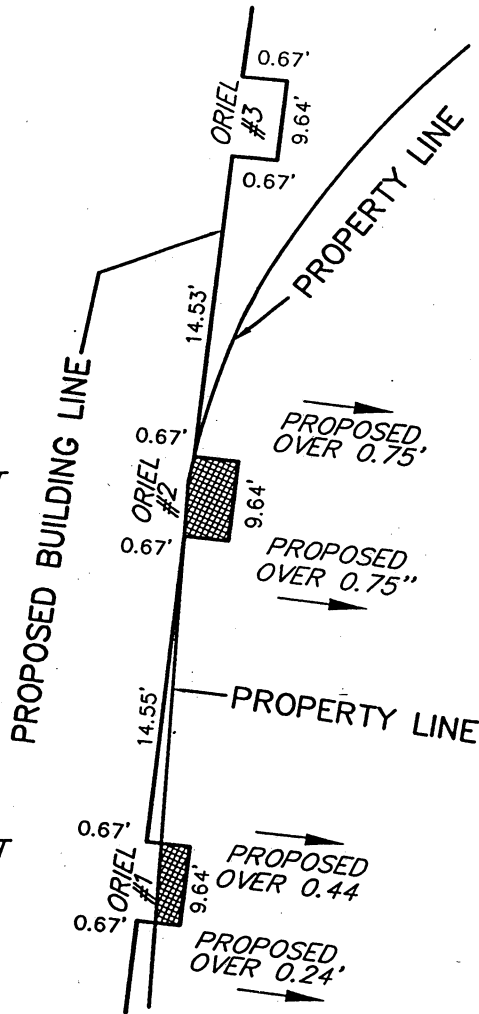
My commission expires:

My Commission Expires June 21, 2002



Oriel # 2
AREA OF ENCROACHMENT
7.2 ±S.F.

Oriel # 1
AREA OF ENCROACHMENT
3.3 ±S.F.



VASSAR STREET

NOTE :
AREA OF ENCROACHMENT
PROPOSED
10.5±S.F.



7/12/96
Antonio D. Casaco

PLOT PLAN
620 MEMORIAL DRIVE
CAMBRIDGE, MA
NOT TO SCALE DATE: 07/12/96
PREPARED BY: BEALS AND THOMAS, INC.
W-1042.03 DWG. NO. 1042.03.09

City of Cambridge

MASSACHUSETTS

In City Council 9/9/96, 199

CR # 42B- au

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

City of Cambridge

MASSACHUSETTS

In City Council 9/9/96, 199

CR# 42A - Deminution of process

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



City of Cambridge

Charter Right #42

IN CITY COUNCIL

September 9, 1996

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CITY OF CAMBRIDGE

(City of Cambridge Seal)

By: _____
Name:
Title: City Manager

Approved as to form:

By: _____
Name:
Title: City Solicitor

620 Memorial Drive, Cambridge, Massachusetts

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

July 1996

Then personally appeared the above-named _____, City Manager of the City of Cambridge, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the City of Cambridge, before me,

Notary Public
My commission expires:

to enter into a First Source Hiring Agreement with the City.

Description of the Easement for CRBLP

CRBLP is in the process of renovating the 56,900 SF existing building at 620 Memorial Drive and constructing a 34,500 SF addition for the 91,500 SF headquarters and research & development facility for Hybridon, Inc. The air-rights easement will permit CRBLP to construct two oriels (bay window types structures) in the air-rights area over City-owned land on Vassar Street for the first three floors of the building. Oriel #1, closest to Memorial Drive, constitutes encroachment of 3.3 SF of feet over three floors, or approximately 10 SF in total; Oriel #2, the middle projection, constitutes an encroachment of 7.2 SF over three floors, or approximately 22 SF. The columns supporting the oriel windows begin to project from the face of the building at about 14 feet above grade, and extend up to approximately 44 feet.

These windows do not add usable floor space to the building; they are, rather, a design element identified in the City's design review process as an important component of the design. Due to an oversight on the part of the developers, this was not addressed properly earlier.

Zoning Status & Attempts to Rezone the Property

The property at 620 Memorial Drive was rezoned (February 2, 1992) as part of the overall rezoning of lower Cambridgeport. The property falls within Special District #5.

Development Potential of the Property

The development allowed on this property was increased by a variance granted by the Board of Zoning Appeal (BZA) on March 22, 1994 and amended on July 10, 1996. The variance allowed the building to add two floors to the existing non-conforming building (resulting in gross floor area exceeding that allowed in the district). The present renovation and new construction will build up to the allowable 2.05 FAR. The proposed use as a research and development facility is permitted as of right.

Development Plans

The 56,900 SF property was purchased by the present owner in 1994. It had been vacant for several years and was formerly used by Baxter Healthcare for pharmaceutical purposes. The existing structure is being demolished to its structural beams and completely renovated, adding an additional 36,500 SF for a total of 91,500 SF. The BZA reviewed the project and found that it was appropriate for the current development plan and granted a variance to allow the development. Parking is provided on site with additional spaces leased from MIT on land adjacent to the property. The on-site parking of 53 spaces meets the minimum allowed parking required under zoning (one space per 2000 SF of gross

floor area, or 46 spaces). Although the tenant, Hybridon, is not yet located in Cambridge, it is a member of the Charles River Transportation Management Association (TMA), which provides its members with numerous transportation services including a car and van pooling service, a bus-use incentive program, and a limited cab-voucher program.

Financial Arrangements

In 1994, two appraisals were completed for the City for the purpose of estimating a fair market value for air rights sold in that year to the Whitehead Institute. The City Assessor reviewed these appraisals, along with commercially zoned land sales which have taken place more recently in East Cambridge and Cambridgeport, and assigned a value to CRBLP's air rights easement: \$35 per square foot of area on each floor.

CRBLP has agreed to pay a one-time fee of \$1,155 for this buildable area (\$35 X 33 SF of total buildable area).

Request for Diminution of Process Stipulated in Chapter 2.110

Chapter 2.110 of the Cambridge Municipal Code on the disposition of city property outlines an extensive process to be applied to the "sale, transfer, lease or rental, or exchange of any city-owned property or property rights or interests." Paragraph G of section 2.110.010 allows for the diminution of the procedural requirements, by 2/3 vote of the City Council, for property for which the described process would be unduly burdensome." I believe that Paragraph G is appropriate for review of the CRBLP's request for this easement, and request that a limited review process be approved.

The stated purpose of this Chapter of the Municipal Code 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-owned property for a private purpose, the City's primary objective is "to receive the fair market value for such property, to protect real estate values, and to dispose of each property without favoritism." The request for an easement is a request for the conveyance of an interest in land and consequently falls within the purview of this Chapter; however, the purposes of this Chapter and references to the property interests therein indicate that the detailed and comprehensive process set forth in the Section pertains to property that is of significant value or use to the City or the public, and not necessarily for an air-rights easement such as this.

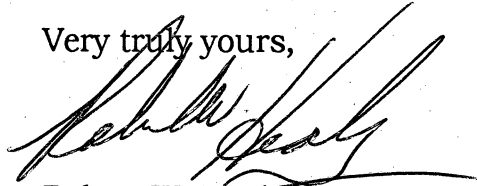
Limiting the scope of review for the requested disposition would be consistent with the expressed objective of the procedure required by the Chapter: to render "a fair analysis of how the greatest public benefit can be obtained from the City property in question." I believe that the detailed information furnished in this letter, coupled

Page 4

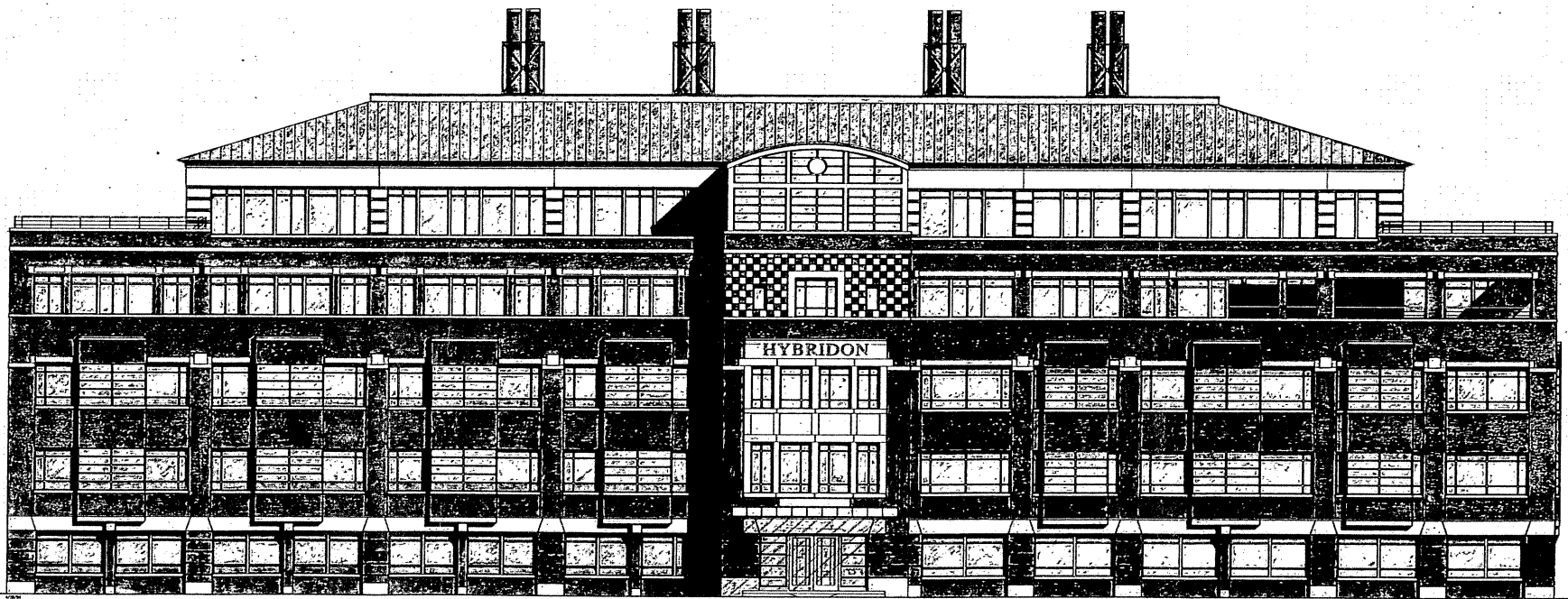
with the detailed review undertaken by both the BZA and the Planning Board, is sufficient to enable the City Council to make a determination on this matter. Carrying out a more detailed review would require a significant amount of money and staff time. Since the procedure set forth in the Chapter would be costly and the fair market value of the property is minimal, I believe this to be the type of disposition anticipated by subsection (G) which allows for a simpler process.

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

Very truly yours,

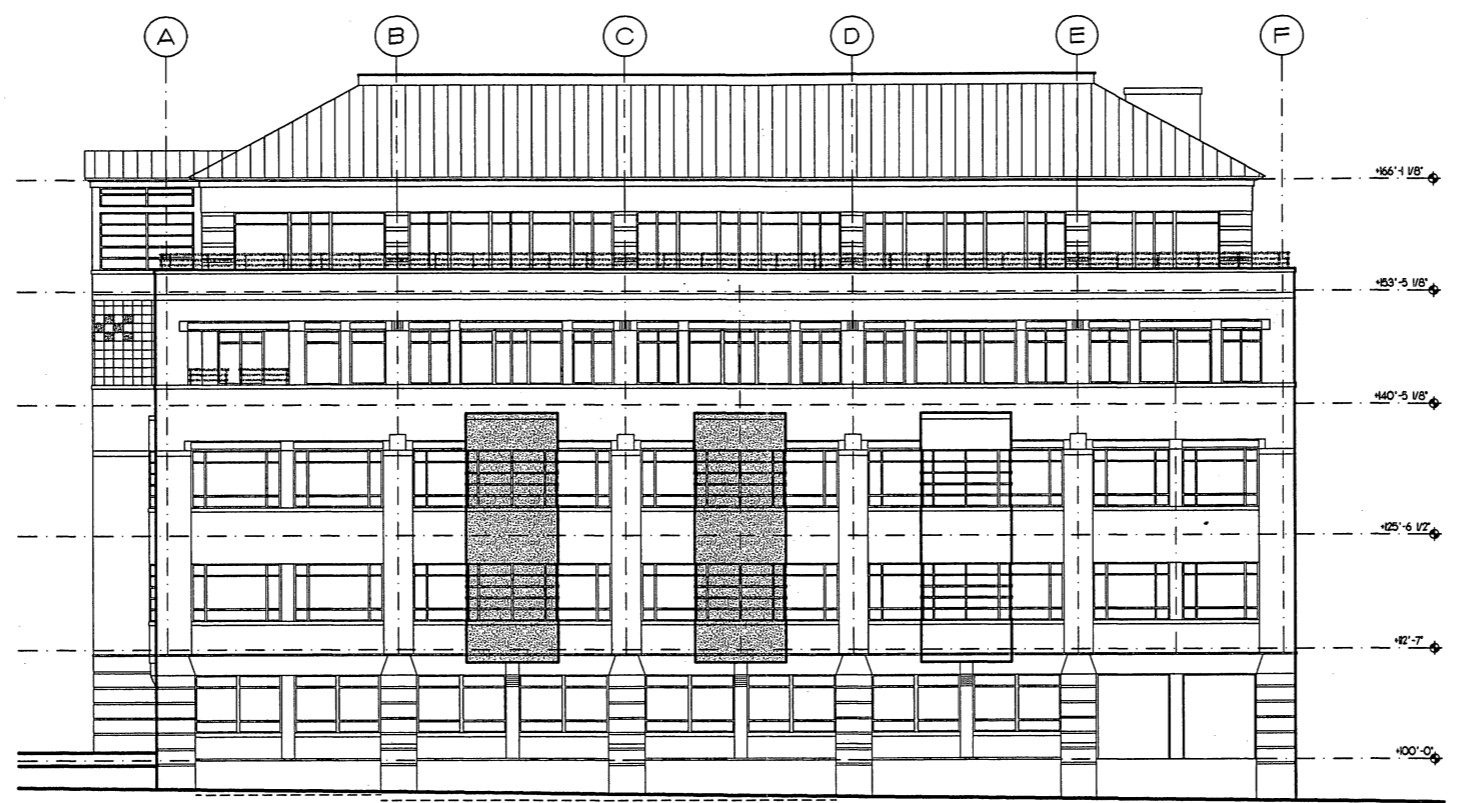
A handwritten signature in black ink, appearing to read 'Robert W. Healy', written over a horizontal line.

Robert W. Healy
City Manager



HYBRIDON
CARLONE & ASSOCIATES
Design Architect for Exterior
DEAN TUCKER SHAW
Architect of Record

This document, as an instrument of service, is the sole property of DEAN TUCKER SHAW, INC. Its use by the Owner for other projects or for completion of this project by others is strictly forbidden. Distribution in connection with this project shall not be construed as publication in derogation of the Architect's rights.
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EAST ELEVATION

1/8" = 1'-0"

SHADED AREAS SHOW ENCROACHMENT

4	1/16/96	Plan, Elevation and Overall Coordination
3	12/15/95	Revisions on per C.O.#67, and other revisions
2	8/28/95	Final Construction Documents
1	1/22/95	Issued For Construction

Consultant

119
 DEAN
 TUCKER
 SHAW
 INCORPORATED
 22111
 Telephone
 (617) 338-4029
 (617) 338-4885

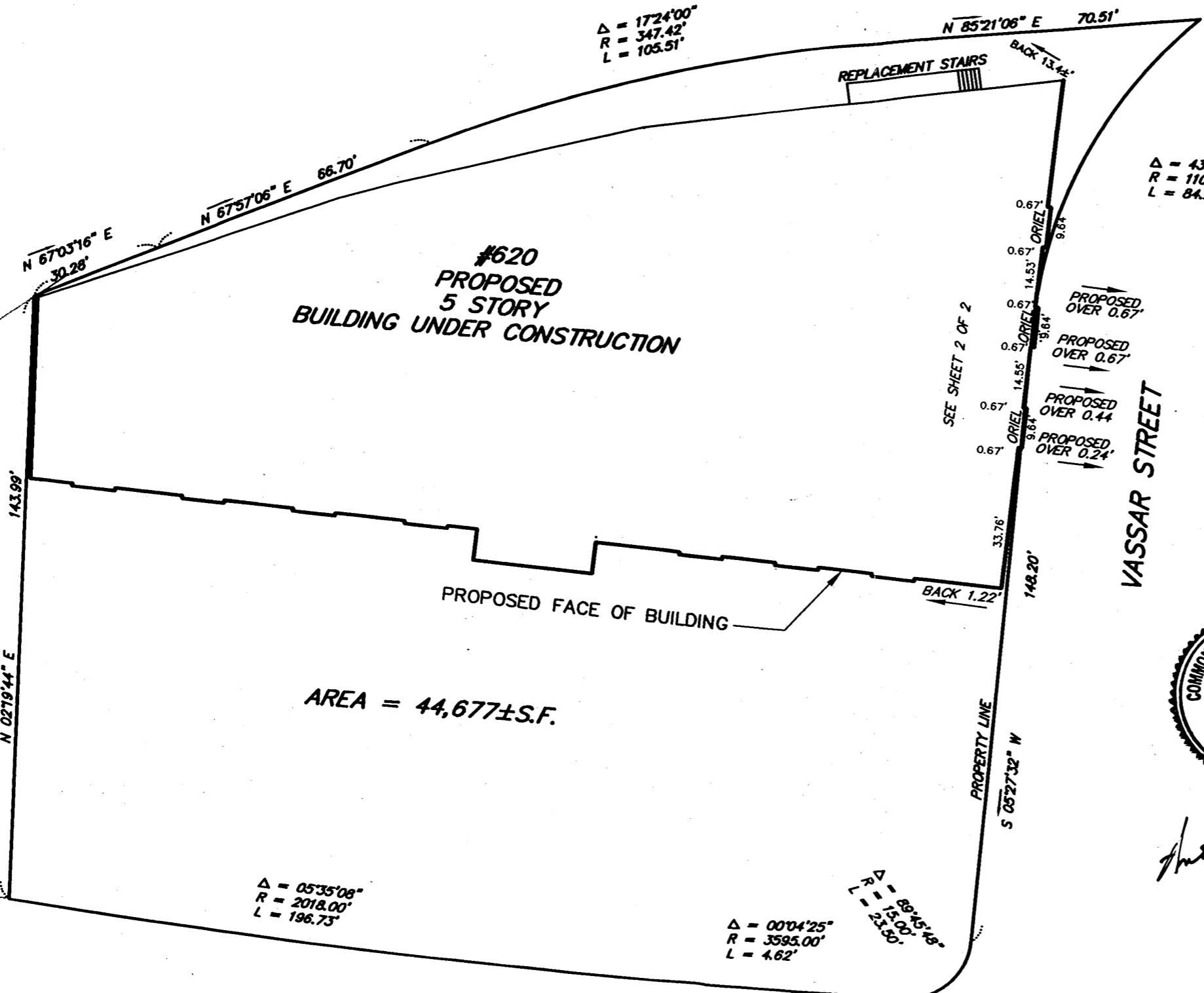
Project Name
Hybridon
 820 MEMORIAL DR.
 CAMBRIDGE, MA

Drawing Title
**EXTERIOR
 ELEVATIONS No.2**

PROJECT NO. HYBRIDON2
 DATE 6/30/95
 SCALE 1/8" = 1'-0"
 DRAWN BY DC,KEW,SS

Drawing No.
A2.2

T:\BELVEVE 7-29-96 4:05:46 PM EST



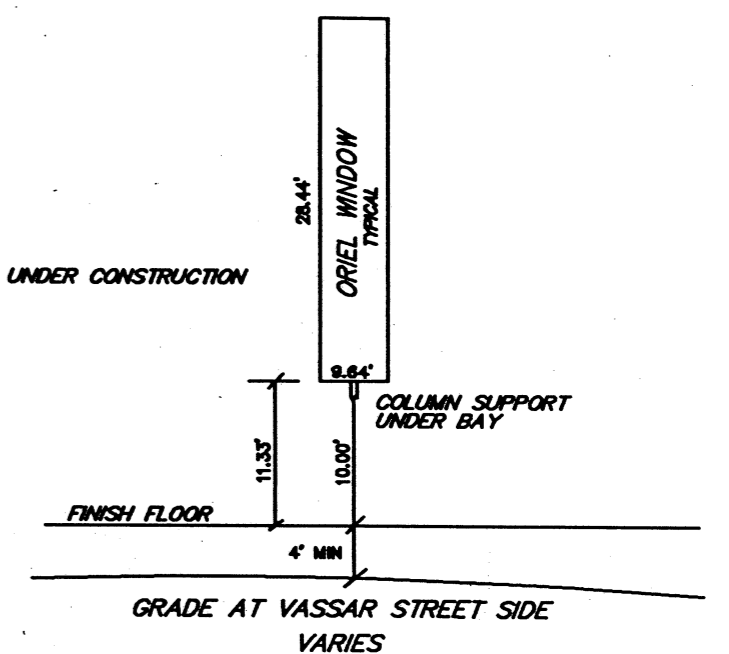
#620
PROPOSED
5 STORY
BUILDING UNDER CONSTRUCTION

AREA = 44,677±S.F.

MEMORIAL DRIVE

VASSAR STREET

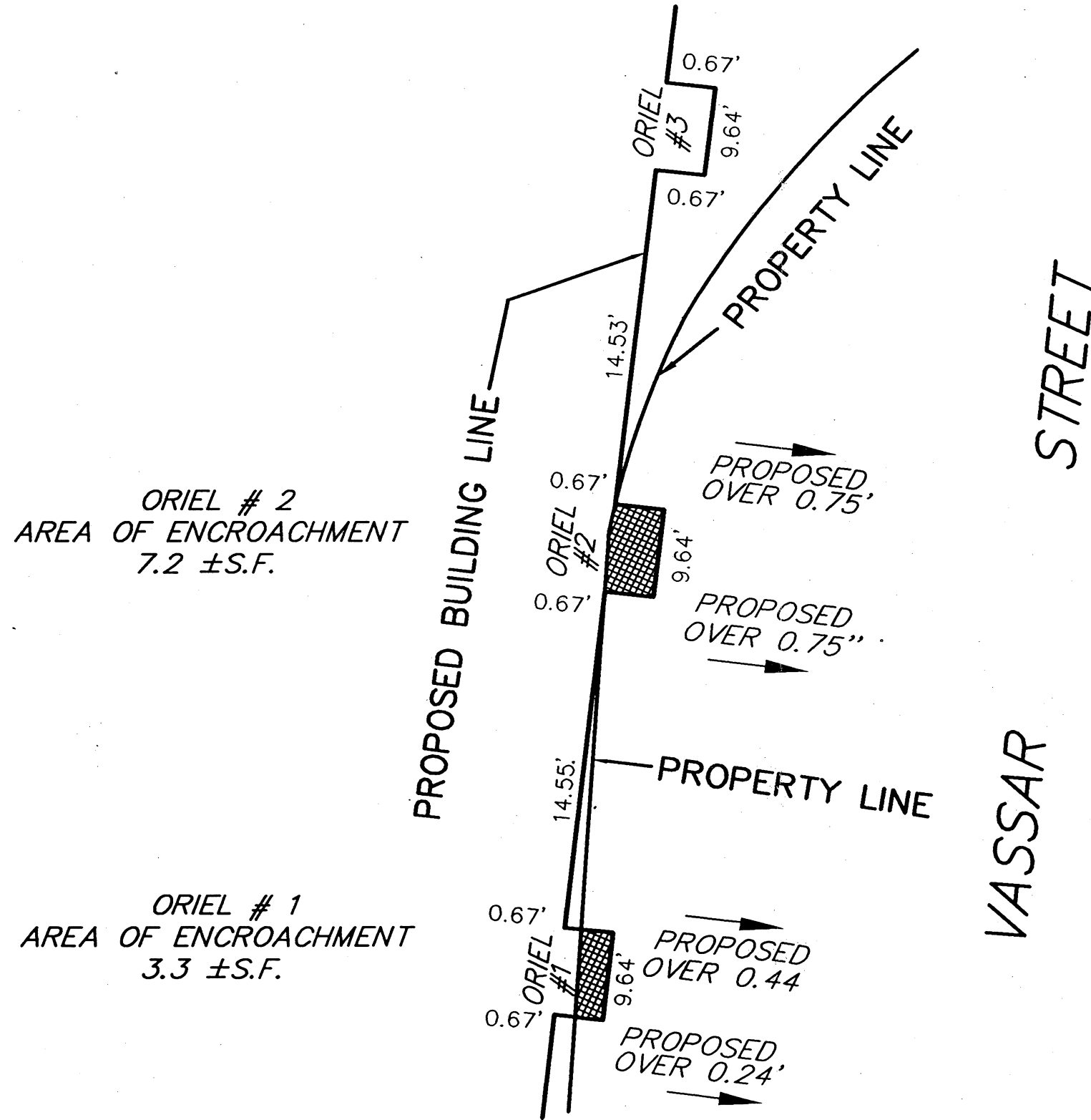
NOTE:
BAY WINDOWS ARE 28.44' LONG,
MINIMUM GRADE CLEARANCE TO
BOTTOM OF BAY IS 15.3±.'



7/12/96
Antonio D. Cavaco

PLOT PLAN
620 MEMORIAL DRIVE
CAMBRIDGE, MA

SCALE: 1"=30' DATE: 07/12/96
PREPARED BY: BEALS AND THOMAS, INC.
W-1042.03 DWG. NO. 1042.03.09



ORIEL # 2
AREA OF ENCROACHMENT
7.2 ±S.F.

ORIEL # 1
AREA OF ENCROACHMENT
3.3 ±S.F.

NOTE :
AREA OF ENCROACHMENT
PROPOSED
10.5±S.F.



7/12/96
Antonio D. Cavaco

PLOT PLAN
620 MEMORIAL DRIVE
CAMBRIDGE, MA

NOT TO SCALE DATE: 07/12/96
PREPARED BY: BEALS AND THOMAS, INC.
W-1042.03 DWG. NO. 1042.03.09



42.

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

July 29, 1996

To the Honorable, the City Council:

Charles River Building Limited Partnership ("CRBLP") is requesting the grant of an easement from the City to allow for the best possible design for the renovation and expansion of the building located at 620 Memorial Drive; the existing 56,900 square foot (SF) building is being renovated and a 34,500 SF addition will be built for the headquarters and research & development facility for Hybridon, Inc. The easement requires air rights over 10.5 SF of City-owned land (with construction on up to 3 floors totaling up to 33 square feet). This proposal requires action by the City Council.

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 CRBLP. I also recommend that the City Council vote to grant the easement to CRBLP and to execute and deliver such easement in form and substance as I determine is necessary or advisable.

The property will be occupied by Hybridon, a biotechnology company moving into Cambridge from Worcester. The building is anticipated to be available for occupancy by the end of December, 1996. The City has made a \$1.5 million participation loan commitment for the permanent financing for this project and will hold a shared first mortgage position on the property upon construction completion and the refinancing of the construction debt. Hybridon has committed

Consent Agenda #42

5-443

Relative to a request from the Charles River Building Limited Partnership that the City grant an easement to allow for the best possible designs for the renovation and expansion of the building located at 620 Memorial Drive.

In City Council July 29, 1996

*Charter right was
exercised by
Councilor Goomey*

9-9-96

ORDER ADOPTED

9-0-0

ORDER ADOPTED *9-0-0*