

07/26/84 03:37 TR 524 RE 1000



110  
**City of Cambridge**



Agenda Item No. 4(A)

**IN CITY COUNCIL**

June 25, 1984

**WHEREAS:**

By Section 30 of Chapter 43, Section 14 of Chapter 40 and Chapter 79 of the General Laws, all as amended, it is provided that the City Council may take in fee in the name of the City for any municipal purpose any land within the limits of the City not already appropriated for public use; and

**WHEREAS:**

On April 9, 1984 the City Council voted to take a certain parcel of land known as Front Park, as more particularly described in Schedule A attached hereto, for recreation and open space purposes; and

**WHEREAS:**

The previous owner of Front Park, REIT of America, Inc. (REIT), owns and in conjunction with CC&F Cambridge Parkway Trust is developing the adjacent parcel to the northeast of Front Park (the REIT parcel); and

**WHEREAS:**

A 30 foot strip of land in Front Park along the border between Front Park and the REIT parcel must remain open to serve as the setback required by Article 2, Table 214 of the State Building Code for the building being constructed on the REIT parcel;

NOW, THEREFORE, by virtue and in pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority so enabling it, the City of Cambridge by its City Council hereby covenants that no building or structure or any part thereof will be placed on the 30 foot strip of land in Front Park which bounds the REIT parcel.

NOW, THEREFORE, BE IT ORDERED, that Paul E. Healy, City Clerk, is authorized to execute a restrictive covenant as described herein in the form attached hereto for the purpose of providing the required setback for the development on the REIT parcel.

*Inst. 253 of 7/25/84*

MARGINAL REFERENCE REQUESTED  
BOOK 15699 PAGE 150

SCHEDULE A

A certain parcel of land, with the buildings thereon, situated in Cambridge, Middlesex County, Massachusetts, at 55 Cambridge Parkway bounded and described as follows:

Southeasterly, 35° 11' 29", along Cambridge Parkway a distance of 166.5 feet;

Southwesterly, 54° 48' 31", a distance of 175 feet;

Northwesterly, 35° 11' 29" along Commercial Avenue, a distance of 166.5 feet; and

Northeasterly, 54° 48' 31", a distance of 175 feet;

Containing 29,137.5 square feet more or less.

In City Council June 25, 1984.  
Adopted by a yea and nay vote:-  
Yeas 7; Nays 0; Absent 2.  
Attest:- Paul E. Healy, City Clerk,

A true copy;

ATTEST:-

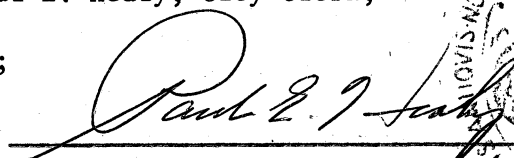
  
Paul E. Healy, City Clerk.

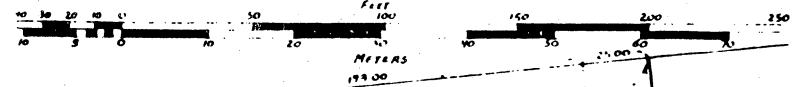


EXHIBIT A

ROGERS STREET L & 85

BINNEY STREET

COMMERCIAL AVENUE  
PLAN BOOK 222 PLAN 32



5 118

CAMBRIDGE CITY  
See PLAN in B 7065 P. 161  
175.00'

Front Park

Lot B

166.50'

166.50'

30'

333.00'

175.00'

PLAN BOOK 7578 P. 113

REITA Parcel

Lot A

AREA = 67,287 S.F.

Lot 2 PLAN BOOK 7578 P. 113

384.50'

384.50'

175.00'

Lot 3  
PLAN 8 7578  
P. 113

CITY OF CAMBRIDGE  
See PLAN in B 14154 P. 51

CAMBRIDGE  
COMM. OF MASS. M.D.C.

PARKWAY  
PLAN DATED AUG. 1, 1925

THE PLAN CONFORMS WITH THE RULES  
AND REGULATIONS OF THE REGISTERERS  
OF DEEDS  
William Knapp

PLAN OF  
LAND OF TRUSTEES OF  
REAL ESTATE INVESTMENT TRUST OF AMERICA  
CAMBRIDGE, MA.  
SCALE: 1" = 30'  
13 OCT. 1982  
COMPILED FROM PLANS & DEEDS OF RECORD  
(NO EASEMENTS ARE SHOWN)



13 OCT 1982 William Knapp

RAYMOND C. PRESSEY, INC.  
REGISTERED LAND SURVEYORS & ENGINEERS  
111 HANCOCK ST., LYNN, MA

Exhibit A Continued

Not drawn to scale.



Setback Area

BK 15 702 P6355

RECEIVED BY -  
OFFICE OF CITY CLERK

APR 5 11 14 AM '85

CAMBRIDGE, MASS.

S-1984# 427-A

RECEIVED & ENTERED  
MIDDLESEX COUNTY  
REGISTRY OF DEEDS  
SOUTHERN DISTRICT

ATTEST:

*John F. Janyanelli*  
REGISTER

1510



DECLARATION OF RESTRICTIVE COVENANT

KNOW ALL PERSONS BY THESE PRESENTS:

That the City of Cambridge, a Municipal Corporation in Middlesex County, Massachusetts, being the owner of certain real estate situated in the City of Cambridge, Middlesex County, Massachusetts being known and designated as 55 Cambridge Parkway or "Front Park", bounded and described as follows:

Southeasterly, 35° 11' 29", along Cambridge Parkway a distance of 166.5 feet;

Southwesterly, 54° 48' 31", a distance of 175 feet;

Northwesterly, 35° 11' 29" along Commercial Avenue, a distance of 166.5 feet; and

Northeasterly, 54° 48' 31", a distance of 175 feet;

Containing 29,137.5 square feet more or less;

hereby imposes the following restrictions on said premises for the benefit of adjacent land owned by REIT of America, Inc. (REIT), a Delaware Corporation, and being developed by CC&F Cambridge Parkway Trust, a Massachusetts trust under Declaration of Trust dated May 26, 1982, recorded with the Middlesex South Registry of Deeds in Book 8735, Page 367, as amended, such land being shown on Exhibit A attached hereto (the REIT parcel):

1. No building or structure, or any part thereof, shall be erected or placed within the following setback area: the strip of land 30 feet wide running along the property line between Front Park and the REIT parcel, all as shown on Exhibit A attached hereto and made a part hereof.

253 of 7/25/84

MARGINAL REFERENCE REQUESTED

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BOOK 15699 PAGE 150

07/26/84 03:37 TR 587 RE 1000

IN WITNESS WHEREOF, the said City of Cambridge, Massachusetts has caused its Municipal seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Paul E. Healy, its City Clerk, this        day of June, 1984.

Signed and sealed  
in the presence of:

Nora E. Hallis

CITY OF CAMBRIDGE

By: Paul E. Healy  
Paul E. Healy,  
its City Clerk



COMMONWEALTH OF MASSACHUSETTS

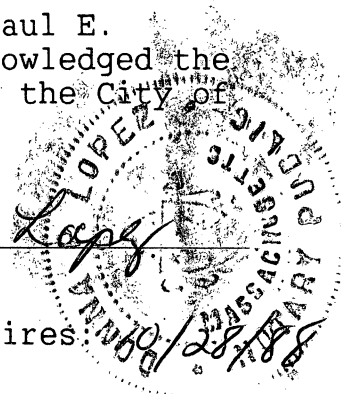
Middlesex County ss:

June 30, 1984

Then personally appeared the above named Paul E. Healy, City Clerk of the City of Cambridge and acknowledged the foregoing instrument to be the free act and deed of the City of Cambridge, before me

Donna P. Lopez  
Notary Public

My commission expires:



## SCHEDULE A

A certain parcel of land, with the buildings thereon, situated in Cambridge, Middlesex County, Massachusetts, at 55 Cambridge Parkway bounded and described as follows:

Southeasterly,  $35^{\circ} 11' 29''$ , along Cambridge Parkway a distance of 166.5 feet;

Southwesterly,  $54^{\circ} 48' 31''$ , a distance of 175 feet;

Northwesterly,  $35^{\circ} 11' 29''$  along Commercial Avenue, a distance of 166.5 feet; and

Northeasterly,  $54^{\circ} 48' 31''$ , a distance of 175 feet;

Containing 29,137.5 square feet more or less.

RECEIVED BY  
OFFICE OF CITY CLERK

APR 5 11 14 AM '85

CAMBRIDGE, MASS.

RECEIVED & ENTERED  
MIDDLESEX COUNTY  
REGISTRY OF DEEDS  
SOUTHERN DISTRICT  
ATTEST:

*John F. Jansville*  
REGISTER



Betty F.  
9034

**CITY OF CAMBRIDGE**  
**INTEROFFICE CORRESPONDENCE**

**To** Robert W. Healy  
City Manager  
*PEH*

**From** Paul E. Healy  
City Clerk

**Subject** 55 Cambridge Parkway

**Date** May 4, 1984

**Reference**

Enclosed you will find a copy of Agenda Item Number Five of April 9, 1984 relative to the taking of the parcel of land at 55 Cambridge Parkway for the purpose of developing public open space.

This will serve as a notice to inform you that this order was recorded by me at the Registry of Deeds on May 1, 1984.

Your kind attention in this matter will be greatly appreciated.

PEH/dl

c.c. Kathy Spiegelman ✓  
Russell B. Higley

CAMBRIDGE COMMUNITY  
DEVELOPMENT DEPT.

MAY 6 10 51 AM '84

RECEIVED



# City of Cambridge

Agenda Item Number Five

## IN CITY COUNCIL

April 9, 1984

### WHEREAS:

By Section 30 of Chapter 43, Section 14 of Chapter 40 and Chapter 79 of the General Laws, all as amended, it is provided that the City Council may take in fee in the name of the City for any municipal purpose any land within the limits of the City not already appropriated for public use; and

### WHEREAS:

The Community Development Department has requested and the City Manager and City Council have approved and authorized that the City should under the provisions of the aforesaid Chapters of the General Laws take and hold for recreation open space purposes the parcel of land hereinafter bounded and described; and

### WHEREAS:

A grant of \$768,000 from the Executive Office of Communities and Development, Urban Self Help, has been provided for acquisition of the site, which together with the \$197,000 City bond authorized by City Council on March 14, 1983, is sufficient to cover the estimated expense of acquisition as required by the aforesaid Sections of Chapter 40 and 43;

NOW, THEREFORE, by virtue and in pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority it thereto enabling, the City of Cambridge by its City Council does hereby take the land hereinafter described for recreation open space purposes and all easements, privileges and appurtenances thereto belonging as well as all trees and all structures thereon. Intending to take and hereby taking in fee simple all the land included within such description by whomsoever the same may be owned, including the fee to the center of any and all streets, highways and public ways contiguous and adjacent to the said areas but excluding any and all easements on Cambridge Parkway bounded and described, vis:

A certain parcel of land, with the buildings thereon, situated in Cambridge, Middlesex County, Massachusetts, at 55 Cambridge Parkway bounded and described as follows:

Southeasterly,  $35^{\circ} 11' 29''$ , along Cambridge Parkway a distance of 166.5 feet;

Southwesterly,  $54^{\circ} 48' 31''$ , a distance of 175 feet;

Northwesterly, 35° 11' 29", along Commercial Avenue, a distance of 166.5 feet; and

Northeasterly, 54° 48' 31", a distance of 175 feet;

This parcel contains 29,137.5 square feet more or less. The damages awarded with respect to said parcel are \$960,000 and the supposed owner is San Francisco Real Estate Investment Trust.

NOW, THEREFORE, BE IT

ORDERED:

The taking of fee simple title in land herein described is hereby authorized in accordance with General Laws, Chapter 40, Section 14 and Chapter 43, Section 30 as amended for the purpose of public recreation open space.

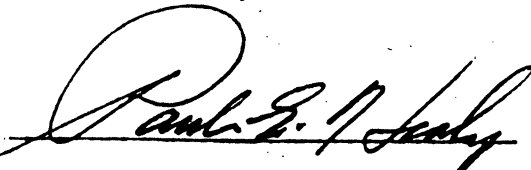
Said land is described above.

This parcel contains 29,137.5 square feet more or less. The damages awarded with respect to said parcel are \$960,000 and the supposed owner is San Francisco Real Estate Investment Trust.

In City Council April 9, 1984.  
Adopted by a yea and nay vote:-  
Yeas 8; Nays 0; Absent 1.  
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

  
Paul E. Healy, City Clerk.

# CHARGE SLIP

9011

## REGISTRY OF DEEDS SOUTHERN DISTRICT MIDDLESEX COUNTY

JOHN F. ZAMPARELLI  
REGISTER

Date 7/26/84

Name City Clerk  
Address City Hall  
Cambridge, Mass

Fees Due \$ \_\_\_\_\_

Return Postage \_\_\_\_\_

TOTAL \$ 30.00

SIGNATURE David B. O'Connor

Mr. Healy

Easement ord. rec 7/25/84  
at 12:23pm - INS.#. 253

Comm Energy Took the Easement order  
out of the package given them  
& recorded the easement.

~~The other documents  
order  
restrictive covenant  
grant info~~

David O'Connor  
recorded  
told to the  
change slip

These originals are in the LAW  
dept & ~~HAVE NOT been recorded~~

# COMEnergy

COM/Energy Services Company  
Post Office Box 190  
Cambridge, Massachusetts 02139  
Telephone (617) 864-3100

July 24, 1984

Russell B. Higley, Esquire  
City Solicitor  
City of Cambridge  
City Hall  
Cambridge, MA 02139

Dear Mr. Higley:

RE: COM/Energy Steam Company Easement

I am in receipt of the executed easement from the City of Cambridge to COM/Energy Steam Company and wish to thank you for your quick action in seeing to its execution. I will record the easement forthwith and provide the recording information to you.

Enclosed with the easement was a set of documents relating to the Front Park and its effect on the abutting landowner REIT of America, Inc. Insofar as these documents do not involve or affect our Company and have a significant effect on REIT of America, Inc., I feel somewhat uncomfortable about recording them and I am returning them to you. However, if you and REIT of America, Inc. wish me to record the documents at the South Middlesex Registry, please just return them to me and I will see that they are recorded.

Finally, should you have any questions concerning the enclosed, please let me know.

Sincerely yours,



Richard J. Morrison  
Senior Staff Attorney

CESV  
RJM:cmm  
Enclosure

RECEIVED BY  
OFFICE OF CITY CLERK  
JUL 25 11 53 AM '84  
CAMBRIDGE, MASS.

Richard J. Morrison  
Senior Staff Attorney

**COMEnergy**

675 Massachusetts Avenue  
Post Office Box 190  
Cambridge, Massachusetts 02139  
Telephone (617) 864-3100

This is a Duplicate Set (with  
seals) of the original Papers  
picked up for

Mr. Bob Parker

864-3100

Re: Com/Energy Casement order  
Front Park

He will be recording at  
Registry



# City of Cambridge

Agenda Item No. 4(A)

## IN CITY COUNCIL

June 25, 1984

### WHEREAS:

By Section 30 of Chapter 43, Section 14 of Chapter 40 and Chapter 79 of the General Laws, all as amended, it is provided that the City Council may take in fee in the name of the City for any municipal purpose any land within the limits of the City not already appropriated for public use; and

### WHEREAS:

On April 9, 1984 the City Council voted to take a certain parcel of land known as Front Park, as more particularly described in Schedule A attached hereto, for recreation and open space purposes; and

### WHEREAS:

The previous owner of Front Park, REIT of America, Inc. (REIT), owns and in conjunction with CC&F Cambridge Parkway Trust is developing the adjacent parcel to the northeast of Front Park (the REIT parcel); and

### WHEREAS:

A 30 foot strip of land in Front Park along the border between Front Park and the REIT parcel must remain open to serve as the setback required by Article 2, Table 214 of the State Building Code for the building being constructed on the REIT parcel;

NOW, THEREFORE, by virtue and in pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority so enabling it, the City of Cambridge by its City Council hereby covenants that no building or structure or any part thereof will be placed on the 30 foot strip of land in Front Park which bounds the REIT parcel.

NOW, THEREFORE, BE IT ORDERED, that Paul E. Healy, City Clerk, is authorized to execute a restrictive covenant as described herein in the form attached hereto for the purpose of providing the required setback for the development on the REIT parcel.

SCHEDULE A

A certain parcel of land, with the buildings thereon, situated in Cambridge, Middlesex County, Massachusetts, at 55 Cambridge Parkway bounded and described as follows:

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Southwesterly, 54° 48' 31", a distance of 175 feet;

Northwesterly, 35° 11' 29" along Commercial Avenue, a distance of 166.5 feet; and

Northeasterly, 54° 48' 31", a distance of 175 feet;

Containing 29,137.5 square feet more or less.

In City Council June 25, 1984.

Adopted by a yea and nay vote:-

Yeas 7; Nays 0; Absent 2.

Attest:- Paul E. Healy, City Clerk,

A true copy;

ATTEST:-

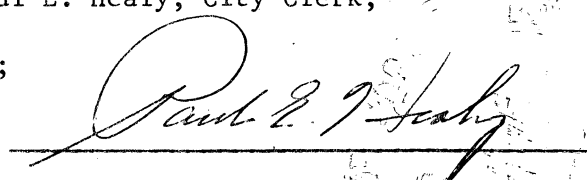
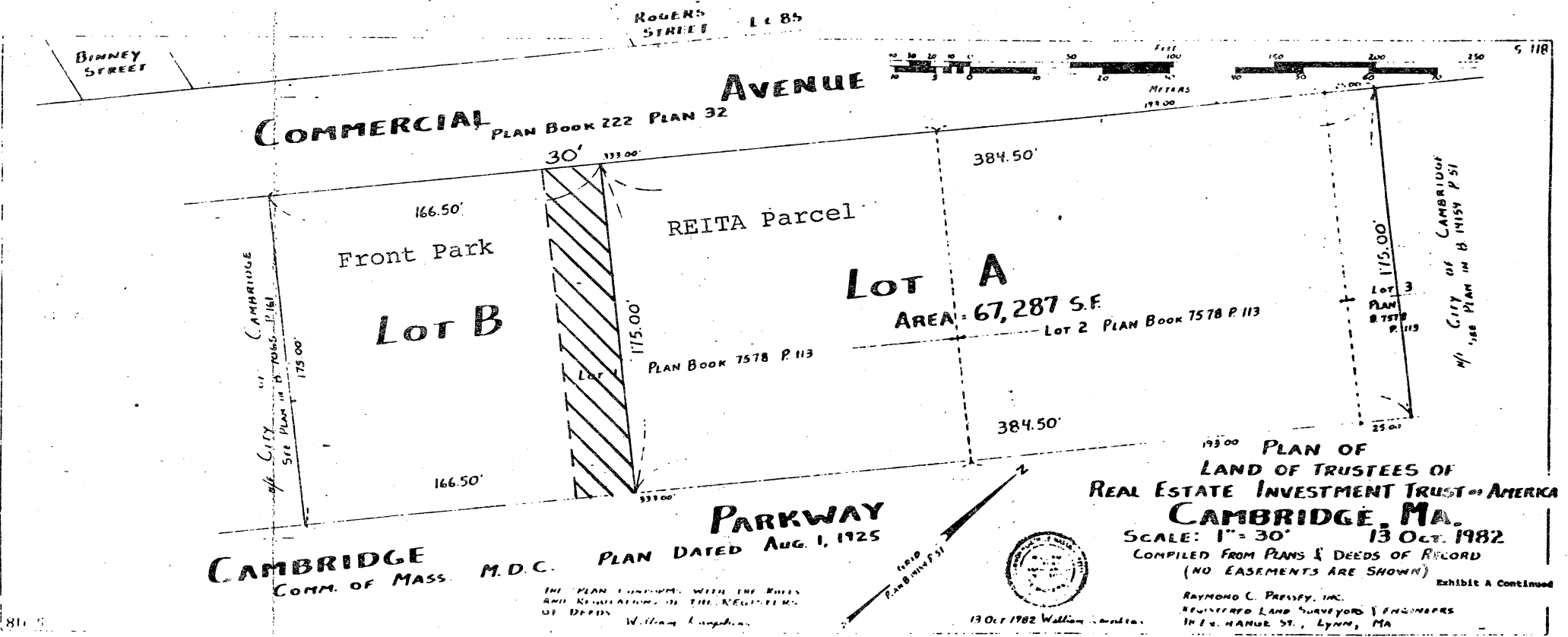

  
Paul E. Healy, City Clerk.

EXHIBIT A



Not drawn to scale.


 Setback Area

DECLARATION OF RESTRICTIVE COVENANT

KNOW ALL PERSONS BY THESE PRESENTS:

That the City of Cambridge, a Municipal Corporation in Middlesex County, Massachusetts, being the owner of certain real estate situated in the City of Cambridge, Middlesex County, Massachusetts being known and designated as 55 Cambridge Parkway or "Front Park", bounded and described as follows:

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Northeasterly,  $54^{\circ} 48' 31''$ , a distance of 175 feet;

Containing 29,137.5 square feet more or less;

hereby imposes the following restrictions on said premises for the benefit of adjacent land owned by REIT of America, Inc. (REIT), a Delaware Corporation, and being developed by CC&F Cambridge Parkway Trust, a Massachusetts trust under Declaration of Trust dated May 26, 1982, recorded with the Middlesex South Registry of Deeds in Book 8735, Page 367, as amended, such land being shown on Exhibit A attached hereto (the REIT parcel):

1. No building or structure, or any part thereof, shall be erected or placed within the following setback area: the strip of land 30 feet wide running along the property line between Front Park and the REIT parcel, all as shown on Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, the said City of Cambridge, Massachusetts has caused its Municipal seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Paul E. Healy, its City Clerk, this        day of June, 1984.

Signed and sealed  
in the presence of:

Nora E. Hallis

CITY OF CAMBRIDGE

By:

Paul E. Healy  
Paul E. Healy,  
its City Clerk

COMMONWEALTH OF MASSACHUSETTS

Middlesex County ss:

June 30, 1984

Then personally appeared the above named Paul E. Healy, City Clerk of the City of Cambridge and acknowledged the foregoing instrument to be the free act and deed of the City of Cambridge, before me

Donna P. Lopez  
Notary Public

My commission expires: 10/28/88

SCHEDULE A

A certain parcel of land, with the buildings thereon, situated in Cambridge, Middlesex County, Massachusetts, at 55 Cambridge Parkway bounded and described as follows:

Southeasterly,  $35^{\circ} 11' 29''$ , along Cambridge Parkway a distance of 166.5 feet;

Southwesterly,  $54^{\circ} 48' 31''$ , a distance of 175 feet;

Northwesterly,  $35^{\circ} 11' 29''$  along Commercial Avenue, a distance of 166.5 feet; and

Northeasterly,  $54^{\circ} 48' 31''$ , a distance of 175 feet;

Containing 29,137.5 square feet more or less.

EASEMENT

The City of Cambridge, FOR CONSIDERATION PAID, GRANTS to COM/Energy Steam Company (Grantee), a Massachusetts corporation, having its usual place of business in Cambridge, Middlesex County, Massachusetts, its successors and assigns, rights and easements to enter, and to construct, reconstruct, repair, replace, maintain, operate, inspect and remove a steam main or mains for the transmission or distribution of steam and hot water under and along that portion of the premises in said Cambridge taken by the City pursuant to an Order of Taking (the Order of Taking) dated April 9, 1984, and recorded with the Middlesex South District of the Registry of Deeds, Book , Page (the City Parcel), which is shown on a COM/Energy Steam Company plan entitled "Proposed easement through Cambridge Parkway Investment Trust property", dated September 15, 1959, No. 101, and recorded at such Deeds at Book 7674, Page 552, as a strip of land adjoining and all within six feet and for the most part four feet of Commercial Avenue; and to construct, reconstruct, repair, replace, maintain, operate, inspect and remove a manhole in the location shown on said plan where the width of said strip is six feet, said main or mains to be laid beneath the surface of said strip and said manhole to be constructed in such manner as not to interfere with the use of the surface of said strip by the owners or occupants of said premises and as to meet the requirements of the Commonwealth of Massachusetts with respect to the Cambridge Marginal Conduit shown on said last-mentioned plan and the surface of said strip and excavated materials over and around said main or mains to be replaced promptly using the same class and type of material there-

tofore existing, following such construction and such reconstruction, repair, replacement, maintenance, operation, inspection and removal as may from time to time be necessary.

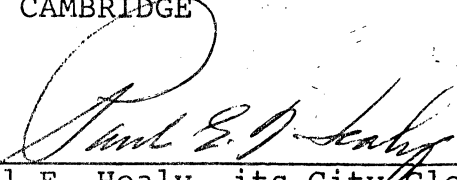
It is acknowledged that said steam main or mains and manhole, and each and every part thereof, shall be and remain the property of the Grantee, its successors and assigns.

Being the same easement granted by F. Murray Forbes and Robert C. Norblom, Trustees of Cambridge Parkway Investment Trust to COM/Energy Steam Company on October 25, 1954, and recorded with said Deeds in Book 7674, Page 551, and inadvertently taken as to the City Parcel by the Order of Taking described herein.

WITNESS the execution hereof under seal this 30th day of June, 1984.

CITY OF CAMBRIDGE

By:

  
Paul E. Healy, its City Clerk

COMMONWEALTH OF MASSACHUSETTS

Middlesex, s.s.

June 30, 1984

Then personally appeared the above-named Paul E. Healy, City Clerk 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,

Donna P. Lopez  
Notary Public  
My commission expires: 10/28/88

THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DIVISION OF CONSERVATION SERVICES

URBAN SELF-HELP PROGRAM

PROJECT AGREEMENT

Made this Twentieth day of December, 1982 between the  
City of Cambridge, Hereinafter  
referred to as the PARTICIPANT, and the Commonwealth of  
Massachusetts acting by and through the Secretary of the  
Executive Office of Environmental Affairs, hereinafter re-  
ferred to as the COMMONWEALTH.

WHEREAS, the PARTICIPANT has established a Park, Recreation  
or Conservation Commission under MGL Ch. 45, or Ch. 40,  
section 8C and has made application to the COMMONWEALTH for  
assistance under the Massachusetts Urban Self-Help Program,  
so-called, under Chapter 933, Acts of 1977, as it may be  
amended, for a project briefly described as follows: (describe  
project and include description of property)

This project will consist of the acquisition of 29,137 sq. ft. of land  
known as Front Park, U.S.H. #2

, hereinafter referred to as the PROJECT. WHEREAS, the COMMON-  
WEALTH has reviewed said application and found the PROJECT to  
be in conformance with the purposes of Ch. 933, Acts of 1977  
and in conformance with the Statewide Comprehensive Outdoor  
Recreation Plan (and any other relevant statutes, regulations  
or state program).

WHEREAS, the COMMONWEALTH has approved said application and has  
obligated certain funds in the amount of Seven Hundred and  
Sixty-Eight Thousand Dollars (\$ 768,000.00).

1. WITNESSETH: the COMMONWEALTH and the PARTICIPANT mutually  
agree to perform this agreement in accordance with the  
Massachusetts Urban Self-Help Program, so-called, and MGL  
Chapter 45 or Chapter 40, section 8C.
2. The PARTICIPANT agrees to perform the PROJECT described above  
by authorizing its COMMISSION to develop, manage, maintain and  
operate the PROJECT in accordance with the terms of and the  
obligations contained in the PARTICIPANT'S application and  
any other promises, conditions, plans, specifications, esti-  
mates, procedures, project proposals, maps and assurances

made a part thereof, and with any special terms and conditions attached hereto, all of which are incorporated by reference. All significant deviations from the PROJECT shall be submitted to the COMMONWEALTH for prior approval.

3. The PARTICIPANT agrees that the facilities of the PROJECT shall be open to the general public and shall not be limited to residents of the PARTICIPANT. The PARTICIPANT shall prominently display on the PROJECT a sign designated by the COMMONWEALTH indicating the PROJECT received Self-Help Funds.
4. The PARTICIPANT acknowledges Article 97 of the Massachusetts Constitution which states, in part, that: "Lands and easements taken or acquired for such park, recreation or conservation purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two-thirds vote, taken by yeas and nays, of each branch of the general court." The PARTICIPANT hereby agrees that any property or facilities comprising the PROJECT will not be used for purposes other than those stipulated herein or otherwise disposed of, unless the PARTICIPANT receives the appropriate authorization from the General Court, the approval of the Secretary of Environmental Affairs, and any authorization required by the provisions of MGL Chapter 41, section 15A.
5. The PARTICIPANT further agrees that despite any such authorization and approval, in the event the property of facilities comprising the PROJECT are used for purposes other than those described herein, the PARTICIPANT shall provide other property and facilities of equal value and utility to be available to the general public for park and recreational purposes provided that the equal value and utility and the proposed use of said other property and facilities is specifically agreed to by the Secretary of Environmental Affairs.
6. Failure by the PARTICIPANT to comply with this PROJECT agreement may, at the option of the COMMONWEALTH, suspend or terminate all obligations of the COMMONWEALTH hereunder.
7. Finally, since the benefit desired by the COMMONWEALTH from the full compliance by the PARTICIPANT is the existence, protection and the net increase of park and recreation facilities and because such benefit exceeds to an immeasurable and unascertainable extent the amount granted by this agreement, the PARTICIPANT agrees that payment by the PARTICIPANT to the COMMONWEALTH of money would be inadequate remedy for a breach by the PARTICIPANT of this agreement, and agrees therefor that, as an alternative or an additional remedy, specific performance

of the PARTICIPANT'S obligation under either Article 2 or Article 5 may be enforced by the COMMONWEALTH.

8. The PARTICIPANT agrees to record a copy of this agreement at the MIDDLESEX Registry of Deeds at the same time the deed for land comprising the PROJECT is recorded.

COMMONWEALTH OF MASSACHUSETTS

BY John A. Berrich  
Secretary, Executive Office  
of Environmental Affairs

PARTICIPANT

Robert W. Pease  
BY  
Chief Executive Officer

PARK, RECREATION OR  
CONSERVATION COMMISSION

BY Dorothy Altman  
Chairman, Cambridge  
Conservation Commission

Attached hereto evidence of authority to execute this contract on behalf of the PARTICIPANT: In the case of a municipality, a certified copy of the vote or votes of the governing body authorizing the PROJECT, appropriating the municipality's funds therefor, and authorizing execution of this Agreement by the Officer, Board, or Commission whose signature(s) appears above.

DATE: JUL 18 1984

A TRUE COPY ATTEST:

Paul E. Walsh  
CITY CLERK

**COM Energy**

Front Park

COM/Energy Services Company  
Post Office Box 190  
Cambridge, Massachusetts 02139  
Telephone (617) 864-3100

June 22, 1984

Ms. Elizabeth G. Flemings  
Community Development Development  
City of Cambridge  
57 Inman Street  
Cambridge, MA 02139

Dear Ms. Flemings:

RE: COM/Energy Steam Company

Enclosed you will find an executed Letter of Indemnification executed by J.V. Donovan, President of COM/Energy Steam Company.

As you will note I had the letter and the proposed easement retyped as the Company's legal name was recently changed.

Please let me know if this is in order. I will await to hear from you concerning this easement.

Sincerely yours,

*Richard J. Morrison*

Richard J. Morrison  
Senior Staff Attorney

CESV  
RJM:cmm  
Enclosure



COM/Energy Steam Company  
2421 Cranberry Highway  
Wareham, Massachusetts 02571  
Telephone (617) 291-0950

June 21, 1984

City of Cambridge  
Cambridge  
Massachusetts 02138

Ladies & Gentlemen:

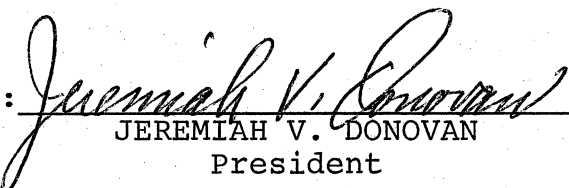
On April 9, 1984, the City of Cambridge took in fee simple by eminent domain a parcel of land known as Front Park, more particularly described in Schedule A attached hereto, (Front Park). Prior to the taking, COM/Energy Steam Company (formerly known as Cambridge Steam Corporation) held an easement on the property for purposes of constructing, maintaining and operating a steam main (the Easement), granted to us pursuant to a Grant of Easement dated October 25, 1954, from F. Murray Forbes and Robert C. Norblom, Trustees of Cambridge Parkway Investment Trust, and recorded with the Middlesex South District of the Registry of Deeds (the Registry) at Book 7674 Page 551. The City of Cambridge took Front Park free of all encumbrances including the Easement.

We understand that on June 25, 1984, the City of Cambridge is expected to vote to re-establish the Easement in Front Park, and intends to record said Easement with the Registry. (Copy of Vote attached).

In consideration for the re-establishment of the Easement and effective upon the recording thereof with the Registry, COM/Energy Steam Company hereby releases, remises, and forever discharges, and by these presents does for itself and its parents, subsidiaries, affiliates, predecessors, successors, assigns, directors, officers, employees and agents (collectively the related parties) release and forever discharge the City, its agencies, officials, employees and agents of and from all and all manner of action and actions, suits, debts, controversies, omissions, damages, judgments, executions, claims, promises and demands whatsoever both in law or in equity which it or its related parties ever had, now has, or hereafter has against the City, its agencies, officials, employees and agents, relating to the taking by the City of Cambridge of Front Park and the Easement.

Sincerely yours,

COM/Energy Steam Company

By:   
JEREMIAH V. DONOVAN  
President

JVD:nlf

EASEMENT

*see amended  
easement 7/16/84*

The City of Cambridge, FOR CONSIDERATION PAID, GRANTS to COM/Energy Steam Company (Grantee), a Massachusetts corporation, having its usual place of business in Cambridge, Middlesex County, Massachusetts, its successors and assigns, rights and easements to enter, and to construct, reconstruct, repair, replace, maintain, operate, inspect and remove a steam main or mains for the transmission or distribution of steam and hot water under and along that portion of the premises in said Cambridge taken by the City pursuant to an Order of Taking (the Order of Taking) dated April 9, 1984, and recorded with the Middlesex South District of the Registry of Deeds, Book , Page (the City Parcel), which is shown on a COM/Energy Steam Company plan entitled "Proposed easement through Cambridge Parkway Investment Trust property", dated September 15, 1959, No. 101, and recorded at such Deeds at Book 7674, Page 552, as a strip of land adjoining and all within six feet and for the most part four feet of Commercial Avenue; and to construct, reconstruct, repair, replace, maintain, operate, inspect and remove a manhole in the location shown on said plan where the width of said strip is six feet, said main or mains to be laid beneath the surface of said strip and said manhole to be constructed in such manner as not to interfere with the use of the surface of said strip by the owners or occupants of said premises and as to meet the requirements of the Commonwealth of Massachusetts with respect to the Cambridge Marginal Conduit shown on said last-mentioned plan and the surface of said strip and excavated materials over and around said main or mains to be replaced promptly using the same class and type of material there-



Bob Parker

6/28/84

Rich Morrison, Esq.

Rich will prepared the ~~deed~~  
legal easement instrument for recording  
& deliver said document to

RBH or Paul Healy for recording.



# City of Cambridge

Agenda Item No. 4(A)

IN CITY COUNCIL

June 25, 1984

WHEREAS:

By Section 30 of Chapter 43, Section 14 of Chapter 40 and Chapter 79 of the General Laws, all as amended, it is provided that the City Council may take in fee in the name of the City for any municipal purpose any land within the limits of the City not already appropriated for public use; and

WHEREAS:

On April 9, 1984 the City Council voted to take a certain parcel of land known as Front Park, as more particularly described in Schedule A attached hereto, for recreation and open space purposes; and

WHEREAS:

The previous owner of Front Park, REIT of America, Inc. (REIT), owns and in conjunction with CC&F Cambridge Parkway Trust is developing the adjacent parcel to the northeast of Front Park (the REIT parcel); and

WHEREAS:

A 30 foot strip of land in Front Park along the border between Front Park and the REIT parcel must remain open to serve as the setback required by Article 2, Table 214 of the State Building Code for the building being constructed on the REIT parcel;

NOW, THEREFORE, by virtue and in pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority so enabling it, the City of Cambridge by its City Council hereby covenants that no building or structure or any part thereof will be placed on the 30 foot strip of land in Front Park which bounds the REIT parcel.

NOW, THEREFORE, BE IT ORDERED, that Paul E. Healy, City Clerk, is authorized to execute a restrictive covenant as described herein in the form attached hereto for the purpose of providing the required setback for the development on the REIT parcel.

SCHEDULE A

A certain parcel of land, with the buildings thereon, situated in Cambridge, Middlesex County, Massachusetts, at 55 Cambridge Parkway bounded and described as follows:

Southeasterly, 35° 11' 29", along Cambridge Parkway a distance of 166.5 feet;

Southwesterly, 54° 48' 31", a distance of 175 feet;

Northwesterly, 35° 11' 29" along Commercial Avenue, a distance of 166.5 feet; and

Northeasterly, 54° 48' 31", a distance of 175 feet;

Containing 29,137.5 square feet more or less.

In City Council June 25, 1984.

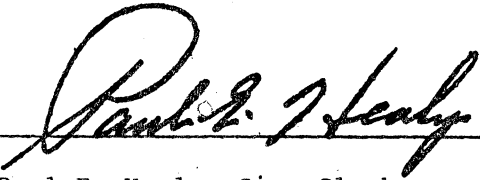
Adopted by a yea and nay vote:-

Yeas 7; Nays 0; Absent 2.

Attest:- Paul E. Healy, City Clerk,

A true copy;

ATTEST:-

  
Paul E. Healy, City Clerk.



# City of Cambridge

Agenda Item No. 4(B)

IN CITY COUNCIL

June 25, 1984

WHEREAS:

By Section 30 of Chapter 43, Section 14 of Chapter 40 and Chapter 79 of General Laws, all as amended, it is provided that the City Council may take in fee in the name of the City for any Municipal purpose any land within the limits of the City not already appropriated for public use; and

WHEREAS:

On April 9, 1984, the City Council voted to take a certain parcel of land known as Front Park, as more particularly described in Schedule A attached hereto, for recreation and open space purposes; and

WHEREAS:

Prior to the taking, Front Park was subject to certain easements held by Cambridge Steam Corporation which easement the City of Cambridge and Cambridge Steam Corporation wish to continue;

NOW, THEREFORE, by virtue and in pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority so enabling it, the City of Cambridge, by its City Council hereby reestablishes the easement which was removed by said taking.

NOW, THEREFORE, BE IT ORDERED, that Paul E. Healy, City Clerk, is authorized to execute the easement as described herein in the form attached hereto for the purpose of reestablishing the Cambridge Steam Corporation easement along the Commercial Avenue border of Front Park.

In City Council June 25, 1984.

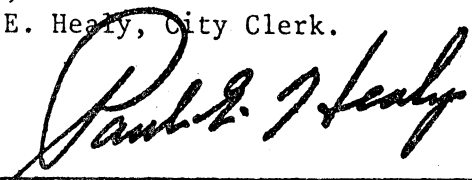
Adopted by a ye and nay vote:-

Yeas 7; Nays 0; Absent 2.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

  
 Paul E. Healy, City Clerk.



# City of Cambridge

Agenda Item No. 4(A)

IN CITY COUNCIL

June 25, 1984

WHEREAS:

By Section 30 of Chapter 43, Section 14 of Chapter 40 and Chapter 79 of the General Laws, all as amended, it is provided that the City Council may take in fee in the name of the City for any municipal purpose any land within the limits of the City not already appropriated for public use; and

WHEREAS:

On April 9, 1984 the City Council voted to take a certain parcel of land known as Front Park, as more particularly described in Schedule A attached hereto, for recreation and open space purposes; and

WHEREAS:

The previous owner of Front Park, REIT of America, Inc. (REIT), owns and in conjunction with CC&F Cambridge Parkway Trust is developing the adjacent parcel to the northeast of Front Park (the REIT parcel); and

WHEREAS:

A 30 foot strip of land in Front Park along the border between Front Park and the REIT parcel must remain open to serve as the setback required by Article 2, Table 214 of the State Building Code for the building being constructed on the REIT parcel;

NOW, THEREFORE, by virtue and in pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority so enabling it, the City of Cambridge by its City Council hereby covenants that no building or structure or any part thereof will be placed on the 30 foot strip of land in Front Park which bounds the REIT parcel.

NOW, THEREFORE, BE IT ORDERED, that Paul E. Healy, City Clerk, is authorized to execute a restrictive covenant as described herein in the form attached hereto for the purpose of providing the required setback for the development on the REIT parcel.

SCHEDULE A

A certain parcel of land, with the buildings thereon, situated in Cambridge, Middlesex County, Massachusetts, at 55 Cambridge Parkway bounded and described as follows:

Southeasterly, 35° 11' 29", along Cambridge Parkway a distance of 166.5 feet;

Southwesterly, 54° 48' 31", a distance of 175 feet;

Northwesterly, 35° 11' 29" along Commercial Avenue, a distance of 166.5 feet; and

Northeasterly, 54° 48' 31", a distance of 175 feet;

Containing 29,137.5 square feet more or less.

In City Council June 25, 1984.

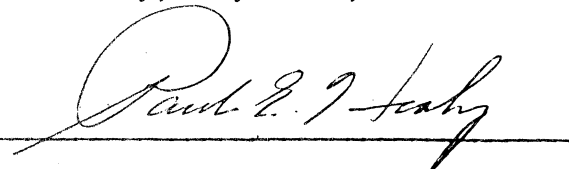
Adopted by a yea and nay vote:-

Yeas 7; Nays 0; Absent 2.

Attest:- Paul E. Healy, City Clerk,

A true copy;

ATTEST:-

  
Paul E. Healy, City Clerk.



# City of Cambridge

Agenda Item No. 4(B)

**IN CITY COUNCIL**

June 25, 1984

**WHEREAS:**

By Section 30 of Chapter 43, Section 14 of Chapter 40 and Chapter 79 of General Laws, all as amended, it is provided that the City Council may take in fee in the name of the City for any Municipal purpose any land within the limits of the City not already appropriated for public use; and

**WHEREAS:**

On April 9, 1984, the City Council voted to take a certain parcel of land known as Front Park, as more particularly described in Schedule A attached hereto, for recreation and open space purposes; and

**WHEREAS:**

Prior to the taking, Front Park was subject to certain easements held by Cambridge Steam Corporation which easement the City of Cambridge and Cambridge Steam Corporation wish to continue;

NOW, THEREFORE, by virtue and in pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority so enabling it, the City of Cambridge, by its City Council hereby reestablishes the easement which was removed by said taking.

NOW, THEREFORE, BE IT ORDERED, that Paul E. Healy, City Clerk, is authorized to execute the easement as described herein in the form attached hereto for the purpose of reestablishing the Cambridge Steam Corporation easement along the Commercial Avenue border of Front Park.

In City Council June 25, 1984.

Adopted by a yea and nay vote:-

Yeas 7; Nays 0; Absent 2.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

Paul E. Healy, City Clerk.



# City of Cambridge

Agenda Item No. 4(B)

**IN CITY COUNCIL**

June 25, 1984

**WHEREAS:**

By Section 30 of Chapter 43, Section 14 of Chapter 40 and Chapter 79 of General Laws, all as amended, it is provided that the City Council may take in fee in the name of the City for any Municipal purpose any land within the limits of the City not already appropriated for public use; and

**WHEREAS:**

On April 9, 1984, the City Council voted to take a certain parcel of land known as Front Park, as more particularly described in Schedule A attached hereto, for recreation and open space purposes; and

**WHEREAS:**

Prior to the taking, Front Park was subject to certain easements held by Cambridge Steam Corporation which easement the City of Cambridge and Cambridge Steam Corporation wish to continue;

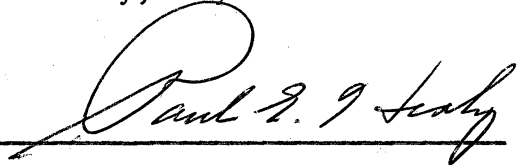
NOW, THEREFORE, by virtue and in pursuance of the authority conferred by said Chapters of the General Laws and by every other power and authority so enabling it, the City of Cambridge, by its City Council hereby reestablishes the easement which was removed by said taking.

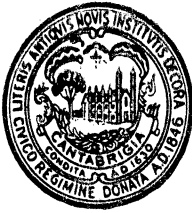
NOW, THEREFORE, BE IT ORDERED, that Paul E. Healy, City Clerk, is authorized to execute the easement as described herein in the form attached hereto for the purpose of reestablishing the Cambridge Steam Corporation easement along the Commercial Avenue border of Front Park.

In City Council June 25, 1984.  
 Adopted by a yea and nay vote:-  
 Yeas 7; Nays 0; Absent 2.  
 Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

  
 Paul E. Healy, City Clerk.



**CITY OF CAMBRIDGE**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
City Hall Annex - Inman & Broadway - Cambridge, Mass. 02139

498-9034

21 June 1984

To: Mr. Robert W. Healy, City Manager  
From: *[Signature]* A. Spiegelman, City Manager for Community Development Department  
Subject: Front Park

I am enclosing several documents relating to Front Park for action by City Council on Monday, June 25, 1984. These include a restrictive covenant and the reestablishment of a Cambridge Steam easement. City Council voted on April 9, 1984 to take by eminent domain a parcel of land for development of a public park, to be known as Front Park. It is necessary to reestablish the Cambridge Steam Corporation easement removed by the order of taking. In addition, because of the State Building Code, the City is required to place a 30-foot restriction on the land adjacent to the Cabot, Cabot & Forbes building. This building is now under construction, according to a PUD agreement that permitted building to the property line of the park. The developer has agreed to maintain the park in accordance with a management agreement to be executed between the City and the developer.

The Community Development Department recommends that City Council adopt both the reestablishment of the easement and the restrictive covenant.

Enclosures:

1. City Council order reestablishing the Cambridge Steam Corporation easement.
2. City Council order authorizing the restrictive covenant.

4/A

# City of Cambridge

MASSACHUSETTS

In City Council June 25, 1984

AGENDA ITEM NO. 4(A)

RE: PROPOSED RESTRICTIVE COVENANT THAT NO BUILDING OR STRUCTURE BE PLACED ON THE 30 FOOT STRIP OF LAND IN FRONT PARK WHICH BOUNDS THE REIT PARCEL

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton	✓			
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duehay	✓			
Ms. Sandra Graham			✓	
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan	✓			
Mr. Alfred Vellucci	✓			
Ms. Alice K. Wolf	✓			
Mayor Russell	✓			

7 0 2

lvs  
RP  
H

4B

# City of Cambridge

MASSACHUSETTS

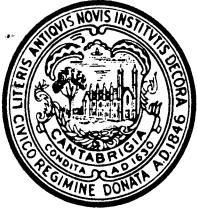
In City Council June 25, 1984

AGENAD ITEM NO. 4(B)

RE: PROPOSED ORDER FOR THE RE-ESTABLISHMENT OF THE CAMBRIDGE STEAM CORP. EASEMENT  
REMOVED BY THE ORDER OF TAKING BY EMINENT DOMAIN OF A PARCEL OF LAND FOR DEVELOPMENT OF  
A PUBLIC PARK TO BE KNOWN AS FRONT PARK

	YEA	NAY	ABSENT	PRESENT
Mr. Daniel J. Clinton	✓			
Mr. Thomas W. Danehy			✓	
Mr. Francis H. Duehay	✓			
Ms. Sandra Graham			✓	
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan	✓			
Mr. Alfred Vellucci	✓			
Ms. Alice K. Wolf	✓			
Mayor Russell	✓			

7 1 2



# CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139  
Tel. 498-9011

EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

June 25, 1984

To the Honorable, the City Council:

I transmit herewith communication from the Community Development Department enclosing orders pertaining to Front Park for your acceptance. Orders recommend the reestablishment of a Cambridge Steam easement and authorization for a restrictive covenant pertaining to this area.

Very truly yours,

Robert W. Healy  
City Manager

RWH/b

Re: proposed restrictive covenant that no building or structure be placed on the 30 foot strip of land in FrontPark which bounds REIT parcel & proposed order for reestablishment of the CambridgeSteam Corp. easement removed by the order of eminent domain taking for a parcel of land for a public park to be known as Front Park.

In City Council,

June 25, 1984

*MR*  
*A* *6/25/84-*

*Two Orders*

*Two Roll Calls*

*CWR*  
*RP*  
*A* *Adopted*  
*7-0-2*